

**THE RIGHTS GRANTED TO TRADE UNIONS UNDER THE COMPANIES ACT
71 OF 2008**

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SUMMARY

With the entering into force of the *Companies Act 71 of 2008* in 2011 a number of rights were granted to trade unions by the act. The *Companies Act 71 of 2008* not only grants rights to registered trade unions, as is the case in labour law, but in some cases it grants rights to trade unions representing employees at the workplace. It is argued that rights afforded to trade unions by the act ought to be granted only to trade unions that are registered in terms of the *Labour Relations Act 66 of 1995*. In addition, it is also argued that the *Companies Act 71 of 2008* ought in principle to differentiate between rights that are granted to registered trade unions representing employees at the workplace and rights that are granted to registered majority trade unions, or at the least to sufficiently representative trade unions.

KEYWORDS: *Companies Act 71 of 2008*; Trade unions; *Labour Relations Act 66 of 1995*; Organisational rights; Business rescue

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