



NUMSA SUCCEEDS IN DEFENDING THE RIGHT TO STRIKE IN THE FUEL SECTOR
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For immediate release

The National Union of Metalworkers of South Africa (NUMSA) welcomes the finding by the Essential Services Committee (ESC) of the CCMA that the production, transportation and distribution of fuel should *not* be designated an essential service. The ESC initiated an investigation into whether the production, transportation and distribution of fuel should be designated an essential service. If the Committee had declared this sector an essential service, it would mean that workers would not be able to exercise the right to strike.

NUMSA appeared before the committee and made submissions opposing this application on the basis that the right to strike is a fundamental right which is protected by the constitution. Also we were not convinced that the fuel sector met the criteria to be declared 'essential'. The condition for a sector to be declared 'essential' is, *"a service the interruption of which endangers the life, personal safety or health of the whole or any part of the population"*.

The committee received submissions from the South African Petroleum Industry Association (SAPIA) and the Fuel Retailers Association (FRA). These bodies argued that the sector should be declared essential. They claimed that a stoppage caused by a strike at any stage of the supply chain of the fuel process, would cause disruptions along the entire value chain, thus increasing the risk that there will be shortages of supply of fuel to essential services, such as police and emergency services.

The ESC noted that the FRA and SAPIA were unable to provide proof to support their claim that an interruption caused by a strike to the production, transportation and distribution of fuel would make it impossible for essential services sectors, such as the police or fire department to do their work. The committee also found that the right to strike and tampering with it, should not be done lightly. It said the following:

"The panel in making this determination, have to balance between the need to provide essential services and interfering with a constitutional right and applying a wide interpretation would in our view negatively affect collective bargaining in circumstances where the same cannot be justified. The panel is not satisfied that a case is made for the designation as even in its evidence SAPIA conceded that a strike that lasted almost three weeks did not impact essential services as there were contingency plans put in place to ensure that essential services were not interrupted."

Strike action is an important element of collective bargaining and it is recognized as the primary mechanism through which workers exercise collective power. The ESC found that *"there is no evidence to prove that the interruption of production, transportation and distribution of fuel would pose any immediate threat to life, safety and health of the population or part thereof."*

There have been repeated attempts to water down the right to strike and we have consistently opposed all of them. In 2018 the ESC had to make a similar determination on the bus passenger sector when the National Black Consumer Council lodged an application to the ESC for workers in the sector to be declared essential in order to prevent strike action. We fought against this too, and we won.

The working class fought fierce battles against the Apartheid system to secure the right to strike. It was paid for with the blood sweat and tears of the working class. As NUMSA we will not fold our arms when right-wing employers attempt to water down our rights. We are pleased that the ESC came to the correct ruling and agreed with us on this issue. Ultimately, this is a victory for our members and the working class of this country. We urge workers in this sector to join NUMSA in numbers because we truly are defenders of the working class!

Aluta continua!
The struggle continues!
Issued by Irvin Jim
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