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080805 pc private

**LABOUR RELATIONS ACT AMENDMENT BILL**

**Private Members' Bill**

**Submitted in terms of Section 73 (2)**

**Read with Section 76 (1) of the Constitution**

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**MEMORANDUM**

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Notice is hereby given of the introduction of a Private Members' Bill in terms of Section 73 (2) read with Section 76 (1) of the Constitution. In terms of rule 234 (read with rule 230 (1), a member must submit to the Speaker a memorandum which:

- (a) sets out particulars of the proposed legislation
- (b) explains the objects of the proposed legislation; and
- (c) states whether the proposed legislation will have financial implications for the State and, if so, whether those implications may be a determining factor when the proposed legislation is considered.

The Honourable Speaker is requested to deal with this Bill in terms of Section 235 of the National Assembly Rules.

## **A. PARTICULARS OF PROPOSED LEGISLATION**

The following amendments to the **Labour Relations Act 1995 (Act 66 of 1995)** [hereinafter referred to as "the Act"] are proposed:

### **1. AMENDMENTS TO THE ACT**

1.1 That section 67 under Chapter IV be amended by the insertion of the following after subsection (9):

(10) A union and / or a federation of trade unions may, jointly and severally, be held civilly liable for any damage or loss that may be incurred by a member of the public, or by private- or public bodies, where the damage or loss results directly from the activities of a member or members of that union and / or federation of trade unions in the participation, contemplation or furtherance of a protected strike supported the union and / or federation of trade unions was formally a party to.

1.2 That section 68 under Chapter IV be amended by the insertion of the following after subsection (5):

(6) A union and / or a federation of trade unions may, jointly and severally, be held civilly liable for any damage or loss that may be incurred by a member of the public, or by private- or public bodies, where the damage or loss results directly from the activities of a member or members of that union and / or federation of trade unions in the participation, contemplation or furtherance of an unprotected strike supported the union and / or federation of trade unions was formally a party to.

### **C. FINANCIAL IMPLICATIONS**

The Legislation will have no financial implications.

### **B. THE OBJECTS OF THE PROPOSED LEGISLATION**

One of the main purposes of the Act is to protect the right to strike in accordance with the provisions of the Constitution.

While the provisions of the Act are currently deemed adequate in this respect, it is submitted that at present the Act does not provide sufficient protection to members of the public, private- or public institutions in instances where the activities of members of trade unions, or federations of trade unions relating to the contemplation and furtherance of, or participation in a strike directly causes damage to or loss of property.

The proposed amendment is intended to address this shortcoming.