Define tomorrow.

For the first time in South Africa’s constitutional and labour history, the Interim Constitution of 1993 and the final Constitution of 1996 incorporated in their Bill of Rights provisions: the right to fair labour practices; the rights of workers to form and join trade unions, and employers’ rights to form and join employers’ organisations; the right of workers and employers to organise and bargain collectively; the right to strike for the purposes of collective bargaining; and the employers’ right to lockout insofar as it meets with the reasonably justifiable criteria of the limitation clause in the Bill of Rights. In order to give effect to these constitutional innovations, the Labour Relations Act was enacted in 1995 to repeal the whole set of anachronistic Labour Relations and Industrial Conciliation Acts, 1956 and 1967 respectively and to replace them with modern labour relations laws that would promote the spirit and objects of the Bill of Rights.

Twenty years hence, so much has happened. The Labour Relations Act has been amended several times. Other laws have been passed to supplement and support workers’ rights and fortify job security. Countless labour disputes have been brought forth. The number of arbitration awards has escalated. The Labour Courts’ review of the CCMA proceedings and awards has been a regular occurrence. The judgments of the Labour Appeal Court provide us a wealth of case law. The question whether the vesting of “exclusive jurisdiction” on labour matters in the Labour Court and the Labour Appeal Court was meant to keep out the regular courts has been deliberated upon and the boundaries of adjudicative jurisdiction clearly shown in the judgments of the High Court, the Supreme Court of Appeal and the Constitutional Court.

One cannot forget the constant challenges of strikes: the incessant strikes and protracted labour disputes at the mines climaxed by the labour dispute/upheaval at the Lonmin mines at Marikana that led to the loss of lives of 34 mineworkers. And, in tackling some of the questions arising from the Marikana incidents, the social scientists are invited to give us the sociological and economic perspectives and consequences of those events. Was that strike a typical primordial employer-employee struggle at the workplace or the traditional employer-resistance to improve the welfare of workers at the expense of profits. What is the extent to which the actions of the mineworkers and the response by the employers fit into the description of strikes arising out of labour disputes? If they were labour disputes, what type of labour disputes were they, and if they were not, what were they?

We believe that the last twenty years is good enough a time to: revisit and evaluate the developments; engage in intellectual analysis of South Africa’s labour relations law; and to forecast what the future will likely be. Accordingly, the College of Law, University of South Africa, hereby call upon labour academics, labour relations practitioners, labour arbitrators, Judges and trade unionists to join us in this two-day Conference holding on 17-18 August 2016 at Unisa, Muckleneuk Campus, Pretoria, South Africa, to discuss the twenty years of labour legislation, labour adjudication and labour relations practice in a climate of political freedom, the rule of law and democratic constitutionalism. In our view, each contributor could possibly start by looking at his/her topic from the point of view of its constitutional origin where this is appropriate; examine the statutory provisions and their implications to the subject matter along with the body of case law developed by the courts and other labour dispute settlement institutions on the particular topic. This will be followed by the contributions which the adjudicative organs might have made in the particular regard. The last is the evaluation, reflection and recommendation, as the author may wish.

The areas identified below are by no means exclusive or comprehensive. Please, feel free to formulate your own topic within or outside the sub-headings insofar as it falls within the overall Conference theme.

THE SUB-THEMES:
I. A Historical Conspectus of South Africa’s Labour Relations Law;
II. Constitutional Labour Law;
III. Trade Union Law and Collective Bargaining;
IV. Individual Labour Law;
V. Labour Disputes Resolution;
VI. Labour Jurisdiction and Labour Adjudication;
VII. Dismissal;
VIII. Public Sector Labour Law;
IX. Prohibition of Unfair Discrimination, Affirmative Action and Employment Equity;
X. Practice and Procedure in Labour Matters; and
XI. International Labour Law.

POSSIBILITY OF PUBLICATION
Our ultimate aim is that selected presentations will be published. “Selected presentations”, means presentations that have been prepared for the purposes of publication and must have gone through the usual blind peer-review process. We, therefore, urge presenters to bear this possibility in mind for we will be calling on them to submit their papers for consideration for publication after the Conference.

IMPORTANT DATES:
(a) Submission of Abstracts: 30 May 2016
(b) Submission of Completed Paper: 30 July 2016

CONTACT DETAILS:
Abstracts, Enquiries and Emails to be sent to:
(a) Ms N Nge: morulgn@unisa.ac.za
(b) Adv. MA Mthemba: mthemma@unisa.ac.za
(c) Prof ME Manamela: manamme@unisa.ac.za

REGISTRATION
Registration begins: 1-30 July 2016
Registration Fee: R1 200; Late Registration: R1 500