

**AT THE COMMISSION FOR CONCILIATION MEDIATION AND ARBITRATION  
HELD AT JOHANNESBURG**

**CASE NUMBER: GAJB20339-18**

**ENTERED INTO BY AND BETWEEN:**

**SOUTH POINT MANAGEMENT SERVICES**

**EMPLOYER**

**AND**

**SAICWU ON BEHALF OF MEMBERS**

**EMPLOYEES**

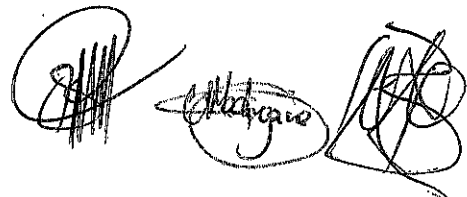
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**PICKETING AGREEMENT IN TERMS OF SECTION 69 OF THE LRA**

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**2.1 BACKGROUND:**

The parties have entered into picketing agreement process in terms of section 69 of the Labour Relations Act and have come to the following agreement which is binding on all the affected parties and entered into in full and final agreement.



## 2.2 LOCATION

- a) As per the agreement, the picketers may not come closer than 1.8 meters, corner to corner from the employer's entrances and/or exit gates identified below. Where municipal or national roads run past the employer's premises, picketers may only demonstrate upon approval from the applicable Metro Police Department.
- b) Where municipal or national roads run past employer's premises and there is no approval from the applicable Metro Police Department, the parties agree that for Johannesburg only 30 striking employees are allowed in the agreed demarcated area and for Cape Town only 15 striking employees are allowed in the agreed demarcated area.

2.2.1 The following locations have been agreed on:

### I. Johannesburg

SouthPoint Central – 17 Melle Street Braamfontein. The picket will be at the entrance in Melle Street or in Juta Street should the employer use the Juta street for clients or service providers to access the building, access shall be provided to union members to ablution facilities and drinking water with a maximum of 2 people entering the facility.

### II. Pretoria

Kinkora Building – 578 Pretorius Street Pretoria, access shall be provided to union members to ablution facilities and drinking water with a maximum of 1 person entering the facility.

### III. Durban

Poynton House – 85 Dorothy Nyembe Street Durban, access shall be provided to union members to toilet facilities and drinking water with a maximum of 1 person entering the facility.

### IV. Port Elizabeth

Chapel Building – 21 Chapel Street Port Elizabeth, access shall be provided to union members to ablution facilities and drinking water with a maximum of 1 person entering the facility.

## V. Cape Town

President House – 22 Barrack Street Cape Town, access shall be provided to union members to toilet facilities and drinking water with a maximum of 1 person entering the facility.

### 2.3 PICKETING TIME

- 2.3.1 Picketing will commence from 07: 00 am until 06:00 pm in the afternoon.
- 2.3.2 A commissioner of the CCMA may amend the picketing time upon application if the picket is rendered ineffective as a result of the employer implementing night shifts for it's administrative functions and or arrange for its suppliers, customers and clients (other than tenants) to enter its administrative offices, in the locations as per paragraph 2.1, at night.

### 2.4 PICKETING ADMINISTRATION RULES

- 2.4.1 The union will appoint a convenor who is its member or official to oversee the picket.
- 2.4.2 The convenor will at all times during the picket have a copy of section 69 of the LRA, and a copy of this agreement.
- 2.4.3 The employer must provide the convenor with the name, address and telephone number of the person appointed to represent the employer in matters related to the picket.
- 2.4.4 The trade union will appoint marshals to monitor the picket. The marshals will have the telephone numbers of the convenor or the person appointed to oversee the picket in the absence of the convenor.
- 2.4.5 The marshals must wear armbands or vests to identify themselves as marshals.
- 2.4.6 The marshals will be present from the start to the end of each day of the picket.
- 2.4.7 One convenor will be allowed to hand out pamphlets to the public, customers or non- striking workers. For that purpose the distances referred to paragraph 2.2 a do

not apply to such convenor. The name and contact details of these convenors will be supplied to management.

- 2.4.8 The trade union must instruct the marshals on the picketing rules contained in this agreement to ensure that the picket is conducted peacefully.

### 3 PICKETING CONDUCT RULES

- 3.3.1 The picketers must conduct themselves in a peaceful, unarmed and lawful manner.

- 3.3.2 Picketers may:

- a) Carry placards
- b) Wear trade union t-shirts, hats, caps, badges and paraphernalia
- c) Chant slogans, sing and dance, and
- d) Be addressed by union officials and supporters
- e) On a peaceful basis, engage with service providers, clients, employees (other than essential or minimum service employees) or members of the public to share their cause. This engagement will take the form of handing out pamphlets. Such engagement will be by a maximum of 2 picketers at any time;

- 3.3.3 Picketers must not –

- a) Physically prevent members of the public, including customers, other employees of the employer and service providers from gaining access to or leaving the premises of the employer;
- b) Commit any action which may be unlawful, including violent action;
- c) Intimidate, coerce, threaten or assault any employees (s) or person (s) participating or not participating in the picket;
- d) Disobey the employer's health and safety rules and requirements;
- e) Cause damage to property;
- f) Wear masks or possess any weapons or inflammable materials

- 3.3.6 The employer must –

- a) Receive memoranda as and when invited to do so by his/her employees;
- b) Liaise with the convenor, marshals, shop stewards and union officials to ensure compliance with this agreement;

### 3.3.7 The employer must not –

- a) Directly or indirectly hinder the conduct of a lawful picket;
- b) Intimidate, threaten or otherwise undermine employee's right to participate in the picket;
- c) Management must refrain from behaviour which is provocative or which incite violence and intimidation;
- d) Carry weapons of any kind while in contact with the picketers;
- e) Take disciplinary action against an employee for merely participating in a lawful picket

### 3.3.8 Further Conduct Requirements

- b) No intimidation of anybody by picketers is allowed;
- c) No intimidation of any picketers by the company;
- d) Service providers to the company will be allowed access to all of the company's buildings;
- e) Marshal list to be finalised and sent to the employer by 08<sup>th</sup> September 2018 @ 12h00; and Attached hereto as an Annexure
- f) Picketers may not enter any employer building except to use ablution facilities in the agreed buildings as per paragraph 2;
- g) An employee who live in an employer building may enter the building they stay in. It is specifically agreed that such entrance will only be for the purpose of access to their living quarters. It is further agreed that such employees may not access any other part of the building. Such employees will not be accompanied by any other employees.
- h) Union officials and managers are accountable and should be available to resolve problems may the need arise









3.3.9 Effective Date


- a) These picketing rules will come into effect on Monday, 10<sup>th</sup> September @ 00:01.

DATED AND SIGNED AT BRAAMFONTEIN IN THIS 08<sup>TH</sup> DAY OF SEPTEMBER 2018

  
.....  
THE EMPLOYER

  
.....  
SAICWU OFFICIAL

  
.....  
AS WITNESS

  
.....  
AS WITNESS

PORT ELIZABETHSHOPSTUWARDS ÷ L. Tshanga Tshanga

÷ N. NTOHO

\* NOMBEXO - 071 518 1677

MASHALLS

1) ÷ M. Mdishwa

2) ÷ B. Jobo

3) ÷ W. Mpuwana

4) ÷ T. NKOLOI

5) ÷ S. Mbayeka

6) ÷ C. FICA

7) ÷ M. MZILENI

8) ÷ N. SAMANI

9) ÷ G. Magoqa

10) ÷ N. MSIMANGO

JOHANNESBURGSHOPSTUWARDS ÷ CLEMENS MOLOKO - 073 172 1443

÷ LUKA THOMO - 083 588 7682

MASHALLS

1) ÷ SIMON WOLA BEDI

2) ÷ PROSPER M. KHUPHE

3) ÷ ISAAC RAPODICE

4) ÷ TSHEDO SABANE

5) ÷ RAMONATE LETRINA

6) ÷ BONQANI FOJIR

7) ÷ MARKS Hlatshwayo

8) ÷ REGINALD GOVERNMENT

9) ÷ BLESS GUMBE

10) ÷ PATRIC MATING



CAPE TOWNSHOPSTUWARD

÷ THEMBA Mtshela

MARSHALLS

- 1) ÷ MAJANGAZA Nkosinathi
- 2) ÷ SOMAGACA nobubele
- 3) ÷ DWANGU mpheleki
- 4) ÷ MONICA Mbese
- 5) ÷ BEDA Lulama
- 6) ÷ AKHENA
- 7) ÷ MANKAZI ngeziwe
- 8) ÷ LUBABALO
- 9) ÷ VUYISANANI
- 10) ÷ ANTO beyanche
- 11 MZWANELE MARTIN izwabisamkhwabi

DURBANSHOPSTUWARD

÷ MZWANDILE Biyele - 079 717 91

÷ MQAPHLI NCOBO

MARSHALLS

- 1) ÷ ZENDO SIFISO KHULI
- 2) ÷ LUCKY-BOY NDABA
- 3) ÷ KHULANI Dlamini
- 4) ÷ MESHEK NDLOVU
- 5) ÷ MAPHUMULO MASHIMAZI
- 6) ÷ MUSA NDLOVU
- 7) ÷ ~~CORNELIUS GUMELE~~
- 8) ÷ ERIC NDLAZI
- 9) ÷ CILELO KHANYEZA
- 10) ÷ MUSA GEABA



PRETORIA

SHOPSTUWARD

- EDILL DITSEPU
- TAZI MAHLANGU

MASHALLS

- 1) - TSITHEPHISO CHOSLANE
- 2) - TEBOCID MANCHIDI
- 3) - ANNAH LESOLA
- 4) - CRISTINAH BALANKULU
- 5) - ESTHER GAMA
- 6) - EMMAH MPHELO
- 7) - MABATHO KYOLE
- 8) - DIANAH MALLIKO
- 9) - MARIA TOFU
- 10) - FLOREN SESEKO



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*[Handwritten signature]*

PTA

- JOSEPH MASEMOLA
- SIDNEY MOKGABUDI
- JOSEPH ERIC MABELANE
- THABISO SEHAOLA
- MARTIN KEKANE

Shopsteward - ISAAC - 082 866 0807

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Department of Labour

#### 69. Picketing <sup>16</sup>

- (1) A registered trade union may authorise a picket by its members and supporters for the purposes of peacefully demonstrating-
  - (a) in support of any protected strike; or
  - (b) in opposition to any lockout.
- (2) Despite any law regulating the right of assembly, a picket authorised in terms of subsection (1), may be held-
  - (a) in any place to which the public has access but outside the premises of an employer; or
  - (b) with the permission of the employer, inside the employer's premises.
- (3) The permission referred to in subsection (2)(b) may not be unreasonably withheld.
- (4) If requested to do so by the registered trade union or the employer, the Commission must attempt to secure an agreement between the parties to the dispute on rules that should apply to any picket in relation to that strike or lock-out.
- (5) If there is no agreement, the Commission must establish picketing rules, and in doing so must take account of-
  - (a) the particular circumstances of the workplace or other premises where it is intended that the right to picket is to be exercised; and
  - (b) any relevant code of good practice.
- (6) The rules established by the Commission may provide for picketing by employees on their employer's premises if the Commission is satisfied that the employer's permission has been unreasonably withheld.
- (7) The provisions of section 67, read with the changes required by the context, apply to the call for, organisation of, or participation in a picket that complies with the provisions of this section.
- (8) Any party to a dispute about any of the following issues may refer the dispute in writing to the Commission-
  - (a) an allegation that the effective use of the right to picket is being undermined;
  - (b) an alleged material contravention of subsection (1) or (2);
  - (c) an alleged material breach of an agreement concluded in terms of subsection (4); or
  - (d) an alleged material breach of a rule established in terms of subsection (5).
- (9) The party who refers the dispute to the Commission must satisfy it that a copy of the referral has been served on all the other parties to the dispute.
- (10) The Commission must attempt to resolve the dispute through conciliation.
- (11) If the dispute remains unresolved, any party to the dispute may refer it to the Labour Court for adjudication.

16. See flow diagram No. 7 in Schedule 4.

#### 70. Essential services committee

- (1) The Minister, after consulting NEDLAC, and in consultation with the Minister for the Public Service and Administration, must establish an essential services committee under the auspices of the Commission and -
  - (a) appoint to that committee, on any terms that the Minister considers fit, persons who have knowledge and experience of labour law and labour relations; and
  - (b) designate one of the members of the committee as its chairperson.