

## SECTION 77 NOTICES

### TERMS OF REFERENCE

Section 77 of the Labour Relations Act gives workers the right to take part in protest action to promote or defend their socio-economic interest and be protected against dismissal and other disciplinary action. It gives Nedlac, as a policy-making body made up of Government, Business, Labour and the Community, the task of bringing the parties together to attempt to resolve the reasons for the protest action.

### OUTCOMES

Nedlac received 6 Section 77 notices in the period under review. Of these, two were deemed to fall outside of the section 77 criteria. In one case it was found that another process had been set up to facilitate negotiations. Of the remaining three notices, one was resolved, one resulted in strike action, and one was not taken further by the applicants.

### CEPPAWU-SACWU-SACCAWU notice regarding the New Plastic Bag Regulations

The notice was received in July 2002 and was directed at the Government (Department of Environmental Affairs and Tourism). The unions argued that the new Plastic Bag Regulations would lead to job losses in the plastic manufacturing industry as well as forcing employers to acquire new machinery to manufacture plastic bags in accordance with the regulations.

**Outcome:** After two meetings at Nedlac, it was decided that bilateral negotiations between the unions and the Department of Environmental Affairs and Tourism should be held. After bilateral negotiations, an agreement was signed in September 2002.

**Number of meetings:** Two

### Cosatu Notice on Privatisation (July 2002)

The notice was received on 24 July 2002 and was directed at the Department of Public Enterprises. The notice was aimed at the Government's privatisation process. Cosatu argued that this was leading to massive job losses.

**Outcome:** After two meetings, the committee could not conclude that the matter had been considered. The matter was referred to legal counsel to advise as to whether the notice was valid as it was a renewal of the notice served in June 2001. At the Management Committee the matter was discussed and deemed to have been considered. Protest action was held on 1 and 2 October 2002.

**Number of meetings:** Three

### **Cosatu Notice on Job Losses**

This notice was received on 24 July 2002 and was directed at Business, the Reserve Bank and Government. The Standing Committee met twice with the union and the respondents. Cosatu did not pursue this separate notice and the protest action held in October addressed both privatisation and job losses.

**Number of meetings:** Two

### **Cosatu KZN Notice on Post provisioning ratio**

The notice was served on 21 August 2002, directed at the Minister of Education and the KwaZulu-Natal Education authority. The intention of the notice was to draw attention to the ratio of teachers to learners in the KZN area which was above those of other provinces.

**Outcome:** The S77 committee met with the Union and learned that the matter was under arbitration with the bargaining council. According to the section 77 legislation, if another existing process can bring the parties to consider the matter, Nedlac is not bound to duplicate that process.

**Number of meetings:** Two

Ongoing processes from previous year:

### **Fawu Notice on the impact of the SA-EU Trade Agreement on the local food industry**

**Outcome:** The dti and Fawu were to hold a workshop so that the concerns raised in the notice could be addressed. No feedback was received.

### **Satawu's Renewed Notice on the Restructuring of the bus industry**

Satawu renewed its notice of October 2001 where it indicated the restructuring of the bus industry would lead to job losses. The restructuring was set out in an agreement that was signed by the Union, the Minister of Transport and the South African Bus Owners Association.

**Outcome:** A letter was sent to Satawu indicating that the matter was not a socio-economic one and would not be considered by Nedlac.

**Number of meetings:** none

**Cosatu (Western Cape) notice on Cape Metrorail, National Department of Transport, Western Cape Provincial Government (Provincial Department of Transport and the Premier's Office) and the South African Rail Commuter Corporation (SARCC)**

The notice was served in March 2002 and was aimed at reducing the loss of life in rail incidents. One of the main aims of the notice was for Metrorail and the Government to address the safety of passengers and ensure that the rail industry was responsible for broader socio-economic solutions like subsidised travel for the unemployed and the elderly.

**Outcome:** Although protest action was held, Nedlac was requested to facilitate an ongoing process, which resulted in a significant agreement between the parties.

**Number of meetings:** Three

**S77 STANDING COMMITTEE**

**Community**

Obed Shabangu

**Labour**

Bengeza Mthombeni

**Business**

Elize Strydom

**Government**

Thembinkosi Mkalipi