



PEOPLE AGAINST SUFFERING OPPRESSION AND POVERTY

37 Church Street
Wynberg
Cape Town, Western Cape
South Africa

Chapter II of the Labour Relations Act 1995 (as amended 2002) outlines the right to freedom of association of employees, including their right to join a trade union or workplace forum. Under the act, no employer may discriminate against those that are members, or participate in the legal activities, of trade unions, federations of trade unions or workplace forums. If you feel unfairly discriminated against by your employer for your participation or membership of any of these bodies, contact PASSOP on 021 762 0322 or visit us at our head office, the address of which can be found at the top of this page.

Chapter II of the Labour Relations Act 1995 (as amended 2002)

Section 4 – Employee’s right to freedom of association

Every employee has the right:

- To participate in forming a trade union, or federation of trade unions, or workplace forum
- To join a trade union, subject to its constitution

Every member of a trade union, or federation of trade unions, has the right, subject to its constitution:

- To participate in its lawful activities
- To participate in its elections by voting or standing for an elected position, or for the position of a trade union representative

Section 5: Protection of employees and persons seeking employment

1. No person may discriminate against an employee for exercising any right conferred by the Labour Relations Act 1995
2. No person may, or threaten to:
 - require an employee not to be, or become, a member of a trade union or workplace forum
 - To give up membership of a trade union or federation of trade unions
 - Prejudice an employee or person seeking employment because of past, present or anticipated membership and/or participation in the lawful activities of a trade union, workplace forum or federation of trade unions
 - Prejudice an employee for failure or refusal to do something an employer may **not** lawfully permit an employee to do
 - Prejudice an employee for exercising rights conferred by the Labour Relations Act or for taking part in proceedings in terms of it
 - Advantage, or promise to advantage, an employee or person seeking employment, in return for that person not exercising any right conferred by the Labour Relations Act or for not participating in any Labour Relations Act proceedings

Section 10: Burden of Proof

In any proceedings, a party alleging that a right or protection conferred by Chapter II of the Labour Relations Act has been infringed must prove the facts of the conduct, and the party who engaged in that conduct must then prove that the conduct did not infringe any provisions of Chapter II.

