

2 November 2015

CIRCULAR TO THE INDUSTRY

RECORDS TO BE KEPT BY EMPLOYER



1. Section 205(3)(a) of the Labour Relations Act, 1995, provides that an employer must keep a record of the prescribed details of any strike, lock-out or protest action involving its employees. Sub-section (3)(b) provides further that the records referred to in sub-section (3)(a) must be submitted to the Registrar in the prescribed manner.
2. The Department of Labour has, through Council, requested employers in the road freight and logistics industry to complete the prescribed form (LRA Form 9.2 of which a copy is attached hereto) and to return the completed form to the Department by e-mail to Mhlengi.Makhubela@labour.gov.za, as soon as possible. The completed form may also be faxed to the Department at 012-3094406.
3. Your co-operation in this regard will be appreciated.

Yours sincerely



Musa Ndlovu

National Secretary

<p>LRA Form 9.2 Section 205(3)(a) Labour Relations Act, 1995</p>	<p align="center">RECORD OF STRIKE, LOCK-OUT OR PROTEST ACTION</p> 
<p>READ THIS FIRST</p>  <p>WHAT IS THE PURPOSE OF THIS FORM?</p> <p>An employer must keep a record of any strike, lock-out or protest action involving its employees.</p> <p>WHO FILLS IN THIS FORM?</p> <p>The Employer / relevant Employers' Organization</p> <p>WHERE DOES THIS FORM GO?</p> <p>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</p> <p>OTHER INSTRUCTIONS</p> <p>The employer must submit this form within seven days of the completion of the strike, lockout or protest action.</p> <p>If a strike, lockout or protest action occurs in more than one workplace of a single employer then a separate form must be completed for each workplace.</p>	<p align="center">RECORD OF DETAILS OF STRIKE, LOCKOUT OR PROTEST ACTION TO BE KEPT BY EMPLOYER IN TERMS OF SECTION 205(3)(a)</p> <p>1) EMPLOYER DETAILS</p> <p>Name company:</p> <p>Contact Person:</p> <p>Physical address:</p> <p>Province:</p> <p>Tel: Fax:</p> <p>E-mail address:</p> <p>Industry:</p> <p>Sub-Sector / Nature of business</p> <p>2) EMPLOYEE DETAILS</p> <p>2.1 Total number of workforce:</p> <p>2.2 Working time <i>(Please complete where applicable)</i></p> <p>Number of ordinary hours worked per day: / Shift</p> <p>Number of ordinary days worked per week: / Shift</p> <p>3) DETAILS OF THE ACTION (see definition on Page 3)</p> <p>3.1 Nature of action:</p> <p><input type="checkbox"/> Strike in company only</p> <p><input type="checkbox"/> Multi-employer strike</p> <p><input type="checkbox"/> Lockout</p> <p><input type="checkbox"/> Stay-away, protest action</p> <p><input type="checkbox"/> Other industrial action, specify</p> <p>.....</p>

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Yes	No
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How was the industrial action resolved?

Yes	No
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Began: (Date) (Time)

Ended: (Date) (Time)

Duration in workdays (or hours if relevant)

Number of employees participating¹

Number of employees affected?:

Total work-hours lost:

Total wages not paid (in Rands):

Yes	No
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Name of Trade Union	Number of employees involved per union
TOTAL	

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3.5 Compliance with the Act

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

Yes	No	Don't know
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3.6 Strike reasons:

<input type="checkbox"/> Wages only (If the action was a wage strike, kindly indicate the following):- Percentage demanded by Union..... Percentage offered by employer Percentage agreed on by both parties..... <input type="checkbox"/> Bonuses and other compensation <input type="checkbox"/> Retrenchments / Dismissals <input type="checkbox"/> Working conditions <input type="checkbox"/> Socio-economic / political conditions	<input type="checkbox"/> Refusal to bargain <input type="checkbox"/> Secondary action from another dispute <input type="checkbox"/> Grievances <input type="checkbox"/> Disciplinary matters <input type="checkbox"/> Organizational rights
<input type="checkbox"/> Any other reason, (please specify).....	
<p>¹ Workers <i>participating</i> are those workers who went on strike or were locked out as a result of the dispute.</p> <p>² Workers <i>affected</i> are those workers not involved in the strike but could not continue with their normal duties as a result of the strike.</p> <p>Name of employer (<i>in full</i>):</p> <p>Signature of employer: Date:</p>	

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DEFINITIONS**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, whether it is voluntary or compulsory (section 213).

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.

Secondary strike:

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 pressurise the employer who is in dispute.

Protest action:

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

Stay away:

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

Work hours:

Hours during which an employee is obliged to work. Work hours lost is calculated by multiplying the number of all workers involved in each stoppage by the number of hours the stoppage lasted.

Working days lost:

Days during which an employee is obliged to work 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.