



25 June 2026

To: Members of the South African Engineers and Founders Association

30 JUNE 2026: EMPLOYER GUIDANCE REGARDING PLANNED MARCHES AND PROTEST ACTION

1. Purpose of this advisory

SAEFA has prepared this advisory to assist members in planning for the possible protest action, marches, localised disruptions and associated employee attendance issues on Tuesday, 30 June 2026.

Members are encouraged to approach the matter in a practical, legally sound and even-handed manner. The immediate priorities should be:

1. maintaining workplace safety;
2. ensuring operational continuity where reasonably possible;
3. communicating expectations to employees in advance;
4. avoiding inconsistent or emotional decision-making on the day; and
5. dealing with any absence, late arrival, refusal to work or misconduct on the facts of each case.

This advisory should be adapted to each company's operational needs, shift patterns, security position and geographical risk profile.

2. Background

Members will be aware of public reports concerning planned protest action and mobilisation linked to demands that government take stronger action in relation to undocumented foreign nationals, border control and deportation.

While it is not possible to predict the scale or impact of the planned action with certainty, employers should not ignore the possibility of:

- local marches or gatherings;
- road blockages;
- interference with employee transport;
- intimidation of employees, suppliers or customers;

- threats or violence directed at foreign nationals;
- disruptions to deliveries, collections or logistics routes;
- temporary closure of affected areas; and
- absenteeism or late arrival by employees who either participate in the action or are unable to travel safely.

Members are advised to plan calmly and proportionately. The fact that a public protest is planned does not automatically justify closing operations. Equally, employers should not wait until the morning of 30 June to decide how they will deal with attendance, safety, access control and employee communication.

3. Protest action under the Labour Relations Act

The Labour Relations Act 66 of 1995 recognises that workers may, in certain circumstances, participate in protest action to promote or defend their socio-economic interests.

However, protest action enjoys legal protection only where the requirements of Section 77 of the LRA have been complied with. In broad terms, this requires the involvement of NEDLAC and compliance with the statutory procedural steps before employees may rely on the protections attached to protected protest action.

Where protest action is properly protected under Section 77, employees may not be disciplined merely for participating in the protected action, although the principle of “no work, no pay” may still apply. Misconduct committed during otherwise protected action may also still be dealt with.

On the information presently available, the 30 June 2026 action does not constitute protected protest action under Section 77 of the LRA. Members should therefore inform employees that any unauthorised absence, refusal to work or participation in unprotected action may have employment consequences.

4. Recommended communication to employees before 30 June

Members are advised to communicate with employees in advance of 30 June 2026. The communication should be firm, neutral and non-inflammatory.

The message should make it clear that:

- employees are expected to report for duty as normal unless otherwise instructed by management;
- absence without prior authorisation will be treated as unauthorised absence unless the employee can provide a reasonable explanation;
- participation in unprotected protest action during working time may result in “no work, no pay” and may also lead to disciplinary action;
- employees must not intimidate, threaten, harass or victimise any person, including foreign national employees, contractors, suppliers, customers or members of the public;

- violence, damage to property, obstruction of access, intimidation and unlawful conduct will not be tolerated;
- employees who genuinely cannot attend work because of transport disruption, road closures, threats to safety or other circumstances beyond their control must notify management as soon as reasonably possible; and
- each case will be assessed on its own facts.

5. Disciplinary action

Disciplinary action may be considered where an employee:

- is absent without permission;
- refuses to report for duty;
- leaves work without permission;
- participates in unprotected protest action during working time;
- intimidates or threatens other employees;
- prevents other employees from working;
- blocks access to company premises;
- damages property;
- incites violence or unlawful conduct; or
- acts in a manner that undermines safety, discipline or operational requirements.

However, members should avoid a blanket disciplinary response. The correct approach is to assess the facts of each case.

Relevant factors may include:

- whether the employee was absent for the whole day or only late;
- whether the employee notified the company;
- whether there was objective evidence of transport disruption or road closures;
- whether the employee was genuinely prevented from attending work;
- whether the employee participated in the protest action;
- whether the employee has a prior disciplinary record;
- whether the employee's absence caused operational prejudice;
- whether the employee was involved in intimidation, violence or other misconduct; and
- whether similar cases are being treated consistently.

Where disciplinary action is taken, ordinary procedural fairness should still be followed.

6. Employees who are unable to attend because of genuine disruption

There may be employees who do not participate in the protest action but are nevertheless unable to attend work, or arrive late, because of circumstances outside their control. Examples may include road closures, cancelled public transport, intimidation at taxi ranks, unrest in their residential area, or a reasonable concern for personal safety.

Such cases should not be treated in the same way as deliberate participation in unprotected action.

Members may consider one of the following options, depending on the facts and the company's operational requirements:

- unpaid leave;
- annual leave by agreement;
- short-time or adjusted shift arrangements, where applicable;
- remote work, if possible and appropriate;
- allowing the employee to make up lost time, where operationally feasible;
- treating late arrival more leniently where proper notification was given; or
- requiring proof or a reasonable explanation before deciding on the appropriate treatment.

The important point is to distinguish between genuine inability to attend and voluntary participation in unprotected action.

7. Safety, security and access control

Members should conduct a basic risk assessment before 30 June 2026, particularly if they operate in areas that may be affected by marches, road blockages, community mobilisation, transport instability or anti-foreign national tensions.

Practical steps may include:

- confirming whether there are planned marches near the workplace;
- communicating with security providers, landlords, business parks or neighbouring employers;
- reviewing access-control arrangements;
- confirming emergency contact details for key managers;
- identifying vulnerable delivery routes;
- adjusting delivery or collection times where necessary;
- advising employees to avoid confrontation;
- ensuring that foreign national employees are not exposed to unnecessary risk;
- preparing a communication channel for urgent staff updates; and
- deciding in advance who has authority to suspend operations if safety deteriorates.

Employers have a duty to maintain a safe working environment. If circumstances in a particular area become unsafe, management should make a practical and documented decision based on the actual risk at the time.

8. Suggested internal notice to employees

Members may adapt the following notice for their own workplaces:

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NOTICE TO ALL EMPLOYEES

Planned protest action on Tuesday, 30 June 2026

Management is aware of reports concerning possible protest action, marches and disruptions on Tuesday, 30 June 2026.

Employees are advised that the company will operate as normal unless management communicates otherwise.

All employees are therefore required to report for duty at their normal starting times and to perform their duties as usual.

Employees are further advised as follows:

1. Absence without prior authorisation will be treated as unauthorised absence unless the employee provides a reasonable explanation.
2. Employees who participate in unprotected protest action during working time may be subject to the principle of no work, no pay.
3. Depending on the circumstances, unauthorised absence, refusal to work, leaving work without permission or participation in unprotected action may result in disciplinary action.
4. Employees who are genuinely unable to attend work or who are delayed because of transport disruption, road closures, intimidation, unrest or safety concerns must notify management as soon as reasonably possible.
5. Violence, intimidation, harassment, threats, damage to property, obstruction of access or interference with other employees who wish to work will not be tolerated.
6. No employee may threaten, victimise or harass any other employee, contractor, supplier, customer or member of the public on the basis of nationality, ethnicity, language or immigration status.
7. Any workplace concerns must be raised through proper company channels.

Management will assess any absence, late arrival or misconduct on the facts of each case.

Issued by:

Management

Date:

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9. Management action checklist

Before 30 June 2026, members should consider doing the following:

- issue a written notice to employees;
- brief supervisors and managers on how to deal with absence and late arrival;
- identify essential operations and minimum staffing requirements;
- check whether deliveries, collections or customer deadlines may be affected;
- confirm security arrangements;
- update emergency contact lists;
- identify employees who may be at particular risk when travelling;
- decide who will communicate operational updates to staff;
- record all absence and late arrival accurately on the day;
- require employees to provide reasons for absence before deciding on discipline; and
- obtain advice before taking disciplinary action in difficult or borderline cases.

10. Conclusion

Members should treat the planned 30 June 2026 action as both a labour-relations issue and an operational risk issue.

The recommended approach is to communicate expectations clearly in advance, apply no work no pay where appropriate, distinguish between deliberate participation and genuine inability to attend, deal firmly with intimidation or violence, and ensure that all decisions are fair, consistent and properly documented.

SAEFA members requiring assistance with employee notices, disciplinary processes, attendance issues or operational planning are encouraged to contact SAEFA for guidance.