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International Centre for Trade Union Rights

Centro Internacional para los Derechos Sindicales
Centre International pour les Droits Syndicaux

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ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

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By e-mail:

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presidentrsa@presidency.gov.za, bonganiam@presidency.gov.za

Attn:

Jacob Zuma
President of the Republic of South Africa
Private Office of President
Union Buildings
Private Bag X1000,
Pretoria, 0001
South Africa

CC:

Association of Mineworkers and Construction Union (AMCU)
National Union of Mineworkers (NUM)
Young Nurses Indaba Trade Union (YNITU)

Dear President Zuma,

The International Centre for Trade Union Rights is writing to express concerns about recent arrests and anti-union actions in South Africa.

ICTUR understands that on 23 June 2017, the Secretary General of the Young Nurses Indaba Trade Union (YNITU), Mduduzi Ndlovu, was arrested following an assault on union delegates by security staff of the South African Nursing Council (SANC). It is understood that SANC security guards assaulted the YNITU delegates as they were due to meet with the SANC Registrar Sizeni Angel Mchunu to discuss the union members' grievances. It is unclear what charges have been brought against Ndlovu, but it is reported that he received urgent medical care after sustaining multiple injuries in the assault.

In a separate incident, ICTUR understands that in June the company Sibanye Gold fired over 1500 workers from its Cooke mine for participating in a strike to protest measures taken by the company ostensibly to combat illegal mining, which included banning food from being taken into the mines and the arrests of workers for collusion with illegal miners. It is understood that those dismissed include a large number of members of both the Association of Mineworkers and Construction Union (AMCU) and the National Union of Mineworkers (NUM).

According to the ILO's Committee on Freedom of Association the rights of workers can only be 'exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for governments to ensure that this principle is respected' (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, paras. 42-45). The Committee has declared that States should investigate assaults on the physical or moral integrity of trade unionists through instituting an independent judicial inquiry immediately to investigate and determine responsibility (*ILO Digest*, paras. 46, 50, 184, 191). Furthermore, the 'dismissal of workers because of a strike constitutes serious discrimination in employment on grounds of legitimate trade union activities and is contrary to Convention No. 98' (*ILO Digest*, para. 661).

ICTUR calls on the government to investigate the circumstances around the attack on Mduduzi Ndlovu, and ensure that the charges against him are dropped. ICTUR also calls for the government to ensure the reinstatement of dismissed workers at the Cooke mine, and to undertake all necessary measures to ensure the fundamental freedoms of workers to join and form unions and to take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director