

Collective Labour Law

By John Grogan • Juta Law (2007) • 309 pages • Soft cover R 375.00 (VAT incl)

This is the second part of an intended two-volume work aimed at dealing with the entire field of labour law and is a companion for Grogan's *Dismissal, Discrimination and Unfair Labour Practices* (2005). The focus of this second part is on those aspects of labour law which are collective by nature.

The first two chapters provide the context for the rest of the book. A brief historical background and an overview of defects in the previous legislative dispensation are given, followed by a brief discussion of the legal framework for the current legislative dispensation applicable to collective labour relations.

Within this context Grogan systematically discusses the positive law in separate

chapters dealing respectively with freedom of association, bargaining agents, organisational rights, bargaining forums, the bargaining process, collective agreements, the interrelationship between collective bargaining and industrial action, primary strikes, secondary strikes, protest action, the extent of protection, unprotected strikes, picketing and lock-outs. In each chapter various references are to be found to some reported judgments (for which a

table of cases is provided) and statutory provisions discussed in the text of that chapter, but Grogan refers very sparingly to other text books or legal publications on the same topic.

Grogan writes in a narrative style reminiscent of the lecturing notes of a university. A topic is introduced and then explained with reference to the relevant judgements and legislation with sufficient detail, depth, rhetorical questions and criticism to enable the reader to make up his own mind on a particular problem. This way of presentation is a gripping one. In the process an issue is simplified and presented in a manner that promotes a better understanding thereof. However, Grogan's book is not intended to be an encyclopaedia or a research tool in which all the relevant references or the essence of academic debate on any topic in the collective labour law can be found. To that extent the book fails in its declared objective (as set out in the preface), of being part of an endeavour of 'dealing with the entire field of the labour law in greater detail than is possible in a text book.' In part this book is an introduction to collective labour law but an introduction from the perspective of the positive law as it has evolved over time. Basic principles are discussed and visited in a logical and coherent manner. The art of Grogan lies in his ability to present something such as collective labour law that is truly a complex phenomenon in the modern South African society, in a simple and straightforward manner. Herein lies the value of this book and this is what makes it accessible for everyone in the field of labour law.

Marius Oosthuizen, Pretoria Bar



Admiralty Jurisdiction: Law and Practice in South Africa

By Gys Hofmeyr SC • Juta (2006) • 374 pages • Hard cover R468 (VAT incl)

To most lawyers, shipping work is regarded as the exclusive domain of a select few who have unravelled the mystique of maritime jargon and have acquired the skill of dealing with a separate Act, court, rules and practice. This book serves as a useful introduction to that area of law and is a good companion for those who have hitherto been deterred by the daunting prospect of having to trawl through some of the more esoteric publications on the subject.

The book achieves the difficult task of dealing simply with a complex subject without sacrificing content. The first chapter of the book, which deals with the historical legal background of admiralty jurisdiction, contains just enough detail to be useful without turning it into an academic tome. Whilst the historical context is an important consideration, the book's real value for the practitioner lies in the chapters that concern the practical workings of the Admiralty Jurisdiction Regulation Act 105 of 1983 and particularly the chapters dealing with proceedings *in rem* and *in personam* and security arrests.

It could be argued that in simplifying the subject matter the author has sacrificed detailed discussion. While that may be a valid consideration for some seasoned practitioners, this certainly does

not eclipse the value of the book for the more junior practitioner. Whilst I am of the view that the book would appeal to most practitioners irrespective of seniority, its true value lies in the fact that the language and style of writing employed make it accessible to the novice practitioner.

Approximately half of the book consists of appendices made up of various Acts and rules of court. Apart from the fact that most practitioners have independent access to such Acts and rules, most if not all of them have already been included in previous publications on the same subject. The proposed amendments to section 11 of the Act have also been included in circumstances where such amendments have been overtaken by subsequent events and are, in any event, not universally supported by the South African maritime fraternity.

This does not however detract from the essential merit of the book as a valuable starting point for any practitioner with an interest in admiralty law and a good addition to any established maritime library.

LR Naidoo, Durban Bar

