



# THE RIGHTS OF WORKERS AND THE LAWS THAT PROTECT THEM

International Workers' Day, celebrated on 1 May, came about as a result of the struggle for workers' rights. In South Africa, we remember and honour those who fought against racial discrimination, struggled for the rights of all workers during apartheid, and we celebrate the country's democratic Constitution of today.

## HOW ARE THE RIGHTS OF WORKERS PROTECTED TODAY?

With the beginning of democracy in 1994, fair labour rights were built into the South African Constitution and Bill of Rights. "This ensures that workers will never again be subjected to unfair racial discrimination and that their labour will no longer be exploited," says Yusuf Boda, Head of Servicing at Legal&Tax.

### THE CONSTITUTION

The South African Constitution guarantees workers' rights. In addition, government has aligned the country's labour laws with the best practices advocated by the International Labour Organisation, the UN agency that promotes social justice and labour rights.

**Section 23 of the South African Constitution guarantees that every worker has the right to:**

- Fair labour practices;
- Form and join a trade union;
- Participate in the activities and programmes of a trade union;
- Strike; and
- Engage in collective bargaining through a union or an employee association.

"These rights mean that no worker (except for workers who are part of a few essential services and certain government agencies) can be dismissed for seeking a fairer deal by bargaining through a trade union or going on strike," says Boda.

### THE LABOUR RELATIONS ACT

These laws regulate the rights of workers to organise and join trade unions and the right to strike, as set out in the Constitution.

- Guarantees trade union representatives access to the workplace.
- Facilitates collective bargaining and makes provision for bargaining councils.
- Established the Commission for Conciliation, Mediation and Arbitration (CCMA), the Labour Court and Labour Appeals Court, to help balance the rights of workers and employers.
- Forbids unfair dismissal and sets out procedures and conditions for the dismissal of workers.
- Aims to promote economic development, social justice, labour peace and democracy in the workplace.
- Recognises the need for fast and easy access to justice in labour disputes and regulates collective bargaining.

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## THE BASIC CONDITIONS OF EMPLOYMENT ACT

“This Act ensures that workers have access to decent jobs where they are not unfairly treated,” says Boda.

### Some aspects of this Act include:

- Limitations on the hours of work;
- The basic standards for employment with regard to payment, dismissal and dispute resolution
- Provisions for meal breaks and rest periods;
- Entitlements such as annual leave, sick leave, maternity leave and family-responsibility leave; and
- Prohibitions of forced labour and child labour

## THE EMPLOYMENT EQUITY ACT:

- Deals with issues such as fairness regarding a worker's HIV status or disability, as well as the issue of affirmative action.

## THE OCCUPATIONAL HEALTH AND SAFETY ACT (OHSA)

- Provides for the health and safety people at work.
- Established an advisory council for occupational health and safety.

## THE SKILLS DEVELOPMENT ACT:

- Develops the skills of the workforce
- Improves the quality of life of workers and their prospects of work
- Improves productivity in the workplace and the competitiveness of employers
- Promotes self-employment

“South Africa's progressive labour laws are there to protect you from exploitation and unfair treatment. They're aligned with the Bill of Rights and the Constitution, meaning that they enshrine rights that every citizen in the country is entitled to,” says Boda. “These rights are worth celebrating.”



For more info about Worker's Day, see <http://www.sahistory.org.za/dated-event/1-may-international-workers-day#sthash.zbDBs6ZT.dpuf>

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