



labour

Department:
Labour
REPUBLIC OF SOUTH AFRICA



[Home](#)

[About Us](#) | [Contacts](#) | [Services](#) | [Media Desk](#) | [Tenders](#) | [Vacancies](#)

[Site Map](#)

Basic Guide to Maintenance Service Workers

Employers may apply to have all or part of their business declared a maintenance service. Maintenance service workers may not strike, and employers may not replace non-maintenance service workers who are legally on strike.

Application

The Labour Relations Act applies to all employers, workers, trade unions and employers' organisations, but does not apply to -

- members of the:
 - National Defence Force;
 - National Intelligence Agency; or
 - South African Secret Service.

See

- Labour Relations Act

Applies to all workers and employers and aims to advance economic development, social justice, labour peace and the democracy of the workplace.

Maintenance Services

Maintenance service workers may not strike. A maintenance service is when a working area, plant or machinery is physically destroyed if the service is interrupted. If no collective agreement exists, an employer may apply to an essential services committee to have all or part of his business declared a maintenance service.

Replacement Labour

An employer may not employ anyone to do his workers' work if -

- all or part of their work is rendering a maintenance service and non-maintenance workers are taking part in a legal strike; or
- the workers are locked out, unless the lockout is in response to a strike.

Protest Action

Workers not rendering a maintenance service have the right to take part in protest action, such as legal stayaways, if -

- the protest action has been called by a registered trade union; and
- the trade union has given NEDLAC 14 days' notice.

Related Links

- [Basic Guide to Strikes, Lockouts and Picketing](#)
Workers have the right to strike and employers have the right to lock out workers under certain conditions.
- [Basic Guide to Trade Unions](#)
Trade unions are necessary for bargaining for workers' rights and benefits and they regulate industrial relations.
- [National Economic Development and Labour Council \(NEDLAC\)](#)
Visit the website of the National Economic Development and Labour Council (NEDLAC)