

Report of the **Portfolio Committee on Labour** on the **Labour Relations Amendment Bill [B 32 – 2017]**, dated 18 May 2018:

The **Portfolio Committee on Labour**, having considered the subject of the **Labour Relations Amendment Bill** (National Assembly – sec 75), referred to it and classified by the JTM as a section 75 Bill, reports the Bill with amendments [B 32A – 2017].

The list of amendments is attached hereto.

Minority views:

1. On clause 1, the DA objected to subsection 1(a), stating that extension of collective agreements concluded in bargaining councils to non-parties have negative impact on small businesses and non-unionized workers.
2. On clause 7, the DA objected to the idea of a panel appointed by the essential services committee, on the basis that there should be an agreement between the employer and the trade union.
3. On clauses 13 and 14, the DA objected to the governing body being given absolute autonomy to accredit dispute resolution panels, stating that the accreditation process should be more structured.

Report to be considered.

REPUBLIC OF SOUTH AFRICA

**PROPOSED AMENDMENTS
TO
LABOUR RELATIONS
AMENDMENT BILL**

[B 32—2017]

(As proposed by the Portfolio Committee on Labour (National Assembly))

[B 32A—2017]

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PROPOSED AMENDMENTS

LABOUR RELATIONS AMENDMENT BILL [B 32—2017]

CLAUSE 1

1. On page 3, in line 3, after “(b)” to insert “(i)”.
2. On page 3, in line 6, after the semi-colon, to add “or”.
3. On page 3, in line 7, before the first “the” to omit “(c)” and to substitute “[~~(c)~~](ii)”.

CLAUSE 3

1. On page 4, in line 24, after “32(3)(b)”, to omit “, 32(3)(c)” and to substitute “[, 32(3)(c)]”.
2. On page 4, in line 27, after “section”, to omit “32(3)(c)” and to substitute “32(3)(b)”.

CLAUSE 8

1. On page 6, from line 22, after “amended”, to omit “by the addition of the following subsection:” and to substitute the following:

“—
(a) by the substitution for subsection (8) of the following subsection:
“(8) The Minister, **[in]** after consultation with NEDLAC, may by notice in the *Government Gazette* publish guidelines to be applied by the registrar in determining whether an applicant is a genuine trade union or a genuine employers’ organisation and guidelines for the system of voting as contemplated in subsection (9).”; and
(b) by the addition of the following subsection:”.

CLAUSE 13

1. On page 7, in line 11, after “of”, to omit “its dispute resolution panel” and to substitute “the persons”.

NEW CLAUSE

1. On page 7, after line 25, to insert the following new clause:

“Substitution of section 130 of Act 66 of 1995

15. The following section is hereby substituted for section 130 of the principal Act:

“Withdrawal of accreditation

130. If an accredited *council*, **[or]** accredited agency or a person accredited by the governing body fails to comply to a

material extent with the terms of its accreditation, the governing body may withdraw its accreditation after having given reasonable notice of the withdrawal to that *council*, **[or]** accredited agency or the accredited person.”.”.

CLAUSE 16

1. On page 8, in line 29, after “subsection”, to omit “(4)(b)” and to substitute “(3)(b)”.
2. On page 8, in line 32, after “subsection”, to omit “(4)(b)” and to substitute “(3)(b)”.
3. On page 8, in line 34, after “(5)”, to omit “No person may” and to substitute “A person may not”.
4. On page 9, in line 15, after “section”, to omit “150A(2)(a)” and to substitute “150A(3)(a)”.
5. On page 9, in line 33, after “subsection”, to omit “(6)” and to substitute “(7)”.
6. On page 10, in line 17, after “section”, to omit “150C(4)(c)” and to substitute “150C(5)(c)”.