

STRIKE AND PICKETING RULES:

Entered into between

UNIVERSITY OF CAPE TOWN

("the University")

And

UNIVERSITY OF CAPE TOWN EMPLOYEES UNION

("the Union" / "UCTEU")

1. PREAMBLE:

- 1.1 The Constitution of the Republic of South Africa, Act 108 of 1996 (Section 17) recognises the right to assemble, to demonstrate, to picket and to present petitions peacefully and unarmed. The Labour Relations Act 66 of 1995 (the LRA) develops and seeks to give effect to this right. Section 69 of the LRA provides registered trade unions the right to authorise a picket by its members and supporters for the purposes of demonstrating peacefully in support of a strike or in opposition to any lockout.
- 1.2 UCT and the Union/s commit themselves to the principles outlined in the Code of Good Practice on Picketing issued in terms of the LRA and these Rules.
- 1.3 The purpose of picket is to peacefully encourage workers and members of the public to support strikers involved in a protected strike. Striking workers, as employees are bound by the Company's rules and policies.
- 1.4 In the circumstances where the picket is necessary, the Parties undertake to discharge their responsibilities in respect of such a picket in terms of the rules and conditions contained herein.

2. PEACEFUL AND LAWFUL DEMONSTRATIONS

- 2.1 The purpose of the picket must be to carry out a peaceful demonstration in accordance with section 69 of the Act.
- 2.2 A picket may not interfere with the constitutional rights of other persons and these Rules must be interpreted in accordance with Sections 17, 18 and 23 of the Constitution; Section 69 of the Labour Relations Act, 66 of 1995; and the Code of Good Practice: Collective Bargaining, Industrial Action and Picketing.
- 2.3 Any employee who wishes to picket, whether it is a member of the unions or not, has a right to picket with other employees.
- 2.4 University employees, members of the Unions and Union supporters may participate in the picket.
- 2.5 Where these rules are silent, the relevant provisions of the Act and the Code (Code of Good Practice: Picketing) shall apply.

3. PURPOSE OF THE PICKET

The purpose of the picket is to peacefully encourage non-striking workers to support the strike for purposes of persuading management to accept the union's demand.

4. PICKETING ADMINISTRATION RULES

Convenors

- 4.1 The Union will appoint a convenor(s) who is a member or official to oversee the picket. The names of the convenors will be provided to the ER Director and ER Manager via email no less than 24 hours prior to the commencement of the picket.
- 4.2 The name, address and contact details of the convenor(s) will be issued in writing to the other party prior the commencement of the strike or picket.
- 4.3 The University will appoint its convenor(s) who will be one or more members of staff of the ER Department. .
- 4.4 The name, address and contact details of the convenor(s) will be issued to other party prior the commencement of the strike or picket.
- 4.5 The convenor(s) will at all times during the picket carry a copy of the following documents:
 - 4.5.1 Section 69 of the LRA
 - 4.5.2 The Code of Good Practice: Collective Bargaining, Industrial Action and Picketing.
 - 4.5.3 The Picketing Rules
 - 4.5.4 A copy of the resolution by unions authorising the picket and
 - 4.5.5 The notice to the University and the relevant authorities of the picket.
- 4.6 The convenor shall at all times be present during the picket.

Marshalls

- 4.7 The Union shall appoint a picket marshal for every 20 (Twenty) expected participants in the picket, to monitor the picket being (Union to insert names)
- 4.8 The name, address and contact details of the Marshalls will be issued in writing to the other party at least 24 hours prior to the commencement of the strike or picket.
- 4.9 The marshalls must have the telephone numbers of the convenor, union office and any other persons appointed to oversee the picket in the absence of the convenor.
- 4.10 The marshalls must wear armbands or vest to identify themselves as marshalls.
- 4.11 The marshalls will be present from the start to the end of each day of picket.
- 4.12 The Union must instruct the marshalls on the law, the Picketing Rules or any picketing rules stipulated by the CCMA or The Code of Good Practice: Collective Bargaining, Industrial Action and Picketing and the steps to be taken to ensure that the picket is conducted peacefully.
- 4.13 The marshalls will take reasonable steps to ensure that picketers do not make use of inflammatory language or action to present their case.
- 4.14 The marshalls will coordinate the escort of picketers to the toilet facilities one at a time.

5. PICKETING CONDUCT RULES

Pickers

5.1 Participants in the picket must conduct themselves in a peaceful, unarmed and lawful manner.

5.2 Participants in the picket must obey any lawful instruction which have been given by the union or shop stewards or any authorised person in terms of these strike rules

5.3 Participants in picket may;

- 5.3.1 carry placards
- 5.3.2 chant slogans
- 5.3.3 sing
- 5.3.4 dance
- 5.3.5 conduct themselves in any lawful manner

5.4 Participants in the picket must not:

- 5.4.1 prevent members of the public, other employees or service providers from gaining access to or leaving the premises of the University.
- 5.4.2 commit any action which may be unlawful, including violent action;
- 5.4.3 obstruct vehicles or traffic entering or leaving the University premises;
- 5.4.4 intimidate, coerce, threaten, or assault any employee(s) or person(s) participating or not participating in the picket
- 5.4.5 chant slogans which incite violence or racial hatred or which are defamatory;
- 5.4.6 carry placards which incite violence or racial hatred or which are defamatory
- 5.4.7 cause damage to University property;
- 5.4.8 remain on the University premises after hours;
- 5.4.9 be in possession of any liquor or narcotics
- 5.4.10 possess any weapons or flammable material.

The University

5.5 The University must:

- 5.5.1 receive memoranda as and when invited to do so by the Union; and
- 5.5.2 liaise with the convenor (s), marshals, shop stewards and union officials to ensure compliance with these Rules.

5.6 The University must not:

- 5.6.1 directly or indirectly hinder the conduct of a lawful picket;

- 5.6.2 intimidate, threaten or otherwise undermine any employee's or union member's right to participate in the picket;
- 5.6.3 engage in behaviour which is provocative or which is calculated to incite violence or intimidation;
- 5.6.4 carry any weapons of any kind while in contact with participants in the picket.
- 5.6.5 take disciplinary action against an employee for participating in a lawful picket; or
- 5.6.6 call upon the South African Police Services to intervene in the strike and picket action without prior consultation with the Union leadership and marshals.

6. PICKETING LOCATION

- 6.1 A picket will be held at the following locations inside the University premises:
 - 6.1.1 In front of the university administration offices (Bremner Building, Lower Campus);
- 6.2 The following locations mentioned will only be used as assembly points with the end of route being Bremner Building.
 - 6.2.1 The Plaza (in front of Sarah Baartman Hall, Upper Campus);
 - 6.2.2 Graça Lawns, between Graça Machel and Baxter Halls; and
 - 6.2.3 The open space/quad between Barnard Fuller and Wernher Beit buildings (Medical School Campus); and
 - 6.2.4 The foot route between Upper, Middle and Lower Campuses.
- 6.3 In order to mitigate risk relating to staff and students' safety and security, the footpaths to be used for purposes of picketing is attached hereto as Annexure "A".
- 6.4 The Union will advise Management about the proposed picketing location 24 hours before activities commence.
- 6.5 Picketing at any location must not take place within 5 metres of any entrance at any location.
- 6.6 The University shall serve the Union with written confirmation of the following in respect of a picket to be carried out on the University premises:
 - 6.6.1 **the specific health and safety rules to be observed before, during and after the picket. Toilet and water facilities (Cricket Oval next to Bremner building) will be provided in compliance with the picketing rules; and marshals will be stationed at the building(s).**

7. PICKETING TIMES

- 7.1 The picketing shall be between 07h00 and 16h30 from Monday to Friday.
- 7.2 Picketing rules will commence at the start of the strike and it will end at the end of the strike.

8. POLICE INVOLVEMENT

8.1 Subject to 5.6.6 above, the Parties undertake to cooperate with the police in the conduct of their duties in respect of the picket.

9. DISPUTE RESOLUTION

9.1 Any dispute about the interpretation and/or application of these Rules or alleged breach thereof, shall be dealt with in accordance with section 69 (8), (9), (10), and (11) of the LRA.

10. REMEDY FOR BREACH OF THESE RULES

10.1 The University reserves the right to take an appropriate action, including dismissal, against any employees who breach these Rules, and reserves the right to avail itself of whatever other lawful remedies are available to it, including any urgent application to a Court of competent jurisdiction.

10.2 The Union is at liberty to avail itself of whatever lawful remedies are available to it in the event of a breach of these Rules by the University.

11. GENERAL

11.1 The Parties agree that these Rules shall govern the Parties' conduct in respect of picketing and demonstrations until it is terminated or reviewed by mutual agreement.

11.2 Any amendment to these Rules must be reduced to writing and signed by both parties.

11.3 Where these Rules are silent on any matter, LRA as amended and The Code of Good Practice: Collective Bargaining, Industrial Action and Picketing shall apply.

11.4 The principle of no work no pay will apply to all striking employees.

11.5 A person picketing in their own lunch or any authorised break will not be regarded as being on strike.

11.6 A copy of picketing rules will be provided to each marshal, shop steward/s, management team and relevant security personnel including SAPS.

DATED and SIGNED at ... Rondebosch on this the...1st....day of
.....November.....2023

Andrea Plos

University of Cape Town

Name *Barbara Mapara*

Witness *Clyde Henney*

"the Union"

Name Andrea Plos

Witness *Tsebo Litabe*
Tsebo Litabe

ANNEXURE "A"



Figure 1 Footpath from the Plaza below the Sarah Baartman Hall to Bremner Building

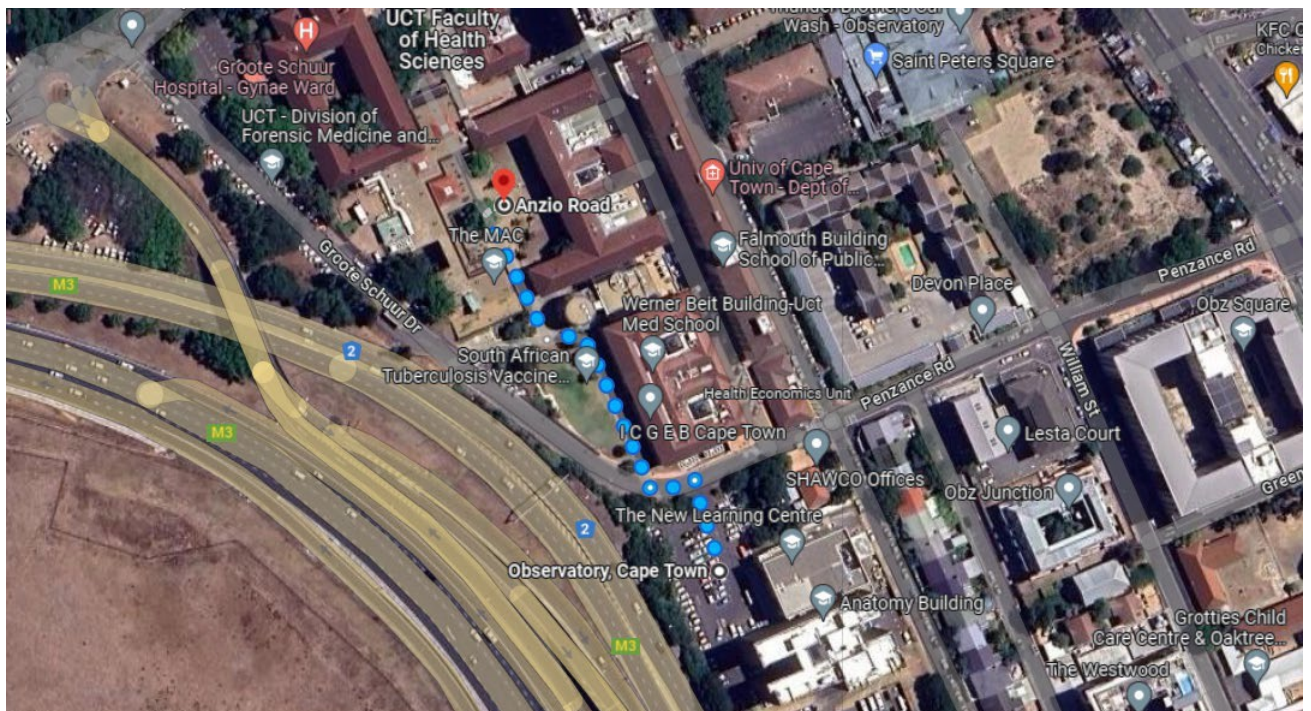


Figure 2 Footpath from the parking lot at the Faculty of Health Sciences and to the quad between Barnard Fuller Building and Werner Beit Building

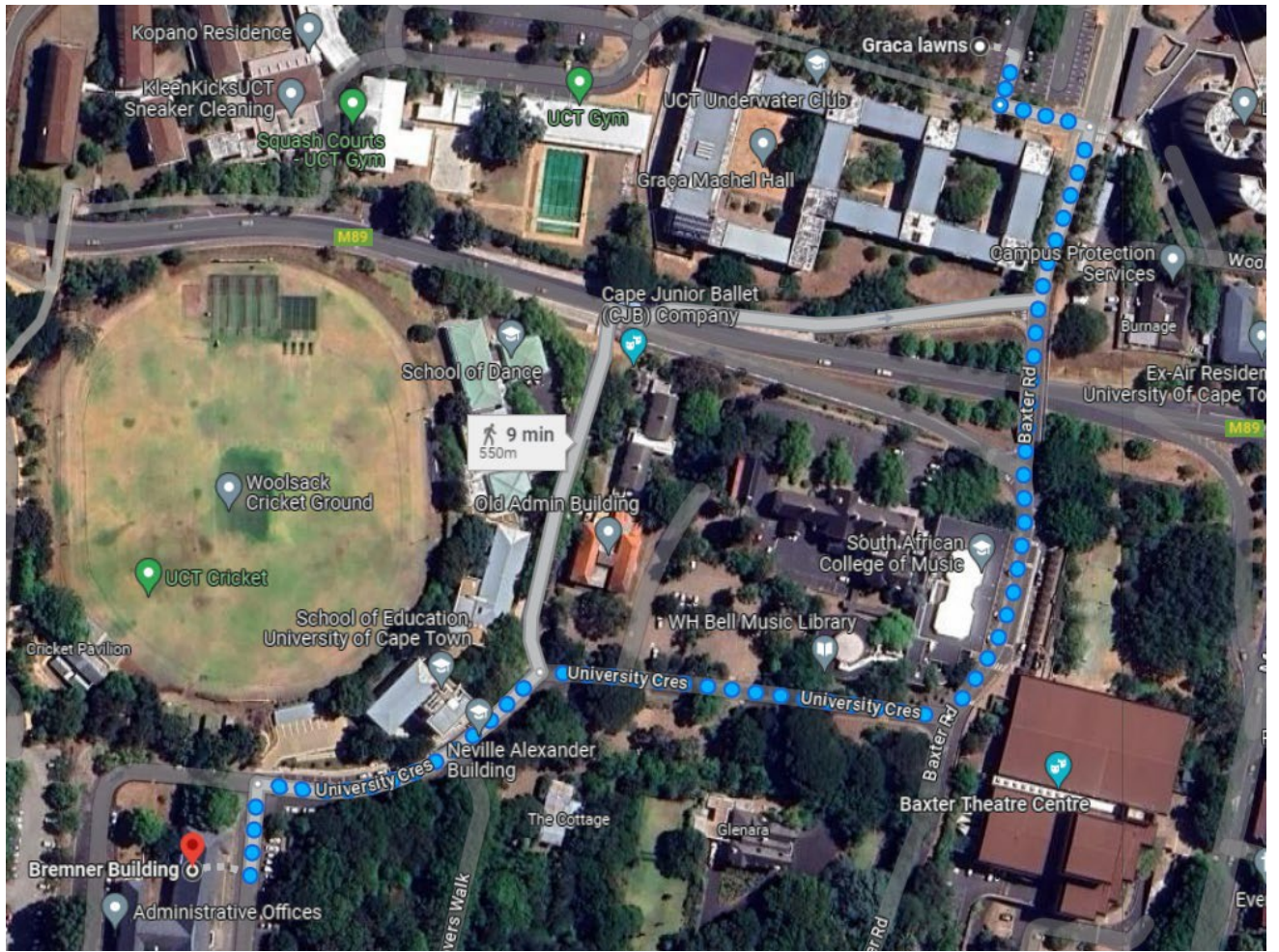


Figure 3 Footpath from Graça Lawns, between Baxter and Graça Machel Halls to Bremner Building via Baxter Theatre

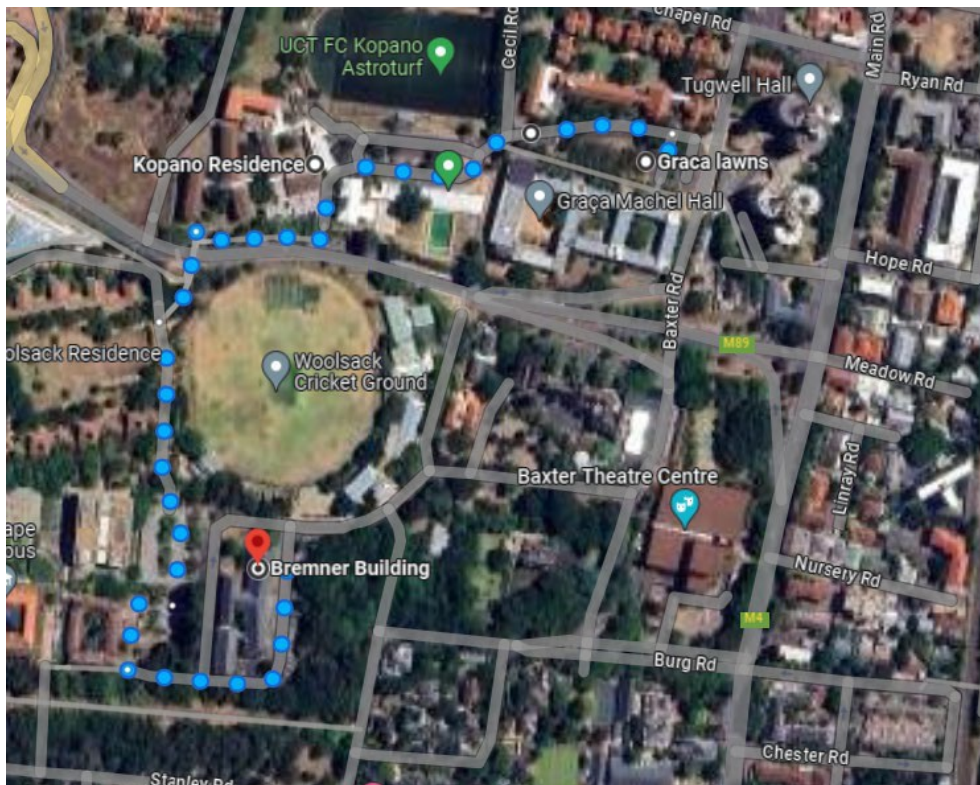


Figure 4 Figure 3 Footpath from Graça Lawns, between Baxter and Graça Machel Halls to Bremner Building via Woolsack Drive pedestrian bridge