

INPUTS BY ORGANISED LABOUR: DRAFT PICKETING RULES – 09 APRIL 2025

Clause from Draft Document	Labour input	Employer response
1. Clause 6 - Picketing will take place at the designated area/s during the lunch hour and tea times between 09:00 and 16:00 and may continue every working day for the duration of an authorised picket	The time and duration of a picket should be sector specific as opposed to the 09h00-16h00 time restriction, stipulated in the draft agreement.	Supported During daylight hours, picketing will take place at the designated area/s during the lunch hour and tea times between 09:00 and 16:00 and may continue every working day for the duration of an authorised picket. For night shift, picketing will take place at the designated area/s during the lunch hour and teatime breaks and may continue every working day for the duration of an authorised picket.
2. Clauses 7.3 The convenor must notify the responsible person(s) appointed in terms of section 2(4) of the Regulation of Gatherings Act, 1993.	According to Section 3 of the Regulation of Gatherings Act, 1993 only the convenor must notify the responsible person(s) appointed in terms of section 2(4) of the Regulations of Gatherings Act, 1993, the police need not be notified of the intended picket.	Supported.
3. Clause 7.4 – The notice to the employer, responsible person(s) and the police as contemplated in 7.1 and 7.3 must have the name and telephone number of the convenor.	To word Police in 7.4 and the clause to read as follows “The notice to the employer, responsible person(s) as contemplated in 7.1 and 7.3 must have the name and telephone number of the convenor.”	Clause 7.4 – The notice to the employer and responsible person(s) as contemplated in 7.1 and 7.3 must have the name and telephone number of the convenor.
4. Clause 7.11 - Any change to the convenor must be communicated to the employer representative, or responsible person in terms of section	To remove the word “police” and for clause 7.11 to read as follows “Any change to the convenor must be communicated to the employer	Clause 7.11 - Any change to the convenor must be communicated to the employer representative, or responsible person in terms of section

2(4) of the Regulation of Gatherings Act, 1993. and to the police.	representative, or responsible person in terms of section 2(4) of the Regulation of Gatherings Act, 1993.	2(4) of the Regulation of Gatherings Act, 1993.
5. Clause 7.12 - The employer must appoint a person to liaise with the convenor on its behalf to ensure compliance with this agreement.	Proposed rephrasing of the clause to read as follows: "The employer must appoint a person to liaise with the convenor on its behalf to ensure compliance with this agreement, and upon such appointment, immediately convey the identity and contact details of this person to the convenor."	Supported
6. Clause 8.2 - Picketers may: Chant peaceful slogans, sing and dance	To remove the word peaceful and for the sentence to read as follows "chant slogans, sing and dance."	Not supported The current wording is consistent with clause 6.1 of the Default Picketing Rules, Annexure B of Code of good practice: Collective Bargaining, Industrial Action and Picketing
7. Clause 8.5 - Picketers must not in performing the above-mentioned activities use hate or defamatory speech or incite violence.	To remove the words "incite violence" and for the sentence to read as follows, "Picketers must not in performing the above-mentioned activities use hate or defamatory speech."	Not supported The current wording is consistent with clause 6.4.1 of the Default Picketing Rules, Annexure B of Code of good practice: Collective Bargaining, Industrial Action and Picketing
8. Clause 9.4 - The employer may where it is reasonably possible ensure access to toilet facilities and drinking water to persons participating in a picket	The proposed clause to as follows "The employer must ensure access to toilet facilities and drinking water to persons participating in a picket.	Not supported The current wording is consistent with clause 8.3 of the Default Picketing Rules, Annexure B of Code of good practice: Collective Bargaining, Industrial Action and Picketing.
9. Clause 10.2 - The employer may, however, take disciplinary action	If employees participate in a lawful picket and the employer seeks to institute disciplinary action as a result,	Not supported The current wording is consistent with clause 35(2) of the Code of good

against an employee for misconduct committed during a picket.	this may be regarded as a form of victimisation.	practice: Collective Bargaining, Industrial Action and Picketing
10. Clause 10.3- The employer shall wait until a picket is over before commencing any disciplinary action.	If employees participate in a lawful picket and the employer seeks to institute disciplinary action as a result, this may be regarded as a form of victimisation.	No disciplinary action will be taken against employees participating in a lawful picket in compliance with Section 69 of the act and the applicable picketing rules.
11. Clause 10.4 - If misconduct is conducted by a union official, the relevant provisions of the Act shall apply.	It is also important to acknowledge that while instances of misconduct may occur during such activities, individual employees cannot be held collectively responsible for the actions of a few miscreants. It's an added burden for trade unions/convenor to be collectively responsible.	Not supported. It is an established practice supported by case law, that misconduct during industrial action should be dealt with in line with the LRA.
12. Section 11 – Police Involvement a. Clause 11.1 - This agreement does not affect the right of any person to ask the South African Police Services or any security organisation responsible for maintaining safety and security at or near the workplace to investigate or deal with unlawful or alleged unlawful conduct.	The entire removal of section 11. By their very nature, peaceful pickets are non-violent and do not warrant police involvement. The presence of law enforcement during such activities is often unnecessary and may be perceived as an attempt to intimidate or suppress lawful picketing. Peaceful picketing and police intervention are inherently incompatible	Not Supported The current wording on the involvement of the police is consistent with clause 12 of the Default Picketing Rules, Annexure B of Code of good practice: Collective Bargaining, Industrial Action and Picketing. -
b. Clause 11.2 If this happens, the employer and the trade union undertake to cooperate with the police or security organisation in the performance of their duties and the trade union undertakes to do everything possible to ensure that its members do the same.		

