

CHAMBER OF MINES OF SOUTH AFRICA

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16 August 1993

Ms M Emmett  
World Trade Centre  
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Dear Ms Emmett

**TECHNICAL COMMITTEE ON ELECTIONS : POLITICAL ACTIVITY ON  
PRIVATE BUSINESS PREMISES**

There is attached a memorandum by the Chamber of Mines of South Africa containing representations to the Technical Committee on Elections on political activity on private business premises.

We would be grateful if you would submit the memorandum to the Technical Committee on Elections as well as to the Negotiating Council of the Multi-party Negotiations.



S OBERHOLZER  
ASSISTANT LEGAL ADVISER

Encl.

SO/GHM/COM/LETTER93

MEMORANDUM  
TO THE  
TECHNICAL COMMITTEE ON ELECTIONS  
ON  
POLITICAL ACTIVITY ON PRIVATE BUSINESS PREMISES

The Sixth Report of the Technical Committee on Fundamental Rights during Transition indicated that the question of political activity on private premises would be referred to the Technical Committee on Elections. The Chamber of Mines would appreciate it if the Committee would take the following views into consideration in its deliberation on this question.

The Chamber and its members support without reservations the institution of democracy in South Africa. We accordingly also support and re-affirm all the principles under-pinning the system of democracy, such as freedom of expression, including the freedom to express political views and tolerance of the views expressed by others, freedom of movement and freedom of assembly.

The Chamber and its members believe that when these democratic rights are exercised, they must be exercised in such a manner that other rights and freedoms of employees and their employers are not infringed, such as the right to privacy and safety, and that good order is not disrupted. Political activity in the workplace, while employees are on duty, is not reconcilable with these principles. The expression of political freedoms must be conducted responsibly and in such a manner that conflict is reduced and political tolerance is heightened.

Circumstances differ from workplace to workplace and it must accordingly be left to individual employers to meet with all the political parties wishing to canvass the support of their employees to work out how best the principles referred to above can be translated into practical arrangements acceptable to employers, the political parties and the employees. It is submitted that it would

be wrong and ill-advised to introduce legislation aimed in any way at securing an overriding right to conduct party political activities on private business premises.

As appears from the attached note prepared following enquiries by the Chamber, the practice in numerous other jurisdictions is against the conduct of party political activities on private business premises.

SO/GHM/COM/NOTE13

1. KENYA:

".... it is divisive and detrimental to harmonious industrial relations for a company to allow political activities, other than genuine trade union activities in their premises, including residential premises .... (it) is unusual in my country".

Tom Owuor, Executive Director, Federation of Kenya Employers.

2. UNITED STATES:

"There is no law governing such activity. An employer is free to allow or prohibit such activity at his discretion. The general practice is not to allow such activity".

Kevin J Cornacchio, Manager : International Labour Affairs, United States Council for International Business.

3. AUSTRALIA:

".... employers would not try to prevent party political activity on private business premises, but would control the manner in which party political activity was pursued... (employers) would not allow party political posters to be displayed or political pamphlets to be distributed... If ordinary work was in any way disrupted or interfered with ... the employer would consider action to prevent or stop that disruption justified (sic) ... employers do not generally allow meetings to be organised by political figures".

B M Noakes, Director General, Australian Chamber of Commerce and Industry.

4. NETHERLANDS:

"Party political activity on private business premises does not occur in the Netherlands".

Miss C Hak, Federation of Netherlands Industry.

5. INDIA:

"As far as political activity is concerned, it is not supposed to undertake (sic) at business premises. Generally, party political activity is not carried out on private business premises in this country".

M K Garg, Advisor, Council of Indian Employers.

6. AUSTRIA:

".... in Austria party political activities in companies are unusual and not specifically regulated by law .... every employer can prohibit any party political activity in his undertaking".

Dr F Dungal, Federation of Austrian Industrialists.

7. BRAZIL:

".... only activities permitted or tolerated by the owners occur inside private enterprise, or in the accommodation provided by companies for their employees".

Leonardo Greco, Acting Co-ordinator, National Industrial Confederation.