

Chip factory workers will challenge dismissal in Labour Court

By [Tsoanelo Sefoloko](#)

17 Jul 2023

Frimax Foods in Durban fired the workers who downed tools in an unprotected strike in June.



Some of the workers, who were dismissed from the Frimax chip factory in Verulam, Durban, for participating in an unprotected strike last month, wait outside the CCMA. Photo: Tsoanelo Sefoloko / GroundUp

- Dismissed Frimax chip factory workers in Verulam, Durban, want the Labour Court to intervene in their case against the company.
- The workers were fired in June for participating in an unprotected strike over working conditions, among other things.
- Workers say they have waited six weeks for the formal dismissal letters they need in order to claim UIF.
- The company has promised to respond to the workers and their union by 20 July.

Workers, who were fired from the Frimax chip factory in Verulam, Durban, for participating in an unprotected strike last month, are heading to the Labour Court to challenge their dismissal.

In June, [GroundUp reported](#) that the 219 Frimax workers had downed tools on 5 June and were dismissed by the chip producing company soon after. They made several allegations against their employer related to discrimination, mistreatment and withholding wages.

According to workers, they went on strike after the company refused to negotiate on internal grievances with their new union, the African Meat Industry and Allied Trade Union (AMITU).

Frimax says it has a closed shop agreement with the Food and Allied Workers Union (FAWU) and that AMITU cannot represent them on internal matters.

By 29 June, about 93 workers had returned to work and signed an affidavit stating they had been forced to strike by their colleagues. The remaining workers opted to fight their dismissals at the Commission for Conciliation, Mediation and Arbitration (CCMA).



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On Thursday, about 34 of the dismissed workers arrived at the CCMA office, but only eight of them could fit into the small meeting room. Workers were told by the company's lawyer, Stephen Pillay, that their union representatives would be notified of the status of the dismissal letters once ready, but they were not happy with this and decided to approach the Labour Court to intervene.

Worker Bonelihle Goge said they have been waiting six weeks for the formal dismissal letters from the company. They need the letters in order to submit a claim with the Unemployment Insurance Fund (UIF).

"We were hoping that by bringing the company to CCMA things will be done fast. I can't even imagine what I will say to my landlord because at the end of the day I need money to pay my rent," said Goge.

Frimax human resources manager Deshni Govender said the company's attorney advised them to work through the union to issue the UIF forms. Govender promised the company would respond to the union by 20 July.

"Employees were given a notice to sign their notices of termination as well as collect their UIF documents. None of the employees have approached HR yet. These employees were not retrenched, they were dismissed for participating in an illegal strike," she said.

According to Govender, the company lost over 500 hours due to the strike, which resulted in a considerable production loss.

"About 93 employees have returned to work and the remainder continue to strike outside our premises with no valid reason," she said.

A date for the Labour Court matter is yet to be confirmed.

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