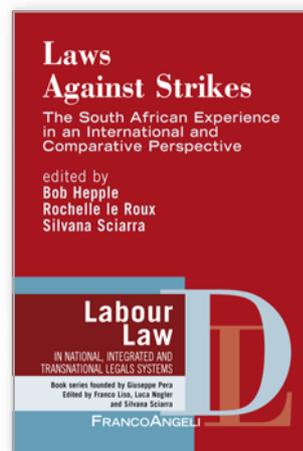


edited by

Bob Hepple, Rochelle le Roux, Silvana Sciarra

Laws Against Strikes

The South African Experience
in an International and
Comparative Perspective



About the book

The Marikana massacre at a platinum mine in South Africa on 16 August 2012 reflected a deep social crisis in post-apartheid South Africa, but also marked a failure of the new democratic order in South Africa and a failure of voluntary collective bargaining to achieve equality. Against the backdrop of Marikana and other violent protest action in South Africa, *Laws Against Strikes* examines what went wrong with labour relations in South Africa and what can be done to stabilise and improve those relations.

In the European Union, the right to strike has been at the centre of the complex and controversial jurisprudence of the Court of Justice regarding industrial action, which started with the rulings in *Viking* and *Laval* in 2007. Although violence was not a factor in those cases, they brought into public focus the problem of disequilibrium between economic freedoms and fundamental social rights. Furthermore, since 2008, the era of austerity measures in Europe has also called into question the adequacy of labour laws and has revealed that organisations representing collective interests lack the power to significantly influence macro-economic policy.

Laws Against Strikes, comprising contributions from South African, Italian and British legal scholars, examines the right to strike in periods of socio-economic crisis. The book aims to contribute to the debates on this issue, by comparing, where appropriate, the operation of the right to strike in South Africa with its operation in the European Union countries.

Sir Bob Hepple, QC, FBA is Emeritus Master of Clare College and Emeritus Professor of Law at the University of Cambridge. He was a Fellow of the Stellenbosch Institute of Advanced Study in 2011, and an Honorary Professor of Law at University of Cape Town (UCT) from 1999 to 2005.

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