

Innovative Staffing Solutions Guarantees No Strikes From Employees

The South African government has recently released a draft aimed at amending picketing rules for public comment. The amendment is intended to alter how unions embark on a protected strike, effectively tipping the scales in favour of the employer, some pundits have argued.

“Whilst these [proposed] changes have been met with mixed emotions in the labour industry, Innovative Staffing Solutions has taken a more inclusive approach, making history by being the first organisation to guarantee that none of its employees will engage in industrial action of any nature,” says Innovative Staffing Solutions’ Managing Director, Arnoux Maré.

The three-year landmark agreement between Innovative Staffing Solutions and transport union National Transport Movement (NTM) will ensure that Innovative Staffing Solutions’ 10,000+ staff members will not partake in unprotected strikes or go-slows. The agreement also guarantees that NO STRIKES will be registered with the Commission for Conciliation, Mediation and Arbitration (CCMA). All labour related disputes will have to be resolved through a process of arbitration.

“Very often the employees of a business do not want to strike, because they know as soon as they strike they will not be paid for the days they have missed work. This agreement protects employees whilst giving them a better platform to deal with grievances, by going the route of an independent arbitration,” says Maré.

In 2016/17 a total of 1,612 certificates of non-resolution (strike certificate) were issued by the CCMA. Less than 10% of these resulted in strike action, according to Research Centre for Social Change.

But Maré says arbitration will be the last resort. Both Innovative Staffing Solutions and NTM will enter negotiations when either party has grievances.

“Industrial action is costly. It is costly for employers, because they lose out on productivity. It is costly to employees as they lose out on the days they missed work. And it is costly to the economy. No one wins when employees strike. If a dispute can be handled through having all involved parties negotiate for their terms, rather we do that,” says Maré.

According to the Department of Labour, the South African labour economy lost approximately R161 million due to work stoppages in 2016 and lost R116 million in 2015.

Maré further dismissed the notion that the agreement between Innovative Staffing Solutions and NTM contravenes workers’ right to strike.

“We are not taking away employees right to strike. But even the law recognises that industrial action is only a viable recourse when all other avenues have been exhausted. At Innovative Staffing Solutions, we develop solutions or recourses that will resolve grievances without involving industrial action. We are always open to negotiations and are willing to go the arbitration route should negotiations stall. Both the employer and union must accept the decision reached by the independent arbitrator,” Maré explains.

Ephraim Mphahlele, General Secretary of NTM adds, “This agreement is a milestone for both employees and the employer. It gives decision making to employees who will no longer simply be part of the process, but will actually have a say in how things play out. Workers will have a stronger voice, and production does not need to stop because the employer and employees are in a disagreement with each other.”

Maré adds that he is aware of how industrial action has become a bullying tactic employed by unions, instead of being a means to an end to ensure better working conditions. “Whilst some have criticised

the new proposed amendments to the picketing and striking regulations, Innovative Staffing Solutions will opt for the route that is more inclusive and fairer to both employer and employee. We also recognise that the right to join a trade union and to strike are constitutionally protected in South Africa. We therefore decided that mitigating the high costs of industrial action and creating a platform to deal with grievances openly and constructively before they turn into a strike, is better for all parties involved,” concludes Maré.