


# INDUSTRIAL ACTION REPORT



IAR 2019

A photograph of a man in a blue t-shirt and a black cap, shouting with his mouth wide open. He is holding a green sign with both hands. The sign has the text "ECONOMIC EMANCIPATION OF MINeworkERS CANNOT BE STOPPED" and a small circular logo in the top right corner. The background is a blurred crowd of people, some wearing blue shirts.

**ECONOMIC  
EMANCIPATION  
OF MINeworkERS  
CANNOT BE  
STOPPED**



COVER PHOTO: REUTERS Sipiwe Sibeko



# INDUSTRIAL ACTION REPORT



## employment & labour

Department:  
Employment and Labour  
**REPUBLIC OF SOUTH AFRICA**

# INDUSTRIAL ACTION REPORT 2019

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# ABBREVIATIONS

AMCU	Association of Mineworkers and Construction Union
APSA	Academic and Professional Staff Association
BCAWU	Building Construction and Allied Workers Union of South Africa
CCMA	Commission for Conciliation, Mediation and Arbitration
CEPPWAWU	Chemical, Energy, Paper, Printing, Wood and Allied Workers Union
CPI	Consumer Price Index
CWU	Communication Workers Union
DENOSA	Democratic Nursing Organisation of South Africa
DETAUWU	Democratised Transport Logistics and Allied Workers' Union
DPSA	Department of Public Service and Administration
ECCAWUSA	Entertainment, Catering, Commercial and Allied Workers Union of South Africa
FAWU	Food and Allied Workers Union
GIWUSA	General Industries Workers Union of South Africa
HOSPERSA	Health and Other Services Personnel Trade Union of South Africa
ILO	International Labour Organization
IMATU	Independent Municipal and Allied Trade Union
LMIS	Labour Market Information and Statistics
LRA	Labour Relations Act
NEDLAC	National Economic Development and Labour Council

NEHAWU	National Education Health and Allied Workers' Union
NTM	National Transport Movement
NULAW	National Union of Leather and Allied Workers
NUMSA	National Union of Metalworkers of South Africa
NUM	National Union of Mineworkers
NAPSAW	National Union of Public Service and Allied Workers
PAWUSA	Public and Allied Workers Union of South Africa
PSA	Public Servants Association
PSCBC	Public Service Co-Ordinating Bargaining Council
PTWU	Professional Transport Workers' Union
SACTWU	South African Clothing and Textile Workers' Union
SACU	South African Communication Union
SADTU	South African Democratic Teachers Union
SALGA	South African Local Government Association
SAMWU	South African Municipal Workers' Union
SANC	South African Nursing Council
SATAWU	South African Transport and Allied Workers' Union
SOCRAWU	Security Officers Civil Rights and Allied Workers Union
TASWU	Transport and Services Workers Union
TAWUSA	Transport and Allied Workers Union of South Africa
TWU	Transport Workers Union
UASA	United Association of South Africa





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The Department would also like to express gratitude towards the colleagues in the Labour Market Information and Statistics Directorate (LMIS) for their kind cooperation and encouragement that helped in the development and completion of this annual report with their intellectual ability. The LMIS team participated in extensive strike data collection through direct and indirect contact with the employers and other associations. Their knowledge, experiences and views regarding the industrial relations has always been of a great value in ensuring that all aspects related to labour disputes are well covered. Not forgetting the Labour Relations colleagues and other Senior Management within the Department who were able to provide additional inputs towards the broader strike incidents analysis and policy implications for a good quality report.

# EXECUTIVE SUMMARY

The Department of Employment and Labour recognises that social peace is one of the most important locational advantages to invest and create employment in South Africa. Thus, the South African Government has set in the National Minimum Wage<sup>1</sup> (NMW) and working standard conditions to improve the working class living conditions. Some of these guidelines, e.g., the secret ballot, have probably brought about positive results in 2019 as the number of workplace disputes has dropped in the labour market.

This report shows the following key trends with regards to the labour dispute activities:

- In 2019, the workers involved in the strike activities lost more than R447 million in wages as compared to R266 million in wages lost in 2018. This is based on the 2 495 878 productive working days lost involving 143 575 employees that were involved in strike actions in 2019 compared to 1.1 million (1 158 945) working days lost involving 137 712 employees in 2018.
- Even though the number of working days lost were higher in 2019, the number of work stoppages decreased from 165 in 2018 to 157 in 2019. This represents 5% decrease in strikes over the last two-year periods. Days lost to work stoppages have increased in line with the number of disputes from 2015 to 2018.
- The working days lost per 1 000 employees indicates that on average, the highest levels of industrial action were in 2019 (164 working days lost per 1 000 workers) and the lowest in 2016 (32 working days lost per 1 000 workers) using comparative analysis from 2015 to 2019. One of the key reasons of this trend is associated with the “cyclical nature of strike” where the revision of collective wage bargaining agreements takes place, e.g., usually one to three year wage agreements in South Africa.
- By industry, more strikes continued to be recorded from the community industry over the years (2015-2019). This is also the industry where most employers used replacement labour during strikes between 2018 and 2019.
- The demand over wages, bonus and other compensation benefits<sup>2</sup>, were consistently the main reason why workers went on strike over the past five years. This implies a very slow impact in closing the gap of wage inequality in the country. Demands over wages, bonus and other compensation benefits amounted to 79% in 2019. This percentage is higher compared to 68% in 2018. Unpleasant working conditions (9%) and socio-economic and political conditions (5%) were the second and third main reasons why workers went on industrial disputes in 2019. By industry, mining and trade industries lost more wages than other industries.
- The level of unprotected strikes continued to be on the rise over the years (2018-2019). The high number of unprotected strikes emanated mainly from the community industry where most workers decided to go on strikes and not comply with the labour laws.
- By duration, on average close to 70% of strikes in 2019 lasted between 1-10 days lower from 74% in the previous year. These were the strikes involving community, construction and transport industries.
- The bigger share of workplace disputes was 88% in 2019 and (81.2%) in 2018 were resolved internally through the employer interventions. This was followed by those disputes resolved through the arbitration clause.
- Overall, the private sector accounted for 53.5% of strikes with (80%, working days lost: 1 991 47) as against the public sector strikes at 46.5% (504 404 working days lost: 20%) in 2019. In public sector, the community industry was mostly hit with more strikes from 2015 to 2019.
- The distribution of membership from AMCU (53.6%), SAMWU (8.7%) and NUPSAW (8.4%) trade unions recorded the highest working days lost in 2019. This is unlike in 2018 where NUM and NUMSA were predominantly affected with strikes than other unions.

<sup>1</sup> The modalities for the introduction of a national minimum wage of R20 an hour, which will probably improve the lives of the lowest paid workers and begin to address the challenge of wage inequality. There is provision that enable small and large businesses to apply for exemption on the basis of affordability.

<sup>2</sup> Business Report, Economy, 15th July 2011: This is a pattern where the unions have complained about for years and while the gap between executive and non-executive pay has been narrowed in the process, the existing gulf between the pay of bosses and the earnings of workers has widened year by year.



## THE IMPACT OF 2019 STRIKE INCIDENTS IN THE SOUTH AFRICAN SOCIETY

- The South African labour market experienced fewer strikes in 2019. The figure is lower as compared to the previous year. The minor change in the level of workplace disputes is seen with the introduction of significant amendments to the LRA as a way of responding to the ever changing labour market environment. These amendments include amongst others, the proclamation of the NMW which is critical for the labour market stability and industrial peace. The introduction of the NMW came into effect on 1 January 2019. This is despite the exemption requests where some of employers were unable to meet the NMW rate as set by the Department of Employment and Labour.
- The published guidelines on the secret balloting for strikes or lockouts in terms of Section 95(9) of the Amended (LRA) 66 of 1995<sup>3</sup> also came into effect in July 2019. The purpose of these guidelines were simply to give effect to one of the key amendments relating to secret balloting. In this case, the registrar of labour is still in the process of measuring the effectiveness of the ballots considering the commencement of the balloting process.
- Even though the number of workplace dispute has declined in 2019, the number of working days lost due to strikes had increased from 2018 to 2019. The effect was due to prolonged strikes from some of the industries in 2019. From a total number of 157 strikes, workers spend close to 20 792 189 working days lost in 2019. This resulted to similar impact with the worker's wage lost in 2019. The upward trend in the number of working days lost due to strike incidence could be translated into a huge loss in profitability for the companies involved.
- Across industries, most workers and unions settled for initial wages tabled by the employers unlike their initial wage demand. The impact is more on duration of negotiations that the parties took to resolve the labour disputes.
- The impact on workers involved in the strike activities was approximately estimated at R447 million in wages lost in 2019 as compared to R266 million in 2018. This is an increase of 67.6% in wages lost from 2018 to 2019. As the country has slipped into a technical recession (Gross Domestic Products (GDP)<sup>4</sup>, the impact on wages lost still remain a concern. There were 143 575 workers involved in labour disputes in 2019, close to 4% more than in 2018. Workers spend more time in the streets to seek for higher wages bonus and other compensation benefits.
- According to the data collected by the Department, the level of unprotected strikes continued to be on the rise over the years. The high number of unprotected strikes emanated mainly from the community industry where most workers decided to go on strikes and not comply with the labour laws. This can further mean that workers have failed to get a certificate from the CCMA indicating that "no resolution was reached in negotiations with employers".

<sup>3</sup> The guidelines compel every trade union or employer's organization to conduct a ballot of members before calling for a strike or lockout and spell out, among others, the voting system, member rights in regard to failure or refusal to participate, a requirement for a trade union to obtain the consent of the employer to hold a ballot and procedures to be followed when conducting a secret ballot. The guidelines also have an effect of responsibility and accountability against trade unions or employer organization's when a decision to go on strike or to lock out striking members has been taken.

<sup>4</sup> In Quarter four of 2019, Statistics South Africa released the new GDP numbers where the results show that the South African economy slipped into recession by 1.4%. This followed a contraction of 0.8% (revised) in the third quarter of 2019.



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2019**



# INTRODUCTION

Inequality, poverty and unemployment in South Africa provide the social and economic needs to sustain the expectations of worker's wage increases. In the context of inequality, poverty and unemployment the visible display of crass accumulation by union and political leadership fuels the fire of greater expectation of rewards for lower and middle class workers (Hartford, 2012)<sup>5</sup>.

Strike actions do not only have economic impact but also affect the social fiber of the country. In most cases, the major strike actions turn ugly with families going hungry and workers being retrenched. Thus, this exposes the workers and their families into a lifetime of poverty as some will not be able to work for their families. It translates into a government and society's burden of financially supporting the poor society, retrenched workers especially through payments for the unemployment benefits and social grants, respectively due to the "no work, no pay" principle by most companies. As such, the National Minimum Wage (NMW) came into effect on 1 January 2019 with the intend to contribute towards the eradication of poverty and inequality, the promotion of fair and effective competition in the labour market and the promotion of labour market stability.

Given this background, this Industrial Action report 2019 reflects on the number of strike activities over the last five years (2015 to 2019). The structure of the report is as follows: **Chapter One** presents the key factors of the strikes analysis based on the total number of work stoppages, working days lost per 1 000 employees, duration of strikes and worker's wage lost as a proxy indicators to assess the economic impact of the strikes in the country in a form of loss of revenue. **Chapter Two** focuses on the comparative analysis of work stoppages between 2018 and 2019. The Chapter illustrates the strikes activities in respect of wages, working days and hours lost per industries. Data is further analysed per trade union membership participation. **Chapter Three** presents wage settlements that were reached in order to moderate workplace conflicts. Finally, **Chapter Four**, (the Annexure) will profile the work stoppages over twelve months of 2019 as monitored and captured into the Department's media monitoring data system. This will be followed by the supplementary tables of data not included in the main report.

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<sup>5</sup> *International Business and Economics Research Journal – May/June 2014*



2019

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PHOTO: SOWEAN LIFE - Sardinia, Padova





# CHAPTER 1

OVERVIEW OF STRIKE INCIDENTS IN THE  
SOUTH AFRICAN LABOUR MARKET, 2015-2019

# CHAPTER ONE

## OVERVIEW OF STRIKE INCIDENTS IN THE SOUTH AFRICAN LABOUR MARKET, 2015-2019

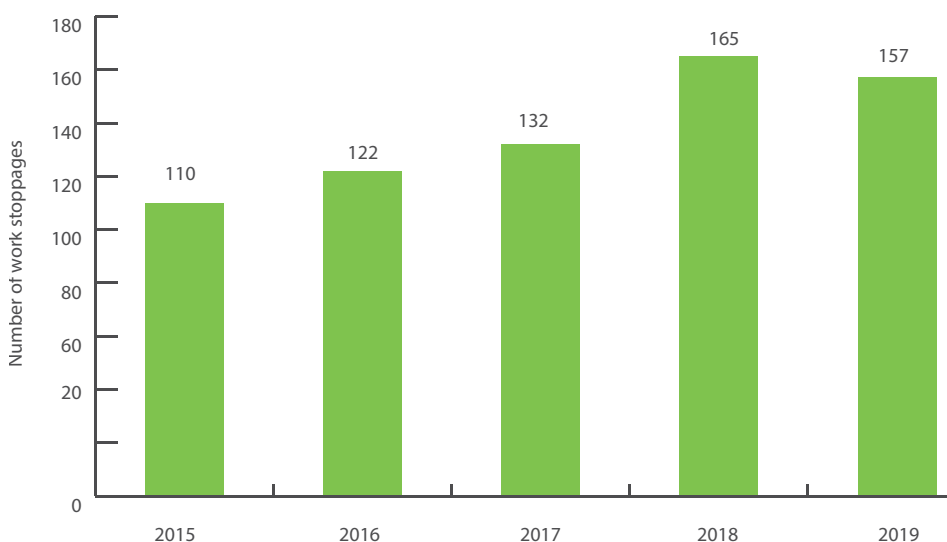
Inequalities and widespread decent work deficits in the South African labour market can also be counted amongst the factors that limit economic growth and social cohesion in the country. A number of strikes and lockouts recorded by the Department of Employment and Labour in 2019 suggests that discontent with social, economic and political situation is still taking place in the country. It is in this reason that the Department collects data on the number of stoppages, working days lost and the number of workers involved in strike action from South African businesses that have been involved in strike actions. Companies that were affected by strikes and lockouts are required to complete and submit the Labour Relation Act (LRA) form 9.2 within seven days to the Department after the strike has ended for monitoring and reporting<sup>6</sup>. In this chapter, the number of strikes and lockouts covered in 2019 is presented. Other indicators such as the working days lost due to strikes and lockouts, time loss ratio (working days lost per 1 000 employees), working hours lost and worker's wage lost are also calculated and included here. Where possible, strike data is compared from 2015 to 2019.

In 2019, South Africa experienced a lower number of industrial action incidents from all small, medium and large industries. The work stoppages in 2019 were relatively fewer compared to the previous year, however some of the strikes took longer to be resolved. Of those strikes that lasted longer than three months were the trade industry's pharmaceutical company strikes and the mining's gold and uranium (four-month-old strikes to be resolved.

Looking at the work stoppages over the past five years (2015-2019), it is observed that the community and manufacturing industries recorded more strikes than other industries. For example, of out of the total 157 strikes recorded in 2019, 46% of work stoppages were from the community industry, in particular those from the municipal and public health sector.

Overall, the private sector was mostly affected with the number of working days lost in 2019 than the public sector. The private sector accounted for 53.5% of strikes with (80% on working days lost: 1 991 47) as against the public sector strikes at 46.5% (20% on working days lost: 504 404) in 2019. Despite more working days lost in the private sector in 2018 and 2019, the public sector's community industry was mostly hit with more strikes since in 2015 to 2019.

**FIGURE 1: TRENDS IN THE NUMBER OF WORK STOPPAGES IN SOUTH AFRICA, 2015 -2019**



Source: Department of Employment and Labour, Strikes Statistics database, 2015-2019

<sup>6</sup> A regular publication of labour disputes statistics is in line with the International standards, e.g., International Labour Organisation



**Figure 1** reflects the number of strikes identified and voluntarily submitted by firms to the Department. In 2019, it appears that the South African labour market was “relatively peaceful” in terms of strike activities recorded as compared to the previous year. It decreased by 5.1% as compared to 2018.

Over the past five years, the number of disputes has averaged to less than 140 strikes per year since 2015 as shown in **Figure 1**. The figure above illustrates an upward trend from 2015 to 2018. This is an exception with 2019 where the number of labour disputes dropped to 157. Thus, to address the problem of the South African labour market inequality, the National Minimum Wage (NMW) has been introduced on the 1st of January 2019 and there are early indications that there are many companies who are now complying<sup>7</sup>. Even though the NMW legislation was mandated, a presentation during the Commission for Conciliation, Mediation and Arbitration (CCMA) conference held in October 2019 has shown that close to 475 exemption applications over minimum wage of R20 per hour were received from employers between 1 January and 19 August 2019<sup>8</sup>.

**TABLE 1: DISTRIBUTION OF EMPLOYEE'S PARTICIPATION IN WORK STOPPAGE BY INDUSTRY<sup>9</sup>, 2019**

Industry	Number of workforce 2019*	Employees involved 2019	Percentage distribution of employees involved
Agriculture	6 738	4 763	70.7
Mining	37 274	14 092	37.8
Manufacturing	26 931	7 738	28.7
Utilities	1 226	412	33.6
Construction	4 780	2 483	51.9
Trade	33 443	4 914	14.7
Transport	30 169	6 577	21.8
Finance	0	0	0.0
Community	358 596	102 596	28.6
<b>Total</b>	<b>499 157</b>	<b>143 575</b>	<b>28.8</b>

Source: Department of Employment and Labour, Strikes Statistics database, 2019  
 \*As reported by the employers on the LRA 9.2 form

**Table 1** indicates the total number of workforce against those employees who participated in strike incidents in 2019 as reported by the employers. It is clear that not all employees in each industry participated in the strike activities. This is not directly associated with the impact of “the secret ballot” since the LRA 9.2 form does not cover this aspect. Only 143 575 (28.8%) of the total employees were reported by the employers that they were involved in the strikes and lockouts from the total workforce of 499 157 across all industries in 2019.

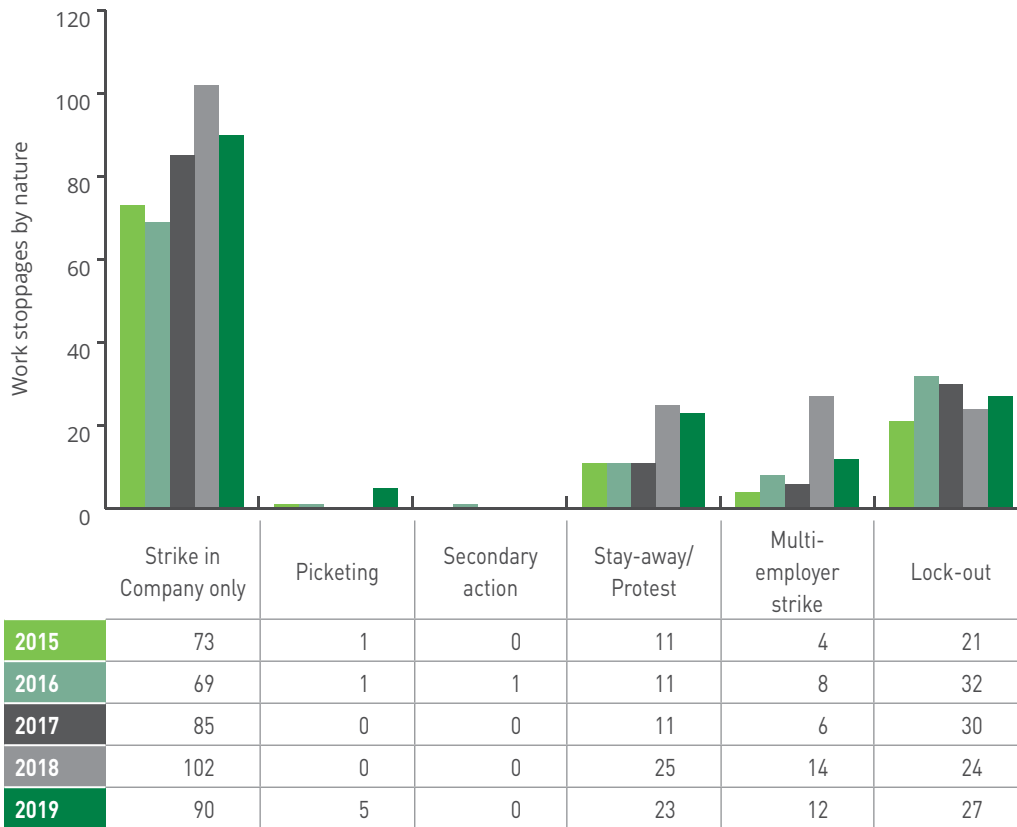
Furthermore, most employees who participated in strikes were from the community and mining industries who recorded 102 596 and 14 092 employees in 2019. The least employees who participated in strike activities were from the utilities industry at 412 workers. However, amongst the workforce in the construction industry, 52% of workers responded positively to down tools in support of worker’s demand in 2019. In agriculture industry, it was 71% of workers involved in strikes from the total workforce.

<sup>7</sup> Honorable President Cyril Ramaphosa, the State of the Nation Address (SONA), Cape Town 20 June 2019.

<sup>8</sup> Cabe, M., (2019), Mail & Guardian, CCMA Conference, , 1st October 2019

<sup>9</sup> As per the International Standard Industrial Classification (ISIC).

**FIGURE 2: DISTRIBUTION OF WORK STOPPAGES BY THEIR NATURE, 2015-2019**



Source: Department of Employment and Labour, Strikes Statistics database

According to **Figure 2**, the highest level of labour disputes was reported in the form of strikes in company only followed by lockouts. Together, they constituted about 74.5% of the total number of disputes covered in 2019 which is 0.9% lower than in 2018. There was a 12.5% increase amongst employees who were locked-out and 8% decrease for those who stayed away/ protest from work activities between 2018 and 2019. In larger companies with plants across the country, workers may organise a national company strike where such a strike could be around a common national demand or a solidarity strike with workers in one plant who are facing difficulties in a workplace. Company-based strikes take careful planning and coordination and can be very effective in forcing the company to listen to workers' demands. Over the five years, it is shown that strike in company only increased by 23.2% and lockouts increased by 28.6% from 2015 to 2019.



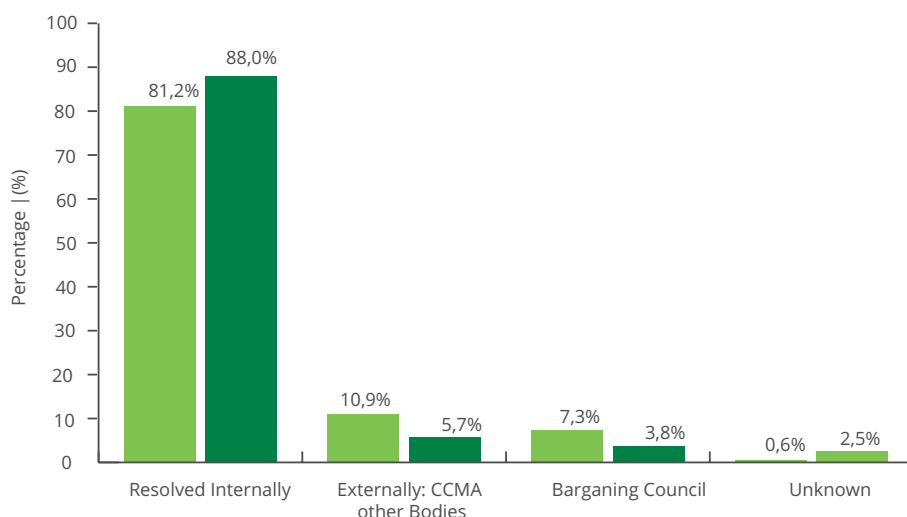
**TABLE 2: DISTRIBUTION OF WORKING DAYS LOST BY PRINCIPAL CAUSE OF DISPUTE, 2015-2019**

Principal cause	2015	2016	2017	2018	2019
Wages, bonus and other compensation benefits	697 810	778 874	540 966	789 198	1 986 636
Working conditions	26 226	60 747	50 292	128 890	221 475
Disciplinary matters	52 460	4 748	10 120	22 729	3 437
Grievances	43 922	50 882	177 605	139 762	98 913
Socio-economic and political conditions	9 448	8 380	26156	15 708	117 477
Secondary action	2 812	1 385	0	0	1 250
Retrenchment/redundancy	4 145	2 359	12 865	11 840	890
Refusal to bargain	7 228	21 351	132 219	13 313	119
Trade union recognition	55 624	16 462	10 266	11 304	38 195
Other reasons	4 246	1 135	0	26 201	27 486
<b>Total</b>	<b>903 921</b>	<b>946 323</b>	<b>960 489</b>	<b>1 158 945</b>	<b>2 495 878</b>

Source: Department of Employment and Labour, Strikes Statistics database

As the strike information is voluntarily provided by the organisation involved in the action, **Table 2** above shows that 79% of working days lost were reported because of the demands over wages, bonus and other compensation strike benefits in 2019. This is an increase of 11% from 68% in 2018. Disputes over unpleasant working conditions (9%) and socio-economic and political conditions (5%) were also reported as other sources of high working days lost in 2019. Equally so, other factors played a significant role in causing labour unrests in the country.

**FIGURE 3: PERCENTAGE DISTRIBUTION OF HOW DISPUTES WERE RESOLVED, 2018-2019**



Source: Department of Employment and Labour, Strikes Statistics database, 2018-2019

In the LRA 9.2 form, employers are requested to answer to the question of how was the industrial action resolved. **Figure 3** illustrates that the bigger share of workplace disputes (88%) in 2019 and (81.2%) in 2018 were resolved internally through the employer's interventions. This is a great reflection of the good relationship between the employers and employees in resolving workplace disputes. This was followed by those disputes resolved through the arbitration clauses, e.g., the CCMA (5.7%) and the bargaining councils (3.8%) in 2019.

**TABLE 3: DISTRIBUTION OF HOW ANNUAL SALARY INCREMENTS WERE NEGOTIATED, 2019**

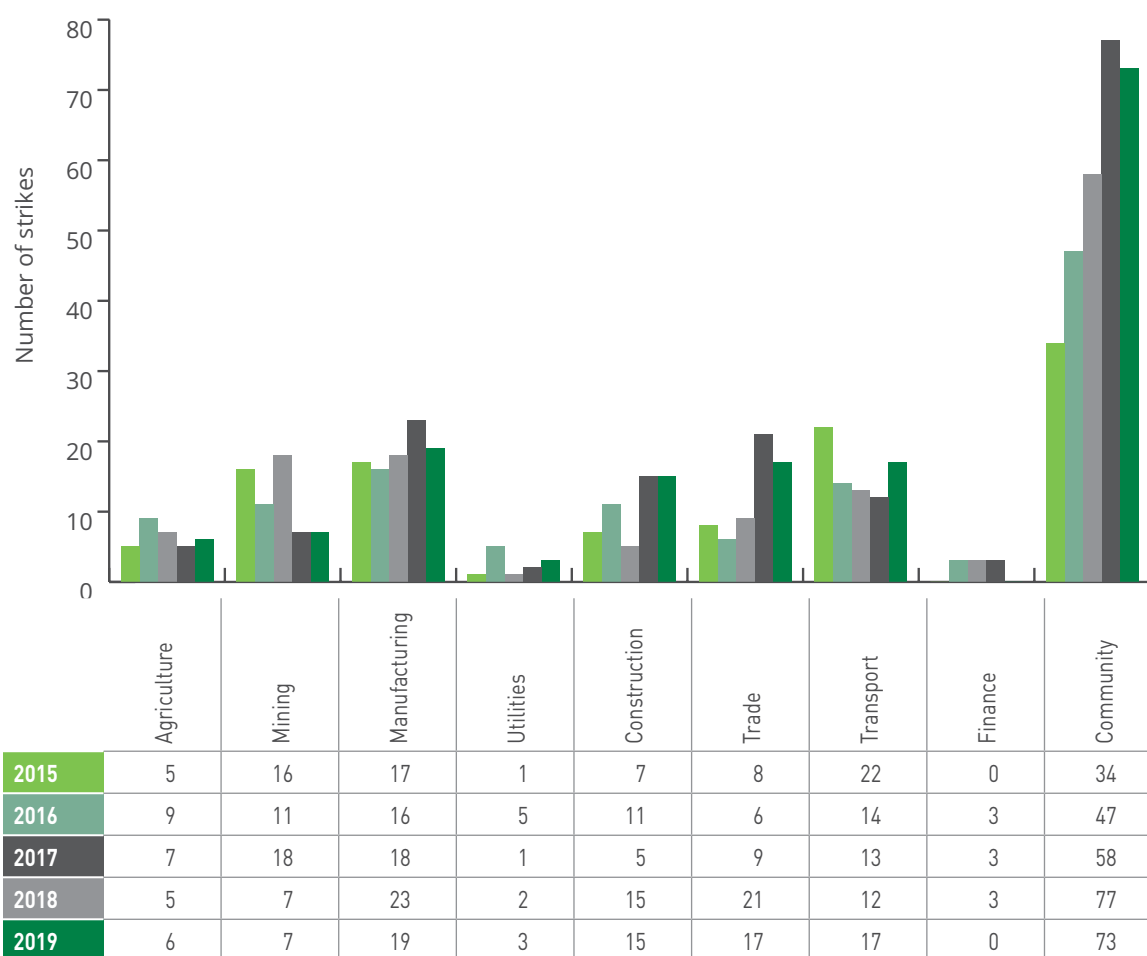
	Oct-Dec 2018	Jan-March 2019	April-June 2019	July-Sept 2019	Oct-Dec 2019	Year on Year change (%)
Individual and employer	1 176 000	1 176 000	1 220 000	1 297 000	1 336 000	13.6
Union and employer	3 102 000	3 064 000	2 973 000	3 123 000	3 084 000	-0.6
Bargaining council	1 069 000	1 057 000	1 112 000	1 122 000	1 117 000	4.5
Employer only	7 592 000	7 449 000	7 383 000	7 255 000	7 448 000	-1.9
No regular increment	964 000	920 000	853 000	835 000	807 000	-16.3
Unspecified	89 000	70 000	113 000	108 000	76 000	-14.6

Source: Statistics South Africa, QLFS, quarter 4 of 2019

**Table 3** examines how annual salary increments were negotiated across organisations. According to the Quarterly Labour Force Survey (QLFS) quarter four results<sup>10</sup>, it is also evident that more than 7.4 million of workers reported that “employers only” were best able to settle workplace disputes with employees and unions in 2019 and 7.5 million of workers said the same thing in 2018 amongst employees. The results further show that unions and employers were also able to better negotiate and resolve disputes over worker’s demands followed by the individual and employer then through the bargaining councils.

On a year on year basis, an increase of 13.6% of workers was recorded and reported that individuals and employers negotiated in good faith regarding annual salary increments. The percentage of workers decreased in all other categories as compared to the previous year.

**FIGURE 4: DISTRIBUTION OF WORK STOPPAGES BY INDUSTRY, 2015-2019**



Source: Department of Employment and Labour, Strikes Statistics database, 2015-2019

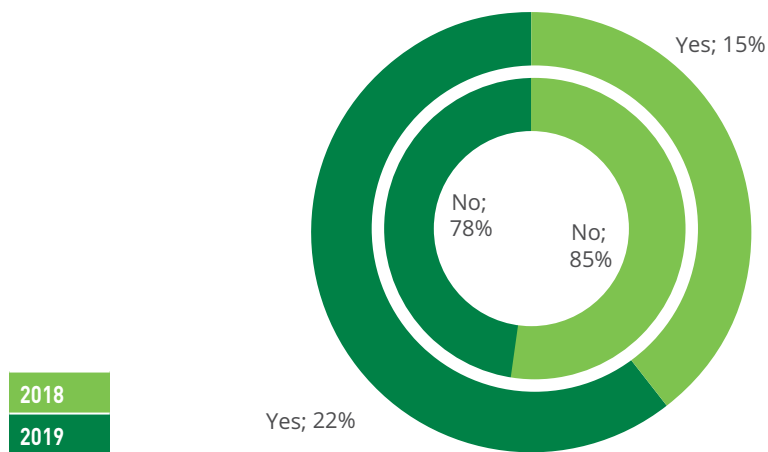
<sup>10</sup> Statistics South Africa, Quarterly Labour Force Survey, Quarter four, P0211, February 2020



While the time-loss ratio by industry could probably reflect the prevalence of the strikes and lockouts by industry, an attempt is made here to show only the distribution of the total strikes and lockouts by industry recorded in the the Department in the past five years (2015-2019). **Figure 4** shows that, ceteris paribus, all industries in the country were hit by strikes and lockouts one way or another except for the Finance industry in 2015 and 2019. However, the strikes and lockouts were mostly provided by the community industry followed by the manufacturing and transport industries in the past five years. Of the total 157 strikes recorded in 2019, the community industries contributed more at 46% of strikes. The community industry strikes came from the local government' municipality members and health sector where workers went into the streets to demand better working conditions and increase in wages. It was also the industry where the majority of companies used replacement labour during the strikes in 2018 and 2019.

On the other hand, the manufacturing (19) followed by trade (17) and transport (17) industries reflected higher strikes in 2019.

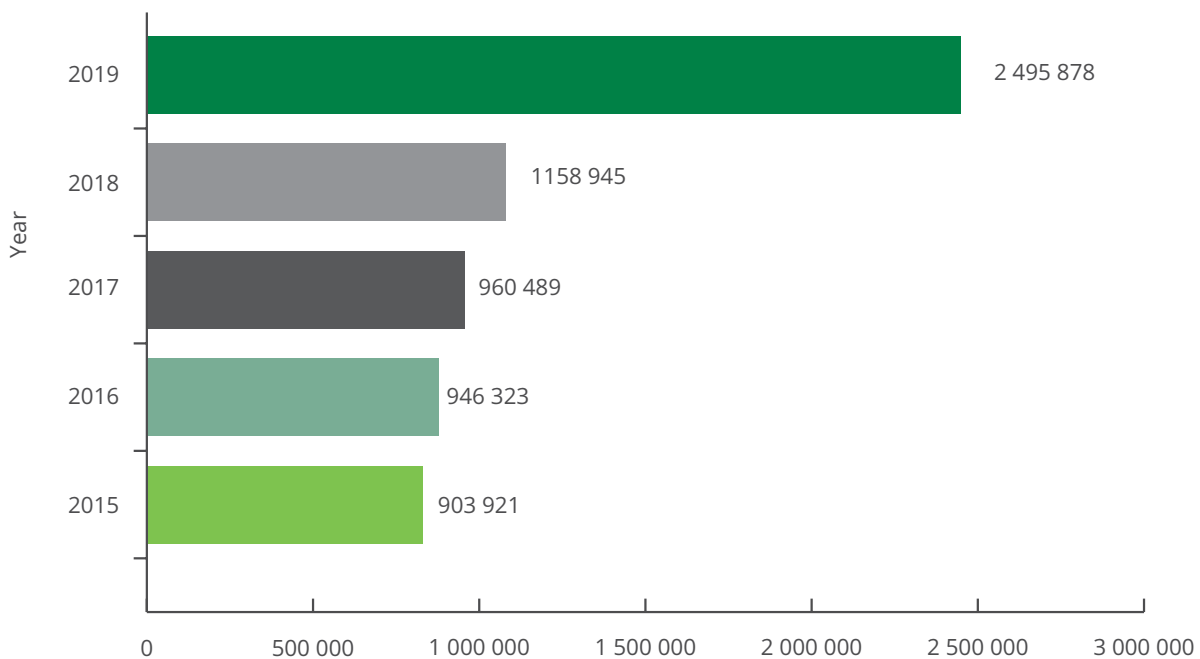
**FIGURE 5: PERCENTANGE DISTRIBUTION OF REPLACEMENT LABOUR USED DURING THE STRIKES, 2018-2019**



Source: Department of Employment and Labour, Strikes Statistics database, 2018-2019

According to the strike information collected in 2018 and 2019, the minority of companies used replacement of labour during the strike activities, which implies that not all organisations were totally shutdown. **Figure 5** shows that less than 25% of employers used replacement labour during labour unrests by end of 2018 and 2019. Of those companies who used replacement labour during strikes in 2019 were the community and trade industries where employees downed tools to demand better working conditions and wage increments.

**FIGURE 6: TRENDS IN WORKING DAYS LOST<sup>11</sup> IN SOTH AFRICA, 2015-2019**



Source: Department of Employment and Labour, Strikes Statistics database, 2015-2019

More working days lost due to strikes is of particular concern as it will have impact on the production of the companies be it small, medium or large companies. Strike actions usually lead to the decline in production levels<sup>12</sup>. According to **Figure 6**, there was an upward trend in the number of working days lost due to strike incidences that could be translated into a huge loss in productivity and profitability for the companies involved. The Department's 2019 strike database reveals that close to R2.5 million (2 495 878) productive working days involving 143 575 employees were lost due to strike actions compared to 1.1 million (1 158 945) working days lost (involving 137 712 employees) in 2018. The highest number of working days lost in 2019 emanated from the mining industry with more than 1.9 million (1 936 972) from 14 092 workers who participated in the strikes.

Looking at the strike determination rate<sup>13</sup> between 2018 and 2019, a single striker was on strike for 8.4 days on average in 2018 as compared to 17.3 on average in 2019. It has almost double over time.

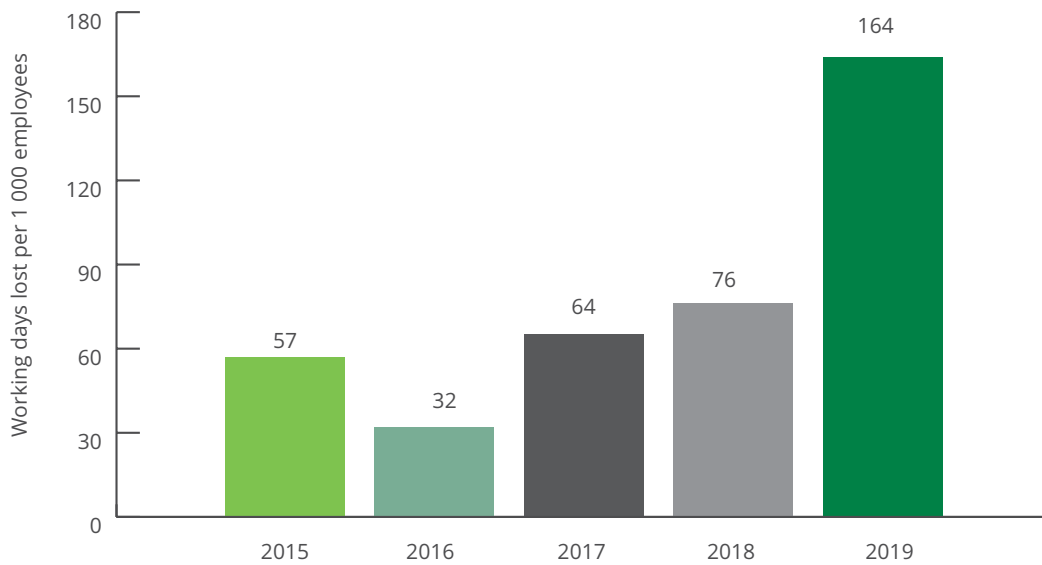
<sup>11</sup> The working days lost due to strike implies the total number of workers involved directly in the strike or lock-outs multiplies by the length of the work stoppage. These are of little use purposes of international comparisons. The number of days not worked per 1 000 employees will be the best estimate for such international comparison (see below).

<sup>12</sup> International Business & Economics Research Journal – May/June 2014 Volume 13, No. 3 Copyright by author(s); CC-BY 557.he Clute Institute to work are always under threat from the striking workers as they are accused of undermining solidarity; hence, weakening the cause of the striking workers. Though, in most cases, some workers stay away from work by choice, others do so through fear of their counterparts.

<sup>13</sup> A strike determination is measured by dividing the number of days lost over the number of workers involved in the strike. This simply signals the average time spent on strike by each worker (Atigasakis, M., (1997).



**FIGURE 7: WORKING DAYS LOST PER 1 000<sup>14</sup> EMPLOYEES (TIME-LOSS RATIO) DUE TO STRIKES, 2015-2019**

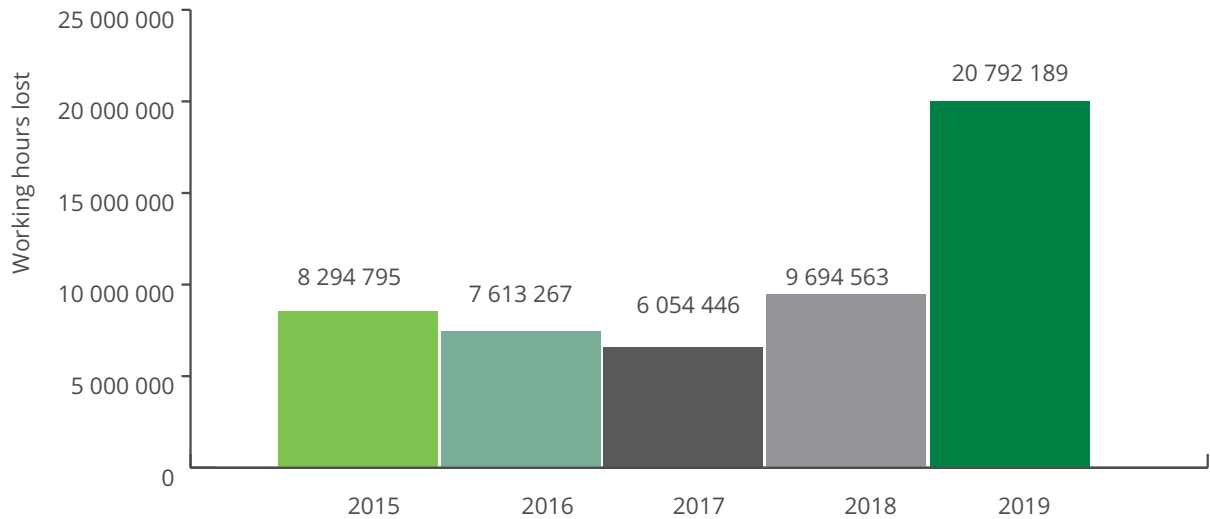


Source: Department of Employment and Labour, Strikes Statistics database

Over the five years national comparisons from 2015 to 2019, it transpires that, on average, the highest levels of industrial action were in 2019 (164 working days lost per 1 000 workers) and the lowest in 2016 (32 working days lost per 1 000 workers), as shown in **Figure 7** above. One of the key reasons is associated with the “cyclical nature of strike” where the revision of collective wage bargaining agreements take place, e.g., usually one to three year wage agreements in South Africa. Coincidentally, the community, manufacturing and transport industries were the same industries where most of the labour unrests were also recorded. By using the time-loss ratio measure, on average the working days lost per 1 000 employees increased from 2017 to 2019.

<sup>14</sup> This indicator allows for international comparison in strike activity where data is available. For international comparison, the ratio distinguishes which country is “strike-prone” when compared to another countries.

**FIGURE 8: TREND IN WORKING HOURS LOST IN SOUTH AFRICA, 2015-2019**

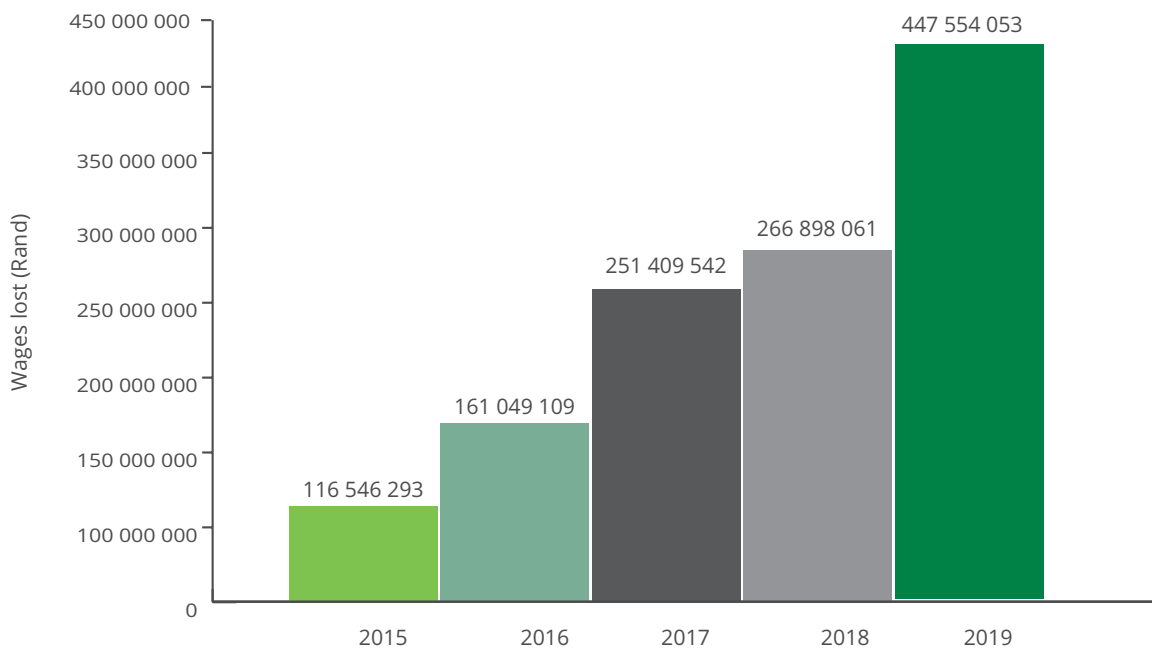


Source: Department of Employment and Labour, Strikes Statistics database

While the time lost through labour disputes per 1 000 workers can also be reported in this report, as the case in Finland and Italy<sup>15</sup>, **Figure 8** shows only the trends in absolute working hours lost due to strike in the past five years from 2015 to 2019. Many productive hours were lost through picketing, seat-ins and negotiations. Management and workers' representatives spend a lot of time locked in long and strenuous negotiations where workers will naturally be asking for high wages increment and employers offering less. As such the longer the strike action, the more the productive hours are lost.

As with the high working days lost in 2019, **Figure 8** shows an increase in the number of working hours lost in 2019 from 2017. There were 20 792 189 working hours lost in 2019 from 9 694 564 working hours lost in 2018 and 6 054 446 working hours lost due to strikes in 2017.

**FIGURE 9: WAGES LOST<sup>16</sup> DUE TO WORK STOPPAGES IN SOUTH AFRICA, 2015-2019**



Source: Department of Employment and Labour, Strikes Statistics database, 2015-2019

<sup>15</sup> European Foundation for the Improvement of Living and Working Conditions, EIRO: European Industrial relations observatory on-line, March 2000

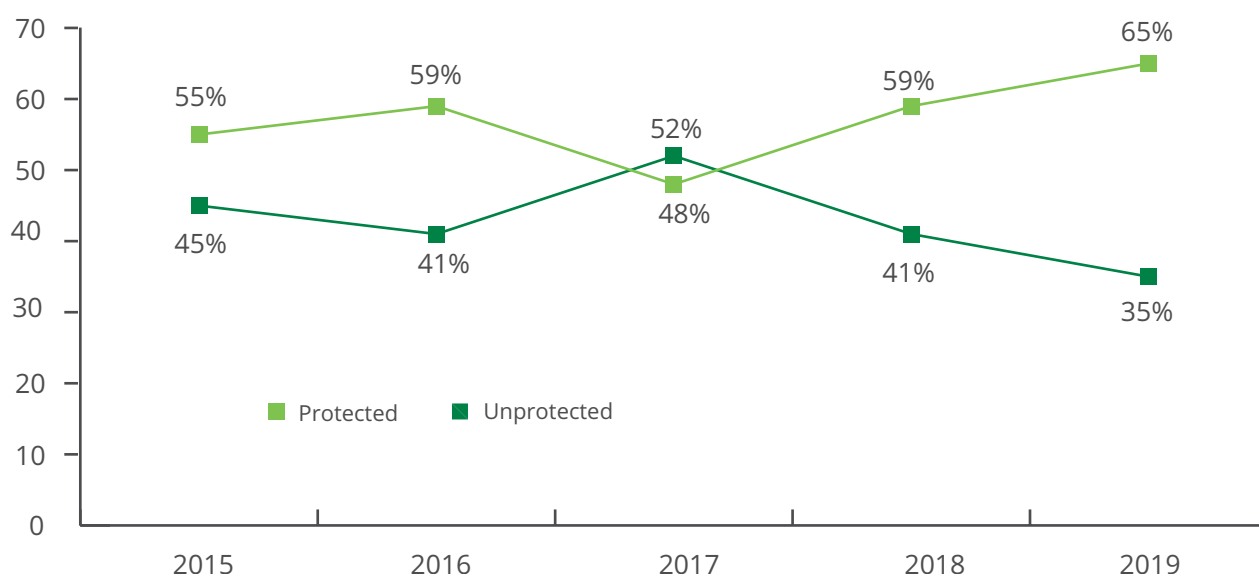
<sup>16</sup> There is a need for a case study to gather data from a number of companies that were affected by the strike activity in order to estimate the cost of strike to company. This can be a case study for the Research unit in the future.



In the LRA 9.2 form, organisations are required to provide information related to total wages not paid during the strikes and lockouts. This is the most revealing information that allows the Department to estimate in absolute terms the socio-economic impact to workers and society as a whole. The loss in investment is a long-term effect of strike actions because it affects the potential GDP growth. Investment is stimulated through boosting investor confidence, which is normally perceived through a country's economic stability.

**Figure 9** illustrates the total worker's wage lost as a result of embarking on strikes from 2015 to 2019. In 2019, workers lost R447 millions of wages due to 157 industrial disputes. This is 68% more than R266 millions of wages lost from 165 strikes in 2018. The mining industry suffered more than other industries in terms of worker's wage lost in 2019 where the mining of gold and uranium ore was hit with a four-month long strike due to wage demands. With the occurrence of strikes from the mining industry, the African Rainbow Minerals (ARM) mining company, cautioned that investors have voiced concerns about the security of their investments in the mining industry due to wage strikes<sup>17</sup>.

**FIGURE 10: PERCENTAGE DISTRIBUTION OF THE PROTECTED AND UNPROTECTED STRIKES IN SOUTH AFRICA, 2015-2019**



Source: Department of Employment and Labour, Strikes Statistics database, 2015-2019

The percentage distribution of whether the industrial action was in compliance with the Act (Protected) or not (Unprotected) is reported in the LRA 9.2 form. The trend in responses received from companies is also shown in **Figure 10** in percentage terms. It shows an up and downward trends both for the protected and unprotected strikes over the past five years. Out of 157 strikes in 2019, only 35% of work stoppages were protected leaving 65% of work stoppages to be unprotected. The number of protected strikes dropped from 52% in 2017 to 35% in 2019 while the rate of unprotected strikes increased in from 48% in 2017 to 65% in 2019.

According to the data collected by the Department, the level of a high number of unprotected strikes emanated mainly from the community industry where most workers decided to go on strikes without complying with the labour laws. This can also mean that workers have failed to get a certificate from the CCMA indicating that "no resolution was reached in negotiations with employers.

<sup>17</sup> An estimation of the impact of the mining, sector strike on the south African economy, Bureau of Market Research, University of South Africa, Johannesburg. C. Jordan, February 2016



**2019**

# INDUSTRIAL ACTION REPORT

PHOTO: SOWEYAN LIFE - Sandle Nabeu





## CHAPTER 2

ANALYSIS OF THE KEY CHARACTERISTICS OF  
THE LABOUR DISPUTES, 2018 AND 2019



## CHAPTER TWO

### ANALYSIS OF THE KEY CHARACTERISTICS OF THE LABOUR DISPUTES, 2018 AND 2019

This chapter presents additional statistical analysis on the strike and lockout changes over the past two years. It gives more light on other indicators to understand what transpired during the labour disputes in 2019 and compared to the previous year. Strike and lockout incidents by industry, workdays lost per 1 000 workers by industry, duration and employment size are amongst other indicators covered in this section. Prior to the analysis, the working days lost per 1 000 workers by industry was very different in the past two years. In 2018, a high working days lost per 1 000 workers was in the transport industry followed by utilities industry but it was in the mining industry followed by the community industry in 2019<sup>18</sup>.

In the mining industry, the Association of Mineworkers and Construction Union (AMCU) embarked on a four months protected strike at all of Sibanye's operations in South Africa as workers demanded a minimum wage increase of R12 500 with an increase of R1 000 for three years. Sibanye-Stillwater is the largest individual producer of gold from South Africa and is one of 10 largest gold producers globally. The mining company is also the third largest producer of palladium and platinum. In his press statement, the AMCU president reflected that the union will use the experience to improve engagements and avoid such a lengthy strike in the future. Sibanye and AMCU managers, have agreed to a "relationship-building programme" following the strike and to avoid future tough round of talks<sup>19</sup>.

From the trade industry, Transpharm one of SA's largest pharmaceutical wholesalers and distributors' employees went on a three months strike to demand salary increments. The protected wage strike crippled the company financially and led to its clients running short of medicine in the country. Nonetheless, Transpharm maintained that it could not afford the living wages for its employees. Transpharm has claimed that if it pays a living wage of R12 500 per month to its employees, it could no longer remain profitable.

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<sup>18</sup> In absolute number, the community, manufacturing, transport and trade industries were predominantly affected with strike and lockout incidents in 2019. On the other hand, the mining and trade industries lost more wages, working days and hours due to work stoppages.

<sup>19</sup> Mathunjwa, J., (AMCU President) Business Maverick, 15 November 2019



## 2.1. INDUSTRIAL DISTRIBUTION OF WORK STOPPAGES AND WAGES LOST BY INDUSTRY, 2018-2019

The estimates of worker's wage lost within industry could provide an indication on the production lost as a result of the strikes and lockouts in the country. Data on wages lost were extracted from organisation's submission of the LRA 9.2 form.

**TABLE 4: DISTRIBUTION OF WORK STOPPAGES AND WAGES LOST BY INDUSTRY, 2018-2019**

Industry*	No. of work stoppages 2018	Worker's wage lost (Total 2018 (Rand's))	No. of work stoppages 2019	Worker's wage lost (Total 2019 (Rand's))
Agriculture	5	2 403 746	6	4 254 119
Mining	7	8 658 658	7	294 235 075
Manufacturing	23	50 489 827	19	63 208 594
Utilities	2	17 847 462	3	262 847
Construction	15	6 510 822	15	3 140 436
Trade	21	27 143 936	17	50 258 002
Transport	12	131 610 683	17	7 676 113
Finance	3	1 094 515	0	0
Community	77	21 138 412	73	24 458 706
<b>Total</b>	<b>165</b>	<b>266 898 061</b>	<b>157</b>	<b>447 554 053</b>

Source: Department of Employment and Labour, Strikes Statistics database, 2018-2019

\*Note that the Standard International Classification (SIC) was used (excluding the Private Household Industry).

Table 4 shows the distribution of work stoppages and wages lost by industry. Mining industry, the largest contributor in revenue and profits in the country accounted for 66% of the total wages lost due to work stoppages in 2019 while the transport industry was the highest with 49% in 2018. This was followed by manufacturing (14%) and trade (11%) industries due to the volume of work stoppages in 2019. The community industry that had the most strikes (73) accounted for only 5.5% of wages lost over the same period. Workers from the mining industry went on strike to demand higher wages whilst the community industry workers spend most time on the streets to demand proper working conditions, lodge grievances and wage increments against the employers.

## 2.2. INDUSTRIAL DISTRIBUTION OF WORKING DAYS LOST, 2018 - 2019

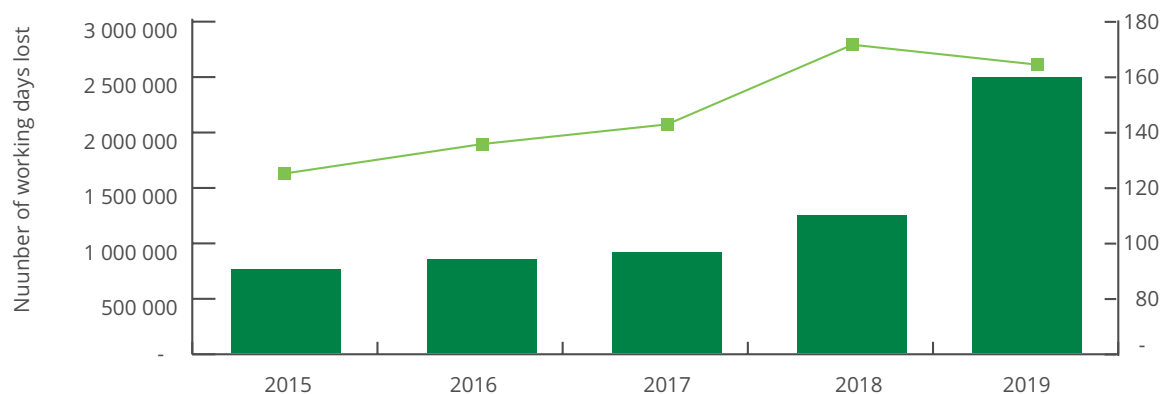
**TABLE 5: DISTRIBUTION OF WORKING DAYS LOST BY INDUSTRY, 2018 - 2019**

Industry	Working days lost		
	2018	2019	% change
Agriculture	8 015	103 323	1 189.1
Mining	24 837	1 369 172	5 412.6
Manufacturing	227 040	130 557	-42.5
Utilities	35 622	1 372	-96.1
Construction	30 976	8 550	-72.4
Trade	180 588	250 859	38.9
Transport	347 318	53 262	-84.7
Finance	1 430	0	-100.0
Community	303 119	578 783	90.9
<b>Total</b>	<b>1 158 945</b>	<b>2 495 878</b>	<b>115.4</b>

Source: Department of Employment and Labour, Strikes Statistics database, 2018-2019

The number of working days lost illustrated in **Table 5** comes from the fact that parties involved in resolving worker's disputes in 2019 could not find a quicker way to resolve disputes as tabled by the worker's unions. As such, workers lost 2 495 878 working days of work with a total of 143 575 employees who participated in the work stoppages in 2019 as compared to 1 158 945 working days lost with 137 712 employees who participated in the strike actions in 2018.

**FIGURE 11: TREND IN THE WORKING DAYS LOST TO DISPUTES, 2015-2019**



<b>Working days lost</b>	903 921	946 323	960 489	1 158 945	2 495 878
<b>No. strikes and lockouts</b>	110	122	132	165	157

Source Department of Employment and Labour, Strikes Statistics database, 2015-2019

**Figure 11** illustrates the number of working days lost to industrial disputes in the past five years (2015-2019). Days lost to work stoppages have increased in line with the number of disputes from 2015 to 2018 then changed in 2019. In line with the current development, the result might indicate "minimal" impact with regard to the implementation of secret ballot since an increase of 4.3% in the number of employees involved has been recorded from 2018 to 2019. However, the typical strike and lockout in the country was observed to be relatively shorter over the same period.

## 2.3. INDUSTRIAL DISTRIBUTION OF WORKING HOURS LOST, 2018-2019

**TABLE 6: DISTRIBUTION OF WORKING HOURS LOST BY INDUSTRY, 2018-2019**

Industry*	Working hours lost		
	2018	2019	% change
Agriculture	67 979	927 126	1 263.8
Mining	231 070	11 661 775	4 946.9
Manufacturing	1 932 993	1 162 084	-39.9
Utilities	284 976	13 376	-95.3
Construction	334 483	73 067	-78.2
Trade	1 515 838	1 997 019	31.7
Transport	2 815 611	408 644	-85.5
Finance	11 140	0	-100.0
Community	2 500 473	4 549 098	81.9
<b>Total</b>	<b>9 694 563</b>	<b>20 792 189</b>	<b>114.5</b>

Source: Department of Employment and Labour, Strikes Statistics database

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



Employers lose production through the loss of hours in the production process chain in the same manner that employees lose wages for not working. Mostly affected are those employees who work under the piece rate system using of the “no work no pay” rule. According to the strike database, **Table 6** reflects that more than 20 million (20 792 189) of working hours were lost in 2019 as reported by the employers due to the labour disputes. This is 114.5% higher than the working hours lost in 2018. By industry, **Table 6** shows that more working hours were recorded in the mining (11 661 775), the community (4 549 098) and the trade (1 997 019) industries as compared to other industries in 2019.

## 2.4. WORKING DAYS LOST PER 1 000 EMPLOYEES BY INDUSTRY, 2018-2019

**TABLE 7: TIME-LOSS RATIO<sup>20</sup> BY INDUSTRY, 2018-2019**

Industry	Time-loss ratio		Total number of workers*	
	2018	2019	2018	2019
Agriculture	9.4	116.7	849 000	885 000
Mining	56.7	3 184.1	438 000	430 000
Manufacturing	128.6	75.9	1 766 000	1 720 000
Utilities	265.8	11.4	134 000	120 000
Construction	20.9	6.3	1 481 000	1 350 000
Trade	54.4	77.2	3 320 000	3 249 000
Transport	359.9	52.6	965 000	1 011 000
Finance	0.6	0	2 611 000	2 568 000
Community	83.6	152.6	3 624 000	3 792 000

Source: Department of Employment and Labour, Strikes Statistics database

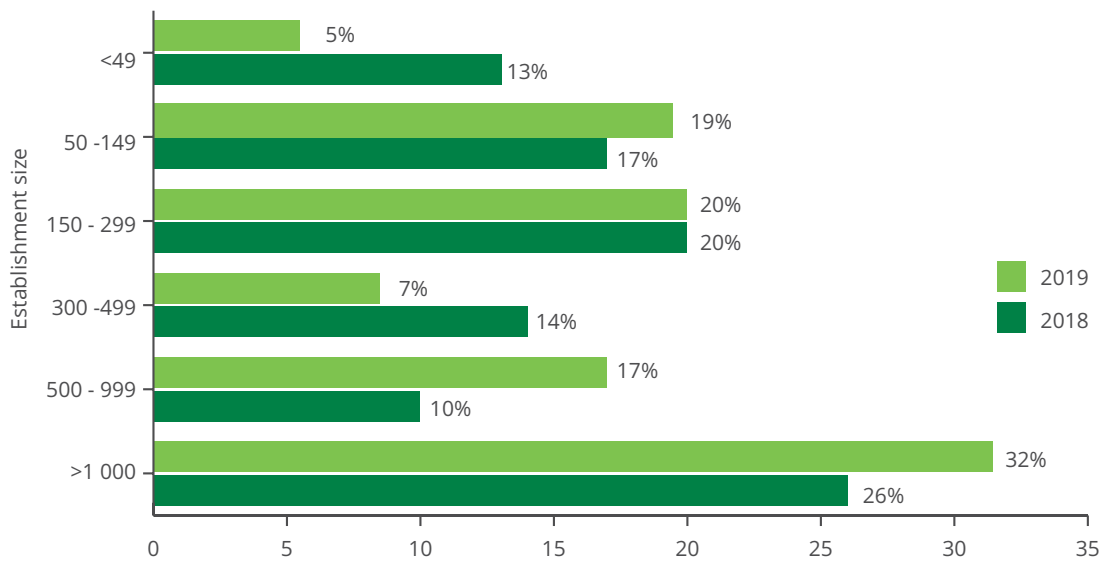
Note: \* Statistics South Africa, Quarterly Labour Force Survey, quarter 4 of 2019-Total employment (Private households excluded)

As initially said, the Department of Employment and Labour identifies and records all strikes and lockouts that took place in the country through the media by using information on the LRA 9.2 form, e.g., workers directly and indirectly involved in disputes are also included. On average, **Table 7** shows that the mining industry had the highest time-loss ratio in 2019. This is mainly because of the Sibanye Still Water mine labour disputes that lasted longer to be resolved. For every 1 000 workers involved in the mining strikes 3 184.1 days were lost over the same period. The community, agriculture and trade industries have also seen a relatively high days lost per 1 000 employees due to strikes in 2019. As compared to 2018, the transport industry was the highest in days lost per 1 000 employees and the lowest was in the finance industry as per the information in the Department’s strike database.

<sup>20</sup> 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, Quarter four of 2019, were used regarding the total number of employees by industry.

## 2.5. WORK STOPPAGES BY EMPLOYMENT SIZE OF ESTABLISHMENTS, 2018-2019

**FIGURE 12: PERCENTAGE DISTRIBUTION OF WORK STOPPAGES BY EMPLOYMENT SIZE, 2018-2019**



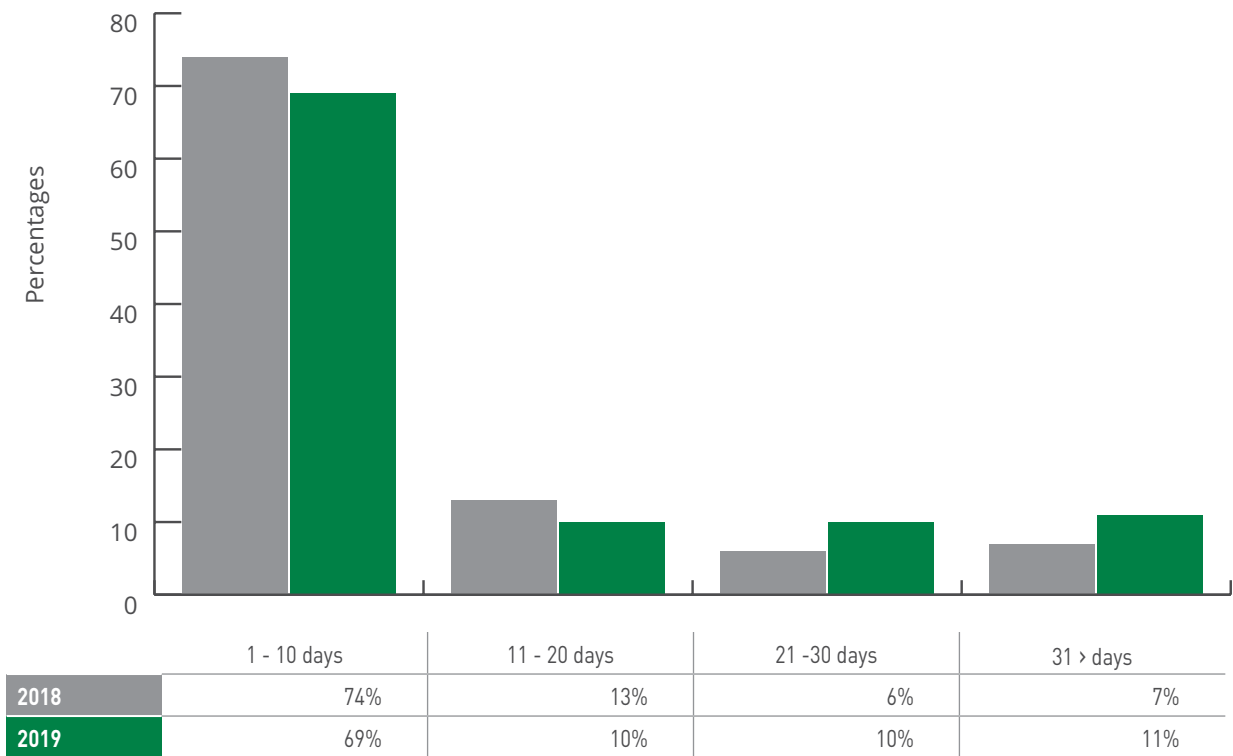
Source: Department of Employment and Labour, Strikes Statistics database, 2018-2019

Workplace disputes can affect any company size, be it large, medium or small. According to the strike database, **Figure 12** illustrates that employers with more than 1 000 employees were mostly affected by work stoppages in 2019 and 2018. Big company establishments from 500 to more than 1 000 employees constituted 49% of employee participation in strikes whilst medium (50-499) employees and small sized (<49) establishments saw 46% and 5% respectively in 2019. However, in 2018, large company recorded 36% against 51% for medium companies and 13% for small companies.



## 2.6. DURATION OF WORK STOPPAGES, 2018-2019

**FIGURE 13: PERCENTAGE DISTRIBUTION OF WORK STOPPAGES BY DURATION, 2018-2019**



Source: Department of Employment and Labour, Strikes Statistics database

Data from the Department’s strike database indicates that just below 70% of strikes in 2019 lasted on average from 1 to 10 days. This was relatively lower from 74% in the previous year, as shown in **Figure 13**. These were relatively associated with the strikes involving the community, transport and construction industries in 2019. However, the strikes that lasted on average for more than 31 days, e.g., the mining industry, have also impacted in worker’s life condition. There was also a decrease regarding the number of strikes that lasted on average 11-20 days by 3% from 2018 to 2019.

## 2.7. TRADE UNION INVOLVEMENT IN WORK STOPPAGES, 2018 - 2019

**TABLE 8: DISTRIBUTION OF WORK DAYS LOST BY TRADE UNION MEMBERSHIP INVOLVED, 2018 AND 2019**

Union	Days lost per trade union in 2018	%	Employees involved per union in every strike in 2019	Days lost per trade unions in 2019	%
AMCU	2 2 517	1.94	12 483	1 338 526	53.63
BCAWU	7 531	0.65	84	654	0.03
CEPPWAWU	16 199	1.4	2 830	58 370	2.34
CWU	31 627	2.73	0	0	0.00
DENOSA	18 454	1.59	189	2 930	0.12
DETAWU	3 187	0.27	23	322	0.01
FAWU	27 805	2.4	1 071	37 060	1.48
GIWUSA	2 2290	1.92	1 705	29 302	1.17
HOSPERSA	2 034	0.18	527	2 675	0.11
IMATU	8 632	0.74	22 006	132 079	5.3
NEHAWU	126 355	10.9	17 075	101 593	4.16
NONE unionized	142 804	12.32	6 137	37 743	1.51
NTM	4 323	0.37	501	10 069	0.40
Not reported*	125 544	10.8	25 649	137 726	5.5
NUM	150 609	13	1 114	20 149	0.81
NUMSA	148 463	12.81	6 663	109 523	4.3
NUPSAW	0	0	2 802	212 406	8.42
POPCRU	66	0.01	0	0	0.00
PSA	24 360	2.1	2 092	9 157	0.37
SACCAWU	42 269	3.65	778	3 861	0.15
SACTWU	15 856	1.37	221	1 948	0.08
SACWU	0	0	625	24 743	0.99
SADTU	4	0	40	480	0.02
SAMWU	83 662	7.22	38 383	219 030	8.7
SATAWU	67 313	5.81	844	5 240	0.21
SOLIDARITY	3 036	0.26	3	9	0.00
TAWUSA	18 492	1.6	13	13	0.00
TIWU	2 1827	1.88	0	0	0.00
UASA	23 686	2.17	107	270	0.01

Source: Department of Employment and Labour, Strikes Statistics database, 2018-2019

\*Note: Not all LRA 9.2 forms provided accurate estimates in terms of number of employees involved per union membership names. Follow ups were made with employers but limited responses were received by the time of writing the report. Thus, readers must take the "not reported figures" with caution.



**Table 8** reflects on the distribution of working days lost by union membership participation. The distribution of membership from AMCU (53.6%), SAMWU (8.7%) and NUPSAW (8.4%) trade unions recorded the highest working days lost in 2019. This is unlike in 2018 where NUM and NUMSA were predominantly affected with strikes than other unions. In 2019, most of the AMCU members participated in the mining's four months long strikes to demand wage increment and SAMWU members from the community industry who were parading for "proper working conditions against" the employer.





**2019**

# INDUSTRIAL ACTION REPORT

PHOTO: THE DAILY 10X





## CHAPTER 3

THE ROLE OF COLLECTIVE BARGAINING IN  
WAGE SETTLEMENTS, 2019

# CHAPTER THREE

## THE ROLE OF COLLECTIVE BARGAINING IN WAGE SETTLEMENTS, 2019

A number of wage agreements were concluded peacefully between several employee and employer organisations. This is with the exception of a few wage strikes that took longer to be resolved. A few multi-year agreements were signed in some sectors that brought stability in the country's bargaining sphere. In this regard, it is apparent the Commission for Conciliation, Mediation and Arbitration (CCMA) played a major role in negotiation of the wage deals in 2019<sup>21</sup>. In that course, the Minister of Employment and Labour commended the CCMA for its outreach work. The Minister alluded that "in the advancement of social justice and stability within the labour market, shop stewards and trade union officials have to be knowledgeable and well-versed in CCMA jurisdiction and processes for effective dispute resolution<sup>22</sup>. Internationally, Australia is one of the countries in the world where workers must be able to impose a collective cost of disagreement on their employers as part of normal, healthy collective bargaining<sup>23</sup>.

### 3.1. WAGE SETTLEMENTS CONCLUDED AFTER THE STRIKES ENDED IN VARIOUS INDUSTRIES, 2018-2019

**TABLE 9: MEDIAN<sup>24</sup> WAGE SETTLEMENT IN VARIOUS INDUSTRIES, 2018-2019**

Industry	2018 (%)	2019 (%)
Agriculture	7%	7%
Construction	6%	6.1%
Mining	9%	9%
Manufacturing	8%	7%
Utilities	8%	8%
Finance	7%	8%
Transport	7%	7%
Trade	8%	7.5%
Community services	7%	7%

Source: Labour Research Service, Wage settlements Trends, December 2019

**Table 9** shows the median wage levels concluded in the various industries in South Africa in 2019 as compared to 2018. The mining industry settled the highest wage agreements (9%) in both years whilst the agriculture, utilities, transport and the community industries services settled the same percentage of wage agreements over the two years. The construction industry settled fewer wage agreements over the two years although with a higher 0.5% margin in 2019.

<sup>21</sup> As reported in the Mail and Guardian Newspaper (Friday 6 March 20120), 193 732 cases on NMW were referred to the CCMA in the financial year 2018/19.

<sup>22</sup> Nxesi, T.W., (Minister of the Department of Employment and Labour), CCMA Indaba, 12 Sept. 2019

<sup>23</sup> Stanford, J.(2018), Briefing notes: Historical data on the decline in Australian industrial disputes, Australia Industrial disputes, 30 Jan 2018, p.10

<sup>24</sup> 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.



**TABLE 10: DISTRIBUTION OF FINAL WAGE SETTLEMENT IN SELECTED INDUSTRIES, 2019**

Industry	Employer	Date/month Agreement	Initial demand	Employer offer	Settlement	Protected/Unprotected
Agriculture	Phadisi Development Projects Mpumalanga	1 March	R550	R550	R550	Protected
	Agricultural Research Council	9 May	12 %	0 %	3 %	Protected
	Oak Valley	7 July	8 %	6.5 %	6.5 %	Protected
Manufacturing	PPC	10 May	12 %	6.1 %	6.1 %	Protected
	Tiger brands	4 October	8 - 10 %	6 %	7.8 %	Unprotected
	Glass sector	28 August	8.5 %	6.75 %	6.75 %	Protected
Construction	Saint – Gobain construction Products	28 August	8.5 %	6.75 %	6.75 %	Protected
Community	The Hamlet Foundation	19 September	12 %	5 %	5 %	Protected
	Northern Cape Provincial Legislature	5 May	60/40 Salary structure	70/40 salary structure	60/40 structure	Unprotected
	City of Tshwane	1 August	18 %	R7 000 – R15 000 on the sliding scale	R7 000 – R15 000 on the sliding scale	Unprotected
	SA National Parks	18 September	11.5 %	5.5 %	7 %	Protected
	Vaal University of Technology	11 June	10 %	6.2 %	7.5 %	Protected
	South African Revenue Services	1 April	11 - 12 %	CPI + 1 %	8 %	Protected
	Mining	China Precious Metal Company	26 May	8 %	8 %	8 %
Sibanye Stillwater		17 April	R1 000	R750	R750	Protected
Trade	Khoroni Hotel	31 July	15 %	7.5 %	7.7 %	Protected
	Transpharm Pty Ltd	21 October	234 %	7 %	7 %	Protected
Transport	Dube Trade port	20 June	12 %	8 %	7-8 %	Protected
	South African Airways	22 November	8 %	5.9 %	5.9%	Protected

Source: Department of Employment and Labour, Strikes Statistics database, 2019

**Table 10** above provides a quick picture on how the final wage agreements were concluded in some selected industries during wage negotiations between trade unions and the employer representatives. Across industries, unions were able to settle for the employer’s initial wage offer. However, it shall be noted that if the current labour market conditions, e.g. strained households finances still continue, workers will again go on strike to demand high wages. During the Sibanye Still Water strike, AMCU, UASA and Solidarity settled for the original offer as tabled by the employer. This was also noticed in the agriculture, manufacturing, transport, construction industries where several unions went for the final offer that the employer has tabled. Only China Precious Metal Company was able to offer the initial wage demand of the union where workers were offered an 8% wage increment as an initial 8% wage demand by unions.

## 3.2. WAGE SETTLEMENTS CONCLUDED WITHOUT STRIKE INCIDENTS, 2019

The Department of Employment and Labour strike database also provides union's expressed strike information that could not take place since amicable wage agreements were reached within the company from the initial stage before the intention to embark on strike. In this section, some few examples of those cases are provided below:

- The Passenger Rail Agency of SA (PRASA) avoided a strike that would come with retrenchments, and signed a wage agreement with one of its unions, e.g., United National Transport Union (UNTU), on 4 June 2019. Prasa's wage agreement with UNTU saw wages increased by 7.3% across the board with no retrenchments in the year. The agreement was backdated to 1 April 2019 and was applicable until 31 March 2020.

### 3.2.1. AVERTED STRIKE INCIDENTS

- The three unions UASA, AMCU and FAWU averted a strike action and negotiated a 6% across the board wage increase for its members in the sugar and refining industry in July 2019. The unions were demanding a 12.5%, however, two unions accepted the offer of 7.5%. The wage increase was effective from 1 April 2019 to 31 March 2020. The parties also agreed to a back pay on or before 5 July 2019.
- Comair organisation and NUMSA union averted a strike and reached a two-year wage agreement on 23 January 2019. The parties agreed to a salary increase of 7.5% in both years effectively from 1 January 2019 to 31 December 2020. The NUMSA union was demanding 15% in salary increase against the employer's offer of Consumer Price Index (CPI) plus 2%.
- The employers in the vehicle-manufacturing sector have welcomed the multi-year wage agreement reached with the National Union of Metalworkers of South Africa. The parties averted a strike action and signed a wage agreement on 12 September 2019. As part of the deal, workers would receive a salary increase of 9% in the 2019 year. In the years 2020 and 2021, workers would receive an increase in line with the CPI or 7%, whichever is greater. The agreement was backdated to 1 July 2019. The parties further agreed that in the 2019, the transport allowance would be increased from R1 540 to R2 500 and by 7% (in line with CPI) in the 2020 and 2021 years. NUMSA also managed to squeeze out a once-off gratuity payment of R7 500 for its members. The agreement was concluded after NUMSA union was demanding 20% wage increase and other benefits.
- The CSAAWU union together with employer Breëriviervallei Bottelering reached a wage agreement on 25 July 2019. The agreement was effective from 1 March 2019. The parties agreed to increase salaries by 6.7%. This came after the union was demanding 52% against the employer offer of 6.5%.
- On 21 May, NULAW and the Southern African Footwear and Leather Industries Association concluded a three-year wage agreement that would run from 1 July 2019 until 31 June 2022. The agreement was staggered as follows: Year 1: 7.2% increase in wages and increase of one day holiday bonus provisions. Year two and three to a 7.5% increase in wages.
- SACTWU signed a new wage agreement with Supported Employment Enterprises Sector on 12 July. The parties managed to agree to a settlement offer of 5.3% on wages and additional of R50 housing allowance and 4% increase on medical aid.
- UASA managed to avert a strike and reached a three year wage agreement with Modikwa Platinum Mine on 17 September 2019. The parties agreed to increase salaries as follows 6.5% in the 2019, 6.75% in the 2020 and 7% in the 2021 year. The agreement commenced on 1 July 2019 and would cover the period until 30 June 2022.
- The Commercial, Stevedoring, Agricultural and Allied Workers Union and the winery's management commenced talks for a new agreement on 6 May 2019. The union tabled the following demands; the monthly minimum wage of R8 500, a guaranteed 13<sup>th</sup> cheque, company transport for workers (94%) and finally 25.8% salary increase against 6% and 8% wage increase that the company was offering. The parties settled on R4 871.46 minimum wage and R500 or 8% on the sliding scale across the board of a higher percent increase for lower paid employees. The wage agreement was effective from 22 July 2019.
- The parties Solidarity, Sacwu, Ceppwawu and the Glass Industry Employers Association managed to avert a strike and reached a two-year wage agreement which was effective from 1 July 2019 until 30 June 2021. The offer guaranteed a minimum increase of 6.75% in each of the two years of the agreement or CPI plus 1,5% improvement factor whichever is greater. The minimum wage was also agreed to be 7.0% to R6 183.
- National Union of Mineworkers managed to avert a strike at Northam Platinum Ltd – Zondereinde and sign a 7% increase in basic salary, reaching R12 557 a month by 2020. The parties reached an agreement on 1 October 2018 with effective from 1 July 2018 to 1 July 2020.



### 3.2.2. ABANDONED STRIKE INCIDENTS

- The NUPSAW union initiated the national industrial action on behalf of Dis-Chem pharmacy employees over wage increment. The union's demands included a minimum wage of R12 500 across the board, an annual increase of 12.5% guaranteed for the next three years for those earning above that amount. In return, the strike ended on 10 April 2019 with no agreement reached. The agreement meant the withdrawal of all the demands made by NUPSAW. However, the Dis-Chem pharmacy agreed to pay pro-rata bonuses to qualifying employees who had not received any salary increment.
- Hyatt Regency Organisation experienced a strike by Entertainment, Catering, Commercial and Allied Workers Union of South Africa (ECCAWUSA) union from 15 to 24 April 2019 demanding 10% salary increase against the employer's offer of 7%. The parties did not reach any settlement, instead the employer paid the once off of R2 650 to all employees in the company.





## CONCLUSION

Efforts were made in this report to analyze and compare data trends from 2015 to 2019 using the main indicators as dictated by the International Labour Organisation (ILO) namely number of strikes, working days lost per 1 000 employees, wages lost by industry etc. In 2019, the report shows an indication that the level of workplace disputes declined from the previous year. Perhaps, this was associated with the implementation of the NMW and strike balloting mandate that were effected in 2019. However, this can only be confirmed with in depth research study. With this being said, a few mechanism need to be put in place in order to effectively monitor and evaluate the impact of labour disputes.

On the other hand, the number of working days lost were on the rise following the strikes that took longer to resolve in 2019. The share of working days lost per 1 000 employees in 2019 was at 152.6 across all industries as compared to 83.6 in 2018. The high number of working days lost per employees resulted in economic loss. Workers lost close to R447 millions due to labour disputes in 2019. This increased by 68% from the previous year - 2018. The mining industry was mostly affected in terms of wages lost. Amongst the reasons of strikes in South Africa, workers reported mostly the high wage demand which is also associated with the triple challenges of high unemployment, inequality and poverty in the country.

### Limitations in the collection of strike information

- Strike and lockouts coverage is still a problem as in other countries but the strike statistics presented here do give a ‘fair’ picture of the South African labour peace and stability 2019.
- Limited time to assess the impact of strike balloting; the published guidelines on secret balloting for strikes or lockouts in terms of Section 95(9) of the Amended (LRA) 66 of 1995<sup>25</sup> only came into effect in July 2019 and thus the Registrar of Labour is still in the process of measuring the effectiveness of the secret ballots.

### Key points for policy considerations

- Collective bargaining structure that will create a “relationship-building program” to ensure a sound and effective bargaining process that will avoid future tough round of talks
- The Department in collaboration with the CCMA to put measures that will effectively monitor the implementation of the NMW<sup>26</sup> and the strike balloting mandate.

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<sup>25</sup> The guidelines compel every trade union or employer's organization to conduct a ballot of members before calling for a strike or lockout and spell out, among others, the voting system, member rights in regard to failure or refusal to participate, a requirement for a trade union to obtain the consent of the employer to hold a ballot and procedures to be followed when conducting a secret ballot. The guidelines also have an effect of responsibility and accountability against trade unions or employer organization's when a decision to go on strike or to lock out striking members has been taken.

<sup>26</sup> Dial the free IMPIPA hotline and follow the prompts: \*134\*305#





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**2019**

# INDUSTRIAL ACTION REPORT

PHOTO: AP, Thema Hedebe





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## ANNEXURES





# ANNEXURES

## ANNEXURE A

### PROFILE OF WORK STOPPAGES, 2019

The Departmental strike database includes all strikes and lockouts that have been accessible through the media and completed and submitted by employers. Lack of press coverage might also mean that some small disputes may be overlooked. Thus, the following strike profiles is presented in a chronological manner to allow researchers to have a quick sense on how the disputes were reported in the South African mainstream media on daily basis.

#### JANUARY 2019

- The strike at Exxaro Coal Mine in Limpopo, Lephalale affected projects of expanding coal for exporting on 22 January. Hundreds of contract workers at the Group Five and SMEI construction company downed tools demanding equal pay and bonuses. Exxaro has contracted the two companies for the special coal-mining project. **SABC News, 22 January 2019**
- Employees downed tools to raise their issues with management of the project Supply Chain Management (SCM), a construction company working on a housing development in Kocksoord. The workers downed tools and aired their grievances on unpaid salaries, unfair dismissals during the project and poor working conditions. **Randfontein Herald, 24 January 2019**
- Metrobus informed Cape Town commuters to find alternative transport amid the strike on 29 January. The strike led by Democratic Municipal and Allied Workers Union of South Africa (Demawusa), shut down the bus service in the city. Non-striking workers were unable to go to work because of 'minor acts of intimidation' from striking workers. The strike was due to various demands by workers. **The Citizen, 29 January 2019**
- Thousands of King Sabata Dalindyebo municipal workers downed tools from Wednesday 30 January. Municipal workers in Mthatha were demanding better wages, permanent employment and the removal of the mayor following allegations of corruption. **Daily Sun, 25 January 2019.**

#### FEBRUARY 2019

- Staff of University of South Africa's (UNISA) main campus in Pretoria went on protest on 1 February after the suspension of a senior colleague treated confidential. The protests by members of the registrations division left students with no one to assist them, however, there were no major disruptions during the registrations. **News24, 2 February 2019**
- Protesting Waterfront recycling company workers went to strike on 10 February with claims of unfair dismissals. Workers of recycling company "Don't Waste" protested at the company's V&A Waterfront offices alleged they were fired for joining a union. **Cape Times, 11 February 2019**
- On 14 February, National Education Health and Allied Workers Union national workers at TVET community education and training (CET) colleges marched from the Bisho stadium to the provincial office in East London claiming that the Higher Education and Training Director-General was not fit to lead them and that they were exploited and subjected to horrible working conditions. **Cosatu News, 11 February 2019**



- Angry protesters at Witrand hospital caused disruptions in health services at the Witrand Psychiatric Hospital in Potchefstroom on 22 February. Protestors caused chaos at the facility, demanding that the hospital CEO step down, management to refrain from harassing and intimidating staff. **Klerksdorp Record, 28 February 2019**
- The frail and elderly patients at Huis Davidtz Retirement Home assumed the role of nurses by cleaning the dishes and sweeping the floors after service disruptions at the home on 25 February. Many patients at the troubled centre were left unattended while staff who have worked there for decades without work contracts went on strike. Workers also made allegations of racism, the abuse of patients by management, under-payment and many more. **Pretoria News, 28 February 2019**
- Workers at the Child Welfare organisation in KwaZulu-Natal went on strike on 25 February due to poor working conditions. Among their complaints were outstanding salary increases and bonuses over the last seven years. **eNCA, 28 February 2019**
- Call centre workers at City of Tshwane (Sammy Marks Square, Pretoria) downed tools as pests infested the workplace. Affected call centre employees went on strike on Monday 25 February forcing the suspension of their revenue collection duties. Workers, who spoke anonymously to the Pretoria News reported that the decision to down tools was taken after they complained in vain that their offices were infested with the dangerous pests. **Pretoria News, 28 February 2019**
- On 26 February some workers at South Africa's third biggest mobile operator, Cell C protested over outstanding 2018 bonuses. **IT WEB, 26 February 2019**
- On 27 February, (Adult Basic Education and Training) ABET teachers protested outside Modulaqhuwa Primary School in Sebokeng to secure permanent posts. The strike was part of a national strike by the National Education Health and Allied Workers' Union that has affected more than 230 colleges. **Sowetan, 27 February 2019**
- Outsourced workers at the University of the Free State (UFS) embarked on an unprotected strike and disrupted classes on 28 February. The workers were demanding the in-sourcing of all jobs at the university. **Dumelang News, 28 February 2019**
- Employees of the Department of Cooperative Governance, Human Settlements and Traditional Affairs affiliated to the NEHAWU staged a protest action on 28 February at their offices in Polokwane. Workers were demanding among others, the payment of outstanding bonuses, the filling of vacant posts and fixing of the allegedly dilapidated infrastructure. **Polokwane Observer, 28 February 2019.**

## MARCH 2019

- Workers at Phodi clinic, formerly known as St. Vincent's Hospital, in Bela-Bela downed tools after they did not receive their salaries on Friday 1 March. It was alleged the Democratic Nursing Organisation of South Africa in the Waterberg region called for a meeting with the management of the clinic on Monday 5 March to demand answers, however, management failed to commit to paying them. According to the hospital spokesperson, workers who never received their salaries were workers employed by a private company. **Capricorn FM, 5 March 2019**
- Dr Yusuf Dadoo Hospital staff members in Krugersdorp went on a protest outside the hospital over poor working conditions. The NEHAWU representatives met with the hospital management on the morning of 4 March in an attempt to end the strike that started on Friday 1 March. **EWN, 5 March 2019**
- On 5 March, about 300 NUM workers at the Dwarsrivier Chrome Mine situated between Burgersfort and Lydenburg downed tools over housing allowance, medical aid subsidies and transport allowance. **SABC News, 5 March 2019**
- On Wednesday 13 March, the workers at Naledi Rail Engineering in Germiston, embarked on a peaceful protest outside their place of work in Elandsfontein, Ekurhuleni. The reason for the strike was over "favouritism and a demand for fair treatment". **Daily Sun, 15 March 2019**
- Members of the National Union of Metal Workers gathered at the Gauteng Legislature in Johannesburg on 21 March and embarked on a strike. The National Union of Metalworkers of South Africa employees went on strike at ArcelorMittal, accusing the steel company of abusing workers through labour brokers. The strike affected all ArcelorMittal operations in Vanderbijlpark. **Africa News Agency, 21 March 2019**
- Workers affiliated to the National Union of Metalworkers of South Africa (Numsa) at BMW South Africa downed tools on 25 March over the changing of terms of service at the company's Rosslyn plant in Pretoria. Numsa said in a statement that the car manufacturing company was trying to impose a shift rotation system on workers but did not want to pay the shift allowance that were previously allocated to workers. The union further reported that BMW South Africa previously had fixed-term contract workers who were on permanent night shift and earned a 28% night shift allowance. **Business News, 25 March 2019.**

## APRIL 2019

- About 600 workers at the Department of Water and Sanitation, comprising employees of the Vaalharts Water Users Association (VHWUA) in Jan Kempdorp and the construction unit of the Department disrupted water delivery programmes through unlawful protest action at the beginning of April over various demands. Their demands included higher pay, permanent absorption into the department, equal benefits for all races, inclusivity in the water board and adherence to procurement and supply chain management procedures. **DAF, 19 April 2019**
- Johannesburg Roads Agency protest over “historical pay progression” caused CBD the traffic upset on 5 April. Protesting employees blocked several roads with litter and burning tyres causing traffic congestion in the CBD. **News24, 5 April 2019**
- More than 40 mineworkers at Scotia Talc Mine downed tools in Barberton, Mpumalanga on 8 April. The workers staged an underground protest over wage increase and better working conditions. **SABC News online, 16 April 2019**
- The National Union of Mineworkers (NUM) on Wednesday 10 April confirmed a strike by workers at the cement producing company PPC at Hercules in Pretoria over wage increases. NUM PPC branch secretary reported that workers embarked on a protected strike over the company’s refusal to bargain on wage increases. The NUM was demanding a salary increase of 12% across the board, a housing allowance of R1 500 and transport allowance for shift workers of R750. **African News Agency, 17 April 2019**
- General workers of the Sun Board Casino and Entertainment World went on a protest along the Port Elizabeth beachfront on Thursday 18 April. The workers, as members of the South African Commercial, Catering and Allied Workers Union marched from Kings Beach to the entrance of the Boardwalk where they handed over a memorandum. The workers of the Sun International entity, as demanded that current bargaining units (units that negotiate wages on behalf of employees) be extended to include staff who are employed part-time, as well as the conversion of all part-time positions to full-time positions. **Herald live, 19 April 2019**
- Employees at eThekweni Municipality’s Water and Sanitation department downed tools on 24 April following lack of response and an explanation on the city’s decision to give pay progression and salary hikes to Umkhonto weSizwe Military Veterans Association employed in the department. **Reuters, 24 April 2019.**

## MAY 2019

- Staff responsible for cleaning, gardening and security services at the Voortrekker Monument Park in Pretoria embarked on a protected strike over a salary increase dispute on 2 May. The union wanted a minimum salary of R7 500 per month per person while the employer offered them 6% wage increment that is far less than their current earnings. **Rekord East, 2 May 2019**
- Angry workers at one of South Africa’s biggest chain stores Checkers in Klerksdorp, downed tools on Thursday 2 and Friday 3 May over assault allegations by managers. It was reported that the manager was since suspended pending a disciplinary inquiry. **Daily Sun, 6 May 2019**
- Members of the South African Municipal Workers Union (SAMWU) at the water purification plant at Empangeni Rail went on an illegal strike and vowed not to return to work until their demands were met. The workers downed tools on Monday 6 May accusing the employer over “employee exploitation”. Local SAMWU Secretary alleged that some of their members were still working on a contract basis while others were on a full-time employment last year. **Zululand Observer, 8 May 2019**
- Hlanganani Protection Services employees in Mpumalanga went on strike over the alleged non-payment of salaries on Friday 10 May blocking the way into the plant to other workers. **Fin24, 10 May 2019**
- On 10 May, at the R68 million Noninzi Luzipho Primary School construction site in KwaNobuhle Township in Uitenhage, came to a halt after about 40 workers employed by Alex Maintenance and Electrical Services went on strike over a training fund. **HRPulse, 10 May 2019**
- On 16 May, NUMSA members embarked on a strike at the engineering company Videx Mining Products in Wadeville, accusing management of exploiting workers. It is alleged the mining company refused to reward workers with production bonus for helping the company reach production targets. **Independent Online News, 16 May 2019**
- A group of about 100 eThekweni municipal workers in KwaZulu-Natal marched through the streets of Durban and asked the Mayor to deliver on a promise she allegedly made to workers from the Expanded Public Works Programme in 2017. Disgruntled workers marched to the mayor’s office over salary increment. The workers who were currently receiving a R3 100 salary said it was not enough to sustain their families. **Daily Sun, 16 May 2019**
- On Thursday 28 May, members of the National Education Health and Allied Workers’ Union from Medscheme’s three main branches in Johannesburg, Durban and Cape Town embarked on a protected strike action following failure to reach an agreement on the introduction of a performance management tool. The non-implementation of the agreement resulted in members not receiving their performance bonuses. **Citizen News, 30 May 2019**
- Cleaning staff protested over pay at Western Cape’s Tygerberg Hospital, from May 27 until 1 June. The nearly one week-long protest action by cleaners at the Western Cape’s biggest hospital arose from months of allegedly being short-charged for their work. Members of the custodial staff from the hospital claimed they were paid for fewer hours than they have actually worked for. **Times Live, 3 June 2019.**



## JUNE 2019

- Shoppers and more specifically grant receivers and pensioners were left stranded at the Nzhelele Valley Spar when the workers went on strike on Monday 3 June. As many customers were getting ready to buy groceries, they found the doors closed at the shops and the singing and chanting of the cashiers. Striking workers were demanding a salary adjustments and a 9% wage increase. **Limpopo Mirror, 6 June 2019**
- On 4 June, about 493 workers at pharmaceutical giant Aspen Pharmacare's production facility in Port Elizabeth downed tools over what they claimed is the withdrawal of additional wage allowances for weekend and overtime work. **HeraldLive, 4 June 2019**
- The Vaal University of Technology in Sebokeng was shut down on 5 June due to a protest by workers. Workers' strike was due to a wage demand of 10% salary increase. The scheduled exams were postponed to ensure that there were no disturbance during the exams. **SABC News, 5 June 2019**
- On 5 June, Pelonomi Hospital medical staff workers downed tools over on going safety concerns in and around the hospital. **SABC News, 5 June 2019**
- Scores of Nehawu members protested outside the O.R Tambo's Unisa building in Pretoria on 11 June. The NEH AWU led a protest calling for the university to maintain its dilapidated buildings and absorb workers who have been waiting to be appointed permanent for over a decade. Workers reported that the institution had buildings that did not meet minimum occupational health and safety standards such as the Florida and Johannesburg campuses but not much was done to remedy the situation. **Pretoria News, 12 June 2019**
- From 12 June, educational school trips and visitors to the National Zoological Gardens of South Africa in Pretoria were re-scheduled as workers took to the entrance of the Zoo to picket over unfair treatment of employees. The union's branch secretary reported that labour representatives had been unable to get management to pay all its employees equally and for working conditions at the Zoo to be improved. **Pretoria News, 13 June 2019**
- More than 300 members of South African Municipal Workers' Union at Naledi municipality in Vryburg in the North West shut down the municipal offices on 13 June. Workers went to the streets demanding the removal of the mayor, the Chief Whip and the Speaker, accusing them of conniving with opposition parties in refusing to implement issues they have bargained with them. Such issues included among others, the permanent employment of temporary workers and back pay. **SABC News, 13 June 2019**
- About 280 members of the National Union of Metalworkers of South Africa staged in a sit-in underground at Lanxess mine in Rustenburg, North West, since Wednesday 20 June. The sit-in was over an alleged sexual harassment matter that workers claimed management wanted to sweep under the rug. Union members also wanted Numsa to be recognised and the mine to reinstate 50 workers dismissed for participating in a strike last year. **Independent Online News, 21 June 2019**
- Mpumalanga Tourism and Parks Agency employees who are members of the NEHAWU embarked on a strike on Monday 24 June. All workstations including all the nature reserves under MTPA management were affected including the popular Blyde River Canyon, God's Window and Bourke's Luck Potholes on the Panorama Route. The strike by the NEHAWU members was due to the outstanding performance management bonuses for 2017/18 and 2018/19 financial years. **Lowveld, 15 July 2019**
- Security guards working for a company contracted to Msunduzi municipality staged a march to demand the reinstatement of more than 350 guards who lost their jobs. Close to 732 security guards were working for Khuselani Security Agency that had a contract with the municipality. According to Msunduzi municipality spokesperson, the contract ended in June and Royal Security took over the contract. In the process, 352 guards lost their jobs. **GroundUP, 25 June 2019**
- Kruger National Park management experienced minor delays after the majority of employees withdrew labour on Sunday 30 June. Workers withdrew labour due to a dispute of overpayment for work on Sundays and public holidays. Gates services including Phalaborwa, Paul Kruger, Phabeni, Numbi, Malelane and Crocodile Bridge Gate were affected. **Sowetan Live, 25 June 2019.**

## JULY 2019

- About 80 fishermen from Oceana Group's Lucky Star division in St Helena Bay downed tools following a dispute regarding pay-outs. The protest action lasted from Friday, 5 July to Tuesday, 9 July. **News24, 17 July 2019**
- About 20 security guards of Impact Loss Control, a Port Elizabeth security company, went on strike on Tuesday 16 July. Amongst their demands, workers were demanding an improvement in their working conditions. Democratized, Transport, Logistics and Allied Workers Union (DETAWU) representative alleged that Impact Loss Control has failed to pay leave or maternity allowances and night shift transportation. **GroundUp, 16 July 2019**
- The United National Transport Union and the Federation of Unions of South Africa members from Prasa train services went on a nation-wide strike on the morning of 26 July. The organisations had several concerns, mostly relating to the safety of employees in an environment where Metrorail security has broken down over poor and unsafe train services. **Times Live, 26 July 2019**
- Protests over proper working conditions halt operations at Pretoria Science University on 29 July. The protest march did not only affect the

university but also the adjacent Dr George Mukhari Hospital, Dental Hospital and other healthcare delivery facilities situated on the campus. **Pretoria News, 2 August 2019.**

## AUGUST 2019

- Hamlet Foundation employees downed tools on 1 August after failing to get an increment. The employees were demanding a 12% increase and fairness in the workplace. **Southern Courier, 2 August 2019**
- On 2 August, the 40 or so Spar workers picketed outside the shop along Songozwi Street in Louis Trichardt, Limpopo, over salary increment. Workers picketed calling for a 10% salary increment across the board and improved working conditions. The workers, who were on strike, were members of the South African Commercial Catering and Allied Workers Union (SACCAWU). Other demands are that Spar provide transport for workers knocking off after 6pm and that workers have to be consulted when uniforms are being ordered for them, because they are expensive and the cost is deducted from their salaries. **Ground-Up, 2 August 2019**
- Workers protested outside the Department of Sports, Arts Culture and Recreation offices in Pretoria on 14 August. The Department's officials were protesting calling for the axing of a director accused of abusing and victimising staff. Staff members reported that it was long overdue that the department took action against the director who allegedly victimised a female colleague until she was admitted to a psychiatric centre for three weeks in June. "We want the department to start taking action against the director and make sure that it protects its staff from powerful managers". **Pretoria News, 15 August 2019**
- Durban Solid Waste (DSW) workers have returned to work on 16 August after a two-day strike at the Collingwood Road depot in Molenburg. It is alleged workers were unhappy with overtime pay, which resulted in the strike. **Twitter, 16 August 2019**
- The wheels of justice grind to a halt on 19 August as Legal Aid SA lawyers hanged up their gowns after deadlocking with the employer on several labour grievances, including heavy workload and safety. Matters that were set to be finalised came to a standstill as scheduled trials would not get under way and first appearances went through without representatives from the lawyers. **The Citizen, 19 August 2019**
- A group of about 50 workers, working at University of Cape Town but employed by 'service providers', took part in a strike to be insourced by the university. A strike by members of University and Allied Workers' Union (UAWU) at the University began on 19 August as workers demanded to be insourced by the university. The companies that the workers work for are Bytes Document Centre, Protea Boekwinkel, Food and Connect, Protea Hotel Breakwater Lodge, Protea Hotel Mowbray, various food vendors and the Students' Health and Welfare Centres Organisation (SHAWCO). **Elitsha News, 20 August 2019**
- The Information Communication Technology Union (ICTU) led its members at Multi-Choice South Africa out on strike on 23 August to protest over job cuts at the pay-television operator. This strike came at a time when Multi Choice South Africa had deployed a new integrated billing system on 21 August. The union has accused the company of "withholding proper evidence" to support its rationale for the job cuts. **Central News, 23 August 2019**
- Close to 1 000 unionised workers in the glass sector downed tools on Monday, 25 August. Workers affiliated to the South African Federation of Trade Unions went on strike at glass companies including Nampak Glass, Consol Glass and PG Glass, among others. Workers were demanding an 8.5% increase across the board from the employer's offer of 6.75%. Furthermore, the union wanted the company to appoint all labour broker workers permanently. **Fin24, 25 August.**

## SEPTEMBER 2019

- On Tuesday 3 September, dozens of employees from the Robert Mangaliso Sobukwe Hospital in Kimberley took their frustrations over what they called a "chronic shortage of staff" to the Northern Cape Department of Health. The employees on strike included doctors, nurses and general workers. Workers reported that services at the hospital were affected by a "serious, chronic shortage of staff" which they stated was putting immense pressure on existing staff members. **DFA, 4 September 2019**
- Several consumers in Silverton and surrounding areas ran short of Albany bread due to a protest by about 70 employees of the bakery's local branch. Workers protested against what they said were bad-faith wage negotiations by the Tiger Brands' Albany bakery. Among their grievances was the 8% increase from the employer's offer of 7.5%. **African News Agency, 6 September 2019**
- Protesting employees outside Shoprite supermarket in Southgate shut down the store for hours on Monday 9 September. This was after employees were allegedly called with swear words by the regional manager. **Times Live, 10 September 2019**
- About 50 workers at a construction site for a South Point student residence in Braamfontein downed tools on September 11 in protest against various grievances. Workers were under the contractor, Wilson Bayly Holmes-Ovcon (WBHO). At the heart of these grievances were working conditions, the removal of labour brokers and wage demands. **Wits Vuvuzela, 12 September 2019**



- Unionised workers of Shoprite subsidiary, Transpharm embarked on a strike in a bid to secure salaries of R12 500. According to a statement from the South African Federation of Trade Unions, about 400 members of its affiliate, the General Industries and Workers Union of South Africa, who work at Transpharm, went on strike on Thursday 12 September. **Fin24, 12 September 2019**
- Human Settlements, Water and Sanitation Minister has slammed the strike declared by Amatola Water workers who downed tools on 20 September despite being essential service workers. This came after the Minister intervened to resolve their wage dispute that saw water supplies for several Eastern Cape communities threatened. The Amatola board alleged that the utility's financial position could not afford to pay the 8% wage increase, which culminated in the strike. **African News Agency, 25 September 2019**
- Brick hit Newcastle mayor during municipal strike on 25 September during a municipal strike in the northern KwaZulu-Natal town. It is understood the incident occurred when aggrieved municipal workers blockaded the entrance and exits to the Newcastle Show Grounds demanding overtime pay. The provincial representative condemned threats, intimidation and assault during strikes and called upon workers in other municipalities to exercise their right to strike in a manner that respects the rule of law. **Times live, 26 September 2019**
- The Economic Pioneer Transformation Aid South African Workers Union in Giyani went on protest, demanding provident funds and severance packages for workers at the Mopani and Giyani Spar supermarkets. The protest started on 30 September wherein workers blocked the entrance to the supermarkets with trolleys. **Capricorn FM, 2 October 2019**
- Around 500 members of the South African Municipal Workers Union gathered in the City Hall of Makana Municipality on the morning of 2 October to handover a list of grievances to the City Mayor. This came after the cleansing and other department's members embarked on an industrial action on Monday, 30 September. Private collection services kept busy picking up rubbish from homes and businesses in the city streets. **Grocott's Mail, 2 October 2019**
- Autopax bus drivers in Ixopo, KwaZulu-Natal feared returning to work on 30 September after brutal attacks over routes. It is alleged taxi drivers made claims that Autopax was encroaching on their territory and allegedly using multiple permits. Bus drivers stopped working and refused to return to work before their safety at work were guaranteed. **Sowetan Live, 2 October 2019.**

## OCTOBER 2019

- Integrated Public Transport Systems (IPTS) drivers in Nelson Mandela Bay downed tools on 2 October due to "strategic weekly underpayments" from the municipality. It is alleged that inspection results indicated that all payments of invoices were stopped because of alleged non-compliance issues. **News24, 2 October 2019**
- About eighty medical staff at Motherwell Community Health Centre in Port Elizabeth went on strike on 2 October demanding better security at the clinic. It was alleged the clinic was unsafe for staff or patients because workers were being assaulted and scolded by members of the public due to unsafe measures in the clinic premises. **Ground-Up, 3 October 2019**
- Workers at the Khoroni Hotel, Casino and Convention Resort in Thohoyandou went on strike on 13 October demanding wage increment. Workers were demanding a 15% wage increase. The provincial office manager at the National Union of Public Service and Allied Workers were also demanding night shift allowance of R7 instead of the R3. **Capricorn FM, 13 October 2019**
- On 16 October, the Congress of South African Trade Unions workers affiliated to Southern Africa Clothing and Textile Workers Union from Ngwenya Lodge in Mpumalanga embarked on a strike action to fight for the following better working conditions:
  - Unconditional payment of the annual 13th cheque to all employees
  - Annual wage increment of 13%
  - Payment of R1 000.00 monthly standby allowance. **Cosatu News, 16 October 2019**
- The University of South Africa's NEHAWU members in Pretoria embarked on a protest action on Tuesday, 22 October. The strike by UNISA officials was due to issues of non-compliance with occupational health and safety standards of the university premises. **African News Agency, 22 October 2019.**

## NOVEMBER 2019

- Corpses were left at the accident scenes since 1 November due to Forensic Pathology strike in East London's Butterworth district. Forensic Pathology employees went on strike over unpaid overtime and standby allowances. According to the striking workers, the overtime and standby allowances were not paid since the April 2019, despite promises made by the Head of Department. In the interim, the Department of Health was forced to negotiate with private funeral parlours to collect the deceased from accident scenes while the strike continued. **Algoa FM, 5 November 2019**
- Ceppwawu members gathered outside the premises of UCL Company on 4 October after wage negotiations between members of the Chemical, Energy, Paper, Printing, Wood and Allied Workers Union in Dalton and their employer UCL Company have reached a deadlock. Workers were demanding 10% on top of the minimum wage while the employer was offering 6% on top of the minimum wage. A Dalton based company, UCL Company specialises in the manufacture of wattle tannin extracts, sugar and pine lumber. **Greytown Gazette, 6 October 2019**
- Wage negotiations at the Northern Cape Legislature deadlocked on 5 November after NEHAWU members disrupted auditor-general presentations. The NEHAWU members who disrupted the meeting threatened to bring all legislature programmes to a standstill until their demands were met. According to NEHAWU branch chairperson, the disruptions were triggered by management's "arrogance" in terms of addressing worker's wage negotiations as well as an apparent lack of transparency. **Twitter, 6 November 2019**
- Cabin Crew workers at South African Airways (SAA) at Cape Town International Airport downed tools on Friday 8 November over wages and job cuts that has forced the troubled state-owned carrier to cancel all flights and left its future hanging in the balance. **Reuters, 11 November 2019**
- All Tshwane Bus Services were suspended due to workers strike on 9 November. The illegal strike was due to workers being unhappy with the pace at which the process of benchmarking salaries was taking place. To ensure the safety of commuters and to safeguard the assets of the City, all services were stopped until further notice. **Rekord Centurion, 9 November 2019.**

## DECEMBER 2019

- Workers at the Gale Street mortuary, in eThekweni Municipality went on strike to demand for the closure of the mortuary and overtime pay. Workers have reported that the conditions at the morgue were unhygienic and in an unacceptable condition that was of health hazard to the community that lived in the area. **The Mercury, 13 December 2019**
- On 23 December, Autopax bus drivers affiliated to the South African Transport and Allied Workers Union went on strike over outstanding bonuses leaving hundreds of travellers stranded. Despite receiving their salaries on Friday 20 December, workers were not paid their 13<sup>th</sup> cheque. **ENW, 21 December 2019.**



## ANNEXURE B

### Data Appendix

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

**TABLE B. 1: DISTRIBUTION OF WORK STOPPAGES AND WAGES LOST BY PROVINCE , 2015 - 2019**

Province	Work stoppages					Wages lost (Rand's)					Wages lost Total (R)
	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019	
Gauteng	47	43	61	71	79	40 611 030	109 511 328	182 871 079	82 986 516	373 680 759	
Western Cape	15	22	22	26	22	7 879 829	12 186 628	7 688 107	97 417 159	15 719 424	
Mpumalanga	23	12	18	19	16	12 126 790	13 504 835	7 760 736	6 611 293	1 294 752	
KwaZulu-Natal	30	26	23	55	19	4 633 488	9 941 938	9 744 489	33 579 171	7 377 225	
Eastern Cape	31	23	12	29	16	13 117 217	8 275 133	1 495 785	25 274 312	29 571 188	
Limpopo	15	11	22	15	16	32 008 906	2 534 407	29 153 355	5 638 235	17 883 972	
North West	8	11	6	6	6	3 284 763	4 966 832	828 530	14 332 428	1 226 259	
Northern Cape	3	0	3	6	5	2 568 614	0	1 950 898	419 987	669 999	
Free State	4	5	11	4	3	209 801	128 008	9 916 563	638 960	130 475	
<b>Total</b>	<b>176</b>	<b>153</b>	<b>178</b>	<b>231</b>	<b>182</b>	<b>116 440 438</b>	<b>161 049 109</b>	<b>251 409 542</b>	<b>266 898 061</b>	<b>447 554 053</b>	

Source:Source: Department of Employment and Labour, Strikes Statistics database

**TABLE B. 2: DISTRIBUTION OF EMPLOYEES INVOLVED BY INDUSTRY, 2015-2019**

Industry (SIC)	2015	2016	2017	2018	2019
Agriculture	3 101	3 291	7 048	3 646	4 763
Mining	29 918	19 083	30 439	2 499	14 092
Manufacturing	5 742	6 180	8 009	19 761	7 738
Utilities	371	11 682	239	6 012	412
Construction	2 779	2 341	1 674	5 193	2 483
Trade	7 914	4 989	2 161	45 118	4 914
Transport	8 856	12 178	15 950	19 550	6 577
Finance	0	1 370	2 629	365	0
Community	32 391	29 114	56 976	35 568	102 596
<b>Total</b>	<b>91 072</b>	<b>90 228</b>	<b>125 125</b>	<b>137 712</b>	<b>143 575</b>

Source: Department of Employment and Labour, Strikes Statistics database

**TABLE B.3: DISTRIBUTION OF PROTECTED AND UNPROTECTED STRIKES BY INDUSTRY, 2019**

	Protected strikes 2019				
Industry	Q1	Q2	Q3	Q4	Total
Agriculture	1	3	0	0	4
Mining	2	0	0	0	2
Manufacturing	3	5	3	0	11
Utilities	0	0	0	0	0
Construction	1	0	0	0	1
Trade	1	2	7	1	11
Transport	3	1	4	1	9
Finance	0	0	0	0	0
Community	8	4	3	2	17
<b>Total</b>	<b>19</b>	<b>15</b>	<b>17</b>	<b>4</b>	<b>55</b>

	Unprotected strikes 2019				
Industry	Q1	Q2	Q3	Q4	Total
Agriculture	1	0	1	0	2
Mining	0	4	0	1	5
Manufacturing	4	1	2	1	8
Utilities	0	2	1	0	3
Construction	2	2	4	6	14
Trade	1	2	2	1	6
Transport	2	1	4	1	8
Finance	0	0	0	0	0
Community	17	15	19	5	56
<b>Total</b>	<b>27</b>	<b>27</b>	<b>33</b>	<b>15</b>	<b>102</b>

Source: Department of Employment and Labour, Strikes Statistics database



**TABLE B. 4: DISTRIBUTION OF WORKING DAYS BY CAUSE OF WORKING CONDITIONS AND INDUSTRY, 2019**

Industry	Disciplinary	Grievances	Other Compensation	Other Reasons	Refusal	Retrenchment / Dismissals	Secondary strike	Socio- Economic	Trade Union	Wages	Working	Total
Agriculture	0	0	1	1	0	0	0	1	0	3	0	<b>6</b>
Mining	1	1	2	0	0	0	0	0	0	2	1	<b>7</b>
Manufacturing	0	3	2	1	1	0	0	2	0	8	2	<b>19</b>
Utilities	0	2	0	0	0	0	0	0	0	0	1	<b>3</b>
Construction		4	4	2		3	0	1	0	1	0	<b>15</b>
Trade	2	2	1	6	0	0	1		0	5	0	<b>17</b>
Transport		4	5	1	0	0	1	2	0	1	3	<b>17</b>
Finance	0	0	0	0	0	0	0		0	0	0	<b>0</b>
Community	3	17	6	8	0	0	0	5	4	7	23	<b>73</b>
<b>Total</b>	<b>6</b>	<b>33</b>	<b>21</b>	<b>19</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>11</b>	<b>4</b>	<b>27</b>	<b>30</b>	<b>157</b>

Source: Department of Employment and Labour, Strikes Statistics database



## ANNEXURE C

**TABLE C.1: NUMBER OF WORKERS INVOLVED, WORKING DAYS LOST AND WORKING HOURS LOST BY INDUSTRY/SECTOR, 2019**

Industry/Sector	Workers involved	Working days lost	Working hours lost
<b>Utility</b>	412	1 372	13 376
Collection, purification and distribution of water	354	908	9 664
Electricity, gas, steam and hot water supply	58	464	3 712
<b>Trade</b>	4 914	250 859	1 997 019
Hotel and restaurants	1 175	12 240	98 045
Pharmaceutical wholesaler	2 739	235 051	1 871 188
Retail trade, except of motor vehicles and motor cycles; repair of personal household goods	455	995	7 838
Wholesale trade in food, beverages & tobacco	545	2 573	19 948
<b>Manufacturing</b>	7 738	130 557	1 162 084
Basic metals, fabricated metal products, machinery and equipment	696	18 425	213 480
Manufacture of coke, refined petroleum products and nuclear fuel	215	215	1 899
Food products, beverages and tobacco products	2 265	62 367	541 982
Other non-metallic mineral products	1 159	20 647	166 247
Textiles, clothing and leather goods	1 003	1 267	11 330
Transport equipment	1 716	1 716	14 586
Wood and Products of wood and cork	200	5 200	46 800
Pharmaceutical Manufacturing Company	484	20 720	165 760
<b>Community, social and personal services</b>	102 596	578 783	4 549 098
Education	19 220	119 910	874 790
Health and social work	1 281	13 382	107 049
Local Authority	60 792	355 201	2 830 428
Medical Aids	507	1 014	8 112
Other business activities	260	520	3 874
Other community, social and personal services activities	257	5 819	49 530
Other services activities	253	833	5 944
Public administration and defense activities	12 905	51 920	415 360
Recreation, cultural and sporting activities	5 466	23 693	177 681
Security Services	1 380	6 216	74 336
Telecommunications	275	275	1 994
<b>Mining and quarrying</b>	14 092	1 369 172	11 661 775
Coal and lignite	117	117	1 404
Mining of gold and uranium ore	12 277	1 338 193	11 374 641
Metal ores, except gold and uranium	1 602	30 152	279 208
Other mining and quarrying	96	710	6 522
<b>Transport, storage and communication</b>	6 577	53 262	408 644
Air transport	3 653	29 224	233 792
Other services activities	117	1 872	14 976



Industry/Sector	Workers involved	Working days lost	Working hours lost
Passenger transport	915	3 839	29 090
Public transport	1 155	9 560	56 759
Publishing, Printing & Reproduction of Recorded Media	74	222	1 887
Supporting and auxiliary transport activities; activities of travel agencies	63	945	11 340
Telecommunications	600	7 600	60 800
<b>Construction</b>	<b>2 483</b>	<b>8 550</b>	<b>73 067</b>
Construction	988	3 636	30 549
Construction of buildings	305	1 522	13 818
Construction of civil engineering structures	579	2 623	23 607
Construction of other structures	532	532	4 256
Electricity, gas, steam and hot water supply	79	237	837
<b>Agriculture, hunting, forestry and fishing</b>	<b>4 763</b>	<b>103 323</b>	<b>927 126</b>
Agriculture, hunting and related services	1 422	14 235	126 012
Fishing, operation of fish hatcheries and fish farms	226	678	5 424
Forestry, logging and related services	2 800	84 000	756 000
Manufacture of wood and products of wood and cork	315	4 410	39 690

**TABLE C.2: NUMBER OF WORKING DAYS LOST BY NATURE OF ORGANISATION, 2018-2019**

	2018	2019
Central Government General	13 520	1 695
Government Enterprise	97 360	91 320
Local Government General	117 738	358 087
Private Sector	878 133	1 991 474
Provincial Government General	52 194	53 302
<b>Total</b>	<b>1 158 945</b>	<b>2 495 878</b>

## ANNEXURE D

### TECHNICAL NOTES:

#### D1. METHODOLOGY FOR MONITORING INDUSTRIAL ACTION BY THE DEPARTMENT

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.

#### D2. 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.

### D3. 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.

### D4. STRIKE 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 as a source of information to make contact with employers and to encourage voluntary compliance with reporting strike incidents. Telephone, emails and telefax tools where uses as means of communication with the affected employers to ensure "a reasonably, accurate and large coverage" of all labour disputes in the country.

The cooperation that exists with the private sector employers had also speed up the process of strike data collection. After completing the LRA 9.2 form, most employers send it to the Head Office of the Department of Labour. Some employers will probably keep a blank form with them which will proactively be completed when a strike arises in the company and they voluntarily forward it to the department in time.

After receiving the form either directly from the employer or from the provincial office, Head Office staff members will check and assess if the information provided is sufficient and correct. In case it is not, the Department of Labour staff within the LMIS unit will contact employers with the aim of getting missing information. From this process, the strike information is captured into a database specifically designed for monitoring industrial action in the country. The information includes workers who were directly and indirectly involved during the industrial action, excluding all those who were on leave.

This method of data collection and processing has consistently remained the same over time. The Department has to rely on the employers affected by labour disputes for detailed information on various indicators such as employment size, duration of strikes, reason given for striking, etc., which are required by 1995 Labour Relations Act. Some attempts are made to contact other parties involved in resolving the disputes. This information is also analysed and reported. However, employers constitute a principal source of strikes data.

### D5. 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 worker's 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 worker's 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 (Working days lost per 1 000 employees)

- This is the number of working days lost per 1 000 employees due to strike. 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 loosing 946 323 working days will have a ratio of 58.9 arrived at as follows:  $946\,323/16\,069\,000 \times 1\,000$

### Measurements

The criterion used to identify a single strike and lockout is the Labour dispute in question. In line with the ILO recommendations, the Department of Labour denotes one industrial action as follows:

- 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) remains as the point of departure, in order to meet the specific needs of the Department and the country.



**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

**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 →*



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.....







# INDUSTRIAL ACTION REPORT



**2019**

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**employment & labour**

Department:  
Employment and Labour  
**REPUBLIC OF SOUTH AFRICA**