



**LAW SOCIETY**  
OF SOUTH AFRICA

## **PRESS RELEASE**

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### **LAW SOCIETY URGES MAGISTRATES NOT TO STRIKE**

The Law Society of South Africa (LSSA) strongly disapproves of judicial officers engaging in industrial action and strikes.

‘The LSSA stands firmly behind the constitutional right that everyone has the right to fair labour practices. However, in the context of our constitutional democracy and the separation of powers, the Judiciary – of which the magistrates are a major part – is an independent arm of Government and is protected as such. There are, therefore, exceptional means for any single arm of Government to resolve disputes between it and one of the other arms, or within itself,’ say LSSA Co-Chairpersons Krish Govender and Jan Stemmett.

They add: ‘The three arms of Government serve the public and must serve as examples to the rest of the nation in the resolution of conflicts in a responsible and mature manner. They must use the mechanisms available to them in accessing the relevant levers of power that they are much closer to than ordinary workers, who often have to invoke the option of strike action to address their grievances. If these have been exhausted, as the LSSA believes, then resorting to strike action is unacceptable. This will seriously undermine one arm of Government, as well as leaving many ordinary citizens without access to justice and the lower courts in disarray.’

The LSSA is of the view that judicial officers are highly skilled, qualified and trained. They cannot compare themselves to the millions of ordinary workers who cannot easily leave jobs to find work elsewhere. Magistrates have other professional options. Also, there are many legal professionals who are unemployed or under-employed, and who would gladly accept an opportunity to work as magistrates. This should be borne in mind before magistrates attempt to engage on so-called industrial action which will reflect negatively on the Judiciary and undermine the future of magistrates within a united single judiciary, which is a goal for our constitutional democracy.

The LSSA call on those magistrates with specific problems to act with circumspection rather than embark on actions that may deny thousands of persons their right to speedy access to justice. ‘The respect with which members of the public look to judicial officers will be severely undermined,’ say Mr Govender and Mr Stemmett.

**ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE LAW SOCIETY OF SOUTH AFRICA, KRISH GOVENDER AND JAN STEMMETT**

by Barbara Whittle

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**Editor's note:**

**The Law Society of South Africa** brings together its six constituent members – the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces, the Black Lawyers Association and the National Association of Democratic Lawyers – in representing South Africa's 21 200 attorneys and 5 000 candidate attorneys.