

# Chamber of Mines' Policy and the Emerging Miners' Unions

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## Introduction

The last few years have seen relatively sharp changes in labour relations attitudes. But no change can have been as rapid or startling as that on the mines. Students of mine labour history will need no reminding that, besides being the biggest employers of migrant labour in South Africa, the mines have also resisted black unionisation more sharply than any other industry.

The extent of this resistance is brought sharply into focus by the fact that, as late as 1978, the Chamber of Mines visited the Minister of Manpower, Mr Fanie Botha, to request him not to extend the legislation establishing works and liaison committees to the diamond and platinum mines. Even this form of worker representation — long discredited among black workers — was considered 'inappropriate' to black miners.

And it is only recently that many mines have scrapped the 'induna' system — in which a miner was delegated by management to 'represent' workers — with works or liaison committees.

The Chamber of Mines' submission to the Wiehahn Commission contained two chapters on union rights for black migrant miners — one, by Anglo American, supporting them; the other, by the rest of the mining houses, opposing them. In other words, mines labour relations thinking lagged behind that of the Government itself.

The mines were able to adopt this stance partly because they were not subject to the same pressures for black unionisation as those in secondary industry. Because all but a handful of their workers are migrants, housed in compounds on mine property, the mines have been able to exercise tight control over the access of union organisers to the miners. Security at mine compounds is tighter now than it was in the 1940's when the African Mineworkers Union organised mine workers by meeting them in secret behind the minedumps at the dead of night and, after the crushing of that union during the 1946 black miners' strike, no serious attempt was made to organise black mineworkers for nearly forty years.

A further factor is the relative white monopoly on both artisan and skilled production jobs on the mines, (bolstered by regulations promulgated in terms of the Mines and Works Act), which is only now being eroded in some areas. This has been irksome to the mines, acting as it does as a ceiling on the utilisation of labour, but it also ensured that black mine workers would remain relatively un-

skilled and thus easily replaceable if they attempted to strike.

The mines paid a labour relations price for this policy. Because there were no institutional channels for black grievances, strikes tended to develop rapidly into riots, causing substantial damage to mine property. These eruptions were particularly common in the mid-1970's — many more were dismissed at the time as faction fights — when they claimed scores of lives and led to the appointment of a Government commission whose findings, which were never published, blamed the violence on the migrant labour system. Employer action to prevent further outbreaks of unrest were usually hampered by the fact that management attempts to discover the causes of unrest usually ended in failure. Because there were no channels for communication, let alone bargaining, the mines had no means of establishing how a supposedly contented workforce erupted into violence on occasions. They seem, however, to have regarded this as a price worth paying if the alternative was permanent black organisation in the industry.

### **Post-Wiehahn Period**

With the introduction of post-Wiehahn labour legislation, the mines moved haltingly towards accepting black unionism. But this acceptance was so hedged with conditions that it ruled out almost entirely any possibility of independent black mine unionism.

An early draft of the Chamber's labour relations guidelines, published in the Press in 1981, spelled out the industry's policy at that time. A vital stipulation was one ruling out any access by union organisers to miners' hostels or workplaces. As the mines had always derived their ability to forestall unionism by their control over access to workers, this seemed to rule out any sustained and effective organising effort.

Even if unions managed to surmount this hurdle — and it is difficult to see how they could have — they faced onerous restrictions on their right to bargain. To name but two examples, they would not be recognised by mines unless they registered and could not gain bargaining rights on any one mine unless they represented at least 30% of the workers in any one job category throughout the industry.

One of the effects of this stance may have been to exclude organisation by any unions except the established white unions in the industry. But even the established SA Boilermakers Society reacted angrily to the guidelines, arguing that they made black union organisation virtually impossible. At that stage, then, the idea of viable black unionism on the mines seemed remote — perhaps for decades.

But the first draft of the guidelines proved to be the high watermark of the Chamber's resistance to unionism. After the Boilermakers took the issue up with the Chamber, a process of chipping away at the guidelines began which was to end last December when the Chamber released new criteria which were, at least on paper, considerably more 'progressive' than those of much of secondary industry.

## **Union Access to Mines**

The first hint of a change came when the Chamber granted access to mine property to the Black Mineworkers Union, an unregistered union which had been launched by ex-Black Allied Workers Union official, Chillian Motha. Because Motha's union adopted an extremely conciliatory approach to mine managements and was being assisted by the Boilermakers, this did not necessarily mean an acceptance of independent black unionism.

Confirmation that the recognition guidelines had been drastically revised came later in the year when the Chamber granted the Federated Mining, Chemical and Explosives Workers Union (FMECWU), recognition at two mines where it had recruited some coloured workers. It received bargaining rights in those job categories where it had a 'substantial' coloured worker membership. (The union which established FMECWU, the Boilermakers, had earlier been granted full recognition at de Beers in Kimberly. Although recognition was granted by Anglo American, not the Chamber, this may have influenced subsequent events).

FMECWU is registered as a coloured union but began organising Africans last year. Chamber sources said at the time that there would be no difficulty in extending the agreement to cover African workers.

The most significant test for the mines' new flexibility came, however, when the Council of Unions of SA launched a black miners' union, the National Union of Mineworkers. This move appeared to be largely a reaction to the rioting on Goldfields and Gencor mines in the middle of the year, prompted by the fact that workers employed by these groups had received annual increases which were smaller than those at Anglo American and Rand Mines, and were also the smallest increases for some years.

The NUM applied for access to mines and was granted it, thus becoming the first independent black union on the mines since 1946. The details of access were, however, left up to individual mining houses and some continue to take a fairly restrictive approach. Thus Anglo has granted NUM full access to hostels and Rand Mines is believed to have followed suit. But groups like Gencor and Goldfields still place limitations on the union's right to organise on their mines.

The issue now became whether the Chamber would grant NUM bargaining rights if it achieved substantial representation in any one mine — particularly as the Chamber's recognition criteria still stressed that a union had to have registered.

## **Chamber's Policy Guidelines**

The answer came when the Chamber announced revised recognition guidelines last December.<sup>1</sup> Their most publicised feature was the fact that they dropped the registration stipulation, which had remained intact despite successive changes to the guidelines. Chamber spokesman said this step followed the lead set by the Government in announcing draft legislation (which has since passed through Parliament) granting unregistered unions the right to use the statutory disputes

machinery. 'There is a general feeling in the country that registration is not the issue it once was,' the Chamber's industrial relations advisor, Johan Liebenburg, said.

This measure immediately removed a crucial obstacle to bargaining rights for NUM which had earlier, at its inaugural congress, rejected registration, arguing that it was a means of controlling black unions. But the Chamber guidelines went further. Instead of insisting on the centralised bargaining demanded by most secondary industry employers, the Chamber announced that it would recognise any black union on any mine where it achieved 'substantial membership' (in some cases less than a majority, but never more) in one job category.

This was a pretty big departure from the original thirty-percent- across-the-industry stipulation and the new guidelines made it relatively easy for black unions to gain recognition at any mine where they have a worker base. So much so that established unionists have been heard to grumble that it is 'too easy' for black unions to gain recognition.

### **Established Unions Respond**

The established unions want an industrial council for the mining industry, and formed a Confederation of Associations and Mining Unions as a precursor to such a move.

This attempt has been delayed by the new Confederation's decision to exclude FMECWU, but may well be revived at a later stage. NUM also decided at their congress to reject joining a council and, interestingly enough, Chamber officials have implied that they are interested in a council but hesitant about any bargaining forum which will exclude the new black unions.

### **New Union Activities**

There are now five unions which are attempting to recruit black mine workers, three of whom have been granted access. Of the three, NUM looks almost certain to emerge as the biggest, certainly at this stage. It has recruited some 18,000 members in its six months or so of organising and is attempting to establish shaft steward and regional structures in an attempt to consolidate its base.<sup>2</sup> It is negotiating four recognition agreements with the Chamber and believes it will be in a position to negotiate two others soon.

By far the majority of its members work on Anglo mines — the obvious result of Anglo's more accommodating approach and a trend which some mining insiders fear may create problems when industry-wide black wages are discussed this year. Anglo, they argue, will face far more pressure from newly-organised workers than the other groups and may therefore hold out for a much higher award than the other houses are prepared to countenance.

NUM's second biggest source of membership at present is Goldfields, regarded by some as the group most resistant to unionism. Almost all NUM's organising activity has been on West Rand and Western Transvaal mines.

At this stage, its only serious rival is FMECWU which is registered to represent coloured workers, but has been recruiting blacks for some months. FMECWU has two recognition agreements at this stage. However, the indications are that it was established by the Boilermakers more as a means of recruiting skilled black mine workers than as a vehicle for mass organisation.

The third union to have gained access to the mines, the BMWU, is unlikely to make much headway. Indeed, little has been heard of it since it gained access (it has apparently called only one worker meeting — at a time when its potential members were on shift), and little more is likely to be heard in the future.

The two who have not asked for access are the Black Allied Workers Union, which may have some coal miner support in Northern Natal, and a Black, Mining Construction and Allied Workers Union which is apparently a union of the 'progressive democratic' variety. There are also reports that the Municipal and General Workers Union has shown an interest, and extravagant claims about the existence of a Tunnelborers Union which have not yet been confirmed.

Suffice it to say that, as in secondary industry, the better organised unions will survive and little influence on the industry's future is expected from the group who have not yet gained access to the mines. Whether some other, more substantial rival to NUM is to emerge remains to be seen.

### **Chamber Policy Assessed**

The obvious question which arises from the past year's developments is why Chamber policy changed so radically so quickly. In secondary industry, changes in employer labour relations policy have been relatively easy to explain by reference to the pressure of organised workers, the growing need for a stable skilled labour force and the like.

The mines made their change under relatively little pressure. While they may have been influenced by the Boilermakers' desire to organise blacks — certainly the union did work hard behind the scenes to effect some changes — the birth of black unionism on the mines came after, not before, the decision to grant unions access. And, fast growing though it has been, NUM was hardly strong enough to force changes in Chamber policy on registration.

The riots on Gencor and Goldfields mines could have played a role. Because they hit those groups which had given the lower increases, they could not be wished away a 'faction fights'. But this, too, is not an entirely satisfactory answer. After all, this sort of unrest was not exactly new.

There are, of course, some good long-term reasons for the mines to come to terms with unionism sooner rather than later. Although the black work force remains overwhelmingly migrant, the Chamber has for some time been attempting to stabilise the mine labour force. There has been a slight easing of Government restrictions on family housing for black mine workers, although this clearly affects only the upper strata of black workers.

At the same time, and more importantly for our purposes, the Chamber's

recruiting arm, Teba, has been offering migrant miners guaranteed re-employment at their previous mine if they return within a set period. This is a first step in an attempt to produce 'career miners' among the black workforce. It is obviously not an overly dramatic one, but a stabilised workforce is, of course, far less replaceable than a purely migrant one. If the stabilisation process continues, the mines will have to come to terms with that less expendable workforce.

At the same time, although Mine Workers Union resistance to the elimination of racial job barriers remains strong, there is a drift on the mines towards using black labour in more skilled positions. And Chamber efforts to secure union agreement for more far-reaching changes have increased. Once again, a skilled black workforce has more bargaining power and there is a much greater incentive for employers to attempt to accommodate them.

The Chamber's moves on black unionism came at a time when it was discussing a future labour relations system with white unions and this may well have acted as an incentive to produce a long-term strategy on black unionism.

As I indicated earlier, Chamber officials tend to explain the change in terms of changes in Government thinking. There has, of course, been a relaxation of official attitudes towards both the registration issue and decentralised bargaining and the Chamber, they say, merely slotted into that. Although there are obviously broader issues at stake, this argument cannot be dismissed entirely.

It does seem plausible, albeit unsatisfactory to cosmic structural theorists, that the mines, having initiated a process of reform, simply took this to somewhere near its logical conclusion. It is worth bearing in mind here that, unlike secondary industries such as metal, the mines have never had a formalised and established bargaining structure. There has never been an industrial council and black workers do not even have a liaison or works committee tradition. The absence of traditional structures to cling to might well have contributed to a climate in which innovation was more possible.

### **Prospects**

What of the future? Euphoria about the development of black mine unionism would be more than a little misplaced. Unions like NUM have been in existence for only a few months and it is far too early to assess whether they will actually be able to exercise power on the mines. To put the issue more bluntly: What is going to happen when the unions start making demands which employers resist? Will mine managements find the jump into real bargaining too much and retreat into a more traditional stance? And will unions like NUM, which remain unproven (ironically, no other emerging union has been able to organise with employer permission virtually from its inception), be able to resist these moves. Certainly, employer ability to resist the union remains immense, particularly in the short term. However generous the access concessions, a black mine union is still operating on the mines only because the employers don't mind it being there. It is still bargaining in terms of a permit which could be withdrawn.

The mines have a lengthy history of tough bargaining, which can only get tougher with the growth of black unionism. Unionised black workers will still be almost exclusively migrants, who are recruited in areas of high unemployment where replacement for strikers are easy to find.

The 1979 white miners' strike left no doubt about the Chamber's willingness to take a tough stance during disputes and the scope for toughness is clearly much greater when employers are dealing with migrant miners who live in compounds on mine property.

It may well be a good many years, therefore, before the nascent black mine unions are in a position to do labour relations battle on anything like equal terms.

Nevertheless, the post-Wiehahn developments in secondary industry have tended to show that reform processes, once begun, take on a logic of their own. To name but one example, refusing a union access to the mines is a good deal easier than cutting off access because it is making demands which employers don't like. It is very doubtful that this would ever happen.

The more the reform process continues, the more difficult it becomes to dismantle it. While it is too early to begin assessing the likely growth of organised worker power on the mines, it does indeed seem that a permanent era of black unionism has begun.

## Footnotes

1. See Documents: Mines Policy Guidelines. (Editor's note)
2. See Interview with NUM. (Editor's note)

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