

Sarhee Steyn

[2/1/6/12]



CONSTITUTIONAL ASSEMBLY

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MEMORANDUM

TO: CONSTITUTIONAL COMMITTEE
FROM: EXECUTIVE DIRECTOR
DATE: 25 April 1996
RE: SUBMISSION VRYSTAAT KOÖPERASIE BPK: LABOUR RELATIONS

Attached please find a submission from *Vrystaat Koöperasie Bpk* regarding the labour relations provisions.

**HASSEN EBRAHIM
EXECUTIVE DIRECTOR**

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THE NEW CONSTITUTION



VRYSTAAT KOÖPERASIE BPK

HOOFKANTOOR/HEAD OFFICE

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The Chairperson
The Constitution Writing Assembly
Parliament
CAPE TOWN
8000

Attention: MR. CYRIL RAMAPHOSA

24 April 1996

Sir

THE RIGHT OF WORKERS TO STRIKE AND OF EMPLOYERS TO LOCK OUT

My co-operative accepts the fact that the right of workers to strike be written into the new constitution, provided that the right of employers to lock out be similarly protected in the constitution.

The reason for my co-operative's request involves much more than protecting the rights of our members. I elucidate as follows:

1. Due to the nature of farming and the uncertainty of our rainfall, certain activities in farming have to be performed regardless of the situation. For example:
 - 1.1 If cows are not milked their udders are damaged to such an extent that their producing capacity is ruined, not only for that lactation but for the rest of their lives, and they then are sold as beef.
 - 1.2 If planting cannot be done when it is planting time, then obviously there will be no crop activities or income on the farm, which will have a severe financial impact on both the farmer and the farmworkers, which in most cases will lead to the financial ruin of both farmer and workers.

There are many more similar situations.

Therefore it follows logically that if the opportunity is not created, which will not be the case if the right to lock out is not recognised, to perform these contingency operations, it could as pointed out above lead to the ruination of the production facility, the farmer and job opportunities.

If the right to lock out does not exist, then workers on strike in furtherance of their case will prevent these critical tasks being done.

Over and above the negative effects which have already been pointed out, such a situation is certain to lead to confrontation and physical violence and even armed confrontation which our brittle political situation can ill afford.

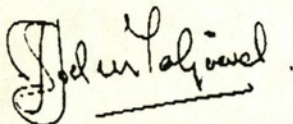
Furthermore the fall in the rand against foreign currencies has sounded the end to the helicon days of cheap agricultural product imports. This, together with the increased buying power of our poorer communities, is rapidly making increased demands on the local farming production capabilities. These demands cannot be met if the emergency tasks which protect the production capabilities of farming can not be done.

Workers' /.....

Workers' fears that lock out might lead to their replacement or dismissal or that it will be counter-productive to their interests are to a large extent only perceived and not real. Fact of the matter is that most of the operations on the farms require highly skilled and experienced workers which cannot be replaced on a sustainable basis by unskilled workers. After all who is going to place machinery worth hundreds of thousands of rands in the hands of a novice?

From the above it is clear that the right to lock out, as a balance for the right to strike, is in the best interests of our country, all our people and of the workers themselves. We therefore request you earnestly to enshrine this right together with the right to strike in our constitution.

Yours sincerely



J.J. VAN DER M. TALJAARD
CHAIRMAN - VRYSTAAT KOÖPERASIE BEPERK