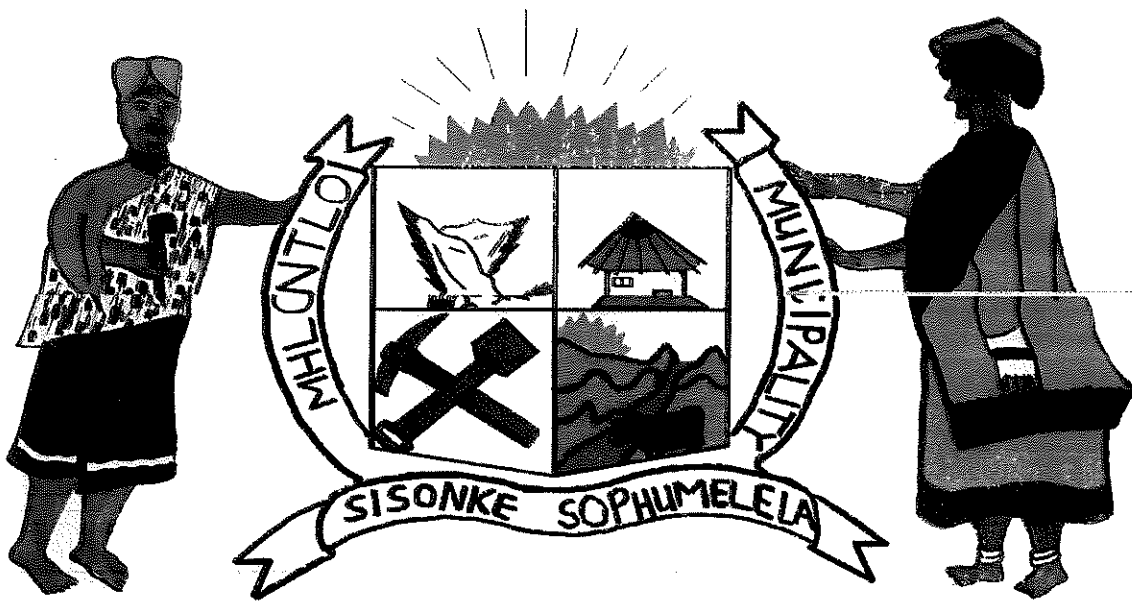


STRIKE MANAGEMENT POLICY



New: 2016/17

APPROVED BY:

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STRIKE MANAGEMENT POLICY

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STRIKE MANAGEMENT POLICY

1. PREAMBLE

The policy is to regulate the relationship between the employer, its employee and union during the course of a strike.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation.

Strike 'The partial or complete refusal to work, or the retardation or obstruction of work, by persons who are or have been employed by the same employer'

'Picketing' is a peaceful demonstration outside the employer's premises in support of in relation to salary and conditions of employment

'Protected strike' means a strike that complies with the provisions of Chapter 5 of the Labour Relations Act No. 66 of 1995

'Unprotected strike' means a strike that does not comply with the provisions of Chapter 5 of the LRA no. 66 of 1995

3. LEGALFRAMEWORK

Labour Relation Act no.55 of 1995

4. SCOPE AND APPLICATION

This policy applies to all employees of Municipality and/or prospective employees (appointees).

5. OBJECTIVES OF POLICY

The purpose of this policy is to outline the role that the management have to play during the strike.

6. POLICY CONTENT

6.1. Picketing

Is a peaceful demonstration outside the employer's premises in support of a protected strike in relation to salary and conditions of employment?

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Picketing rules

- 1) The registered trade union and employer should seek to agree to picketing rules before the commencement of the strike or picket.
- 2) A collective agreement may contain picketing rules. When they negotiate an agreement, the following factors should be considered-
 - (a) The nature of the authorisation and its service upon the employer;
 - (b) The notice of the commencement of the picket including the place, time and the extent of the picket;
 - (c) The nature of the conduct in the picket;
 - (d) The number of picketers and their location;
 - (e) The modes of communication between marshals and employers and any other relevant parties;
 - (f) Access to the employer's premises for purposes other than picketing (e.g. access to toilets, the use of telephones, etc.)
 - (g) The conduct of the pickets on the employer's premises; and
 - (h) This code of good practice.

6.2. Managing Strike

The beginning of an employee strike is almost always a difficult period for the employer. The adversarial nature of such actions can be jarring for the management who are unfamiliar with strikes; The Municipality can be hurt by strikes. Management teams must take steps to ensure that the municipality will be able to continue their operations during the strike.

The management must report to SALGA in terms of work attendance so that the no work no pay rule should apply, report on the impact of the strike to the municipality and report as depicted by the Municipal manager after every 2 days of the strike. Municipalities that prepare well in advance will suffer the least trauma during and after a labor dispute."

Municipalities must make sure that the community, suppliers and customers are notified at appropriate times of that possibility. Municipality should plan ahead to make sure that they have adequate security if a strike takes place. "Strikes, by their very nature, are adversarial. In addition, businesses at risk of being the target of a work stoppage will often need to hire security forces to monitor the premises and protect their contingent work force. The role of security is providing managers and non-striking employees with assurances that they can go to work without being injured and gathering evidence of any strike-related misconduct on the part of strikers for later use in legal proceedings.

Companies seeking security service have a number of options from which to choose, including their own personnel, local off-duty law enforcement personnel, and local security firms that provide security guards. Experts recommend that companies

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seeking security help look to firms with previous strike experience and avoid local security firms unless they can get assurances that none of their guards have any meaningful social or familial relationship to any of the strikers.

Strike Management Committee

All Directors of the Municipality should form part of strike management committee and two union representatives nominated by the union.

6.3. Types of Strikes

Protected Strike: Means a strike that complies with the provisions of the Labour Relations act

Unprotected Strike: means a strike that does not comply with the provisions of Chapter 5 of the LRA no. 66 of 1995

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8. COMMUNICATION

This policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

9. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

10. BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his/her delegate assignee accepts overall responsibility for the implementation and monitoring of the policy.

12. COMMENCEMENT

12.1. This policy will come into effect on the date of adoption by the Council.

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13. INTERPRETATION OF THIS POLICY

- 13.1. All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 13.2. Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 13.3. The Office of the Municipal Manager shall give a final interpretation of this policy in case of a written dispute.
- 13.4. If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council or Arbitration

14. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

- 14.1. This policy may be partly or wholly waived, or suspended by the Municipal Council on a temporary or permanent basis after consultation between Management and Trade Unions.
- 14.2. Notwithstanding clause No. 20.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

15. AMENDMENT AND/OR ABOLITION OF THIS POLICY

- 15.1. This policy may be amended or repealed by the Council after consultation between Management and Trade Unions.

16. COMPLIANCE AND ENFORCEMENT

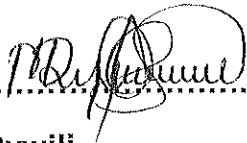
- 16.1. Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.
- 16.2. It will be the responsibility of all Directors, Deputy Directors, Supervisors, Executive Committee and Council to enforce compliance with this policy.

17. APPROVAL


This policy is approved by council of Mhlontlo local municipality with a council resolution and signature as follows:

STRIKE MANAGEMENT POLICY

Signed on behalf of the Council by:

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N. Dywili
Hon. Mayor

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S.G. Sotshongaye
Municipal Manager