

AT ARMOURPLATE SAFETY GLASS

FROM 6TH SEPTEMBER 1976 TO 1ST NOVEMBER,

BEING THE FIRST LEGAL STRIKE

BY BLACK WORKERS IN SOUTH AFRICA.

*by Glass and Allied Workers Union.*

Armourplate Safety Glass (Pty) Ltd., is a subsidiary Company of Pilkington Brothers, St Helens, United Kingdom. The factory is situated in Springs, Transvaal about 45km from Johannesburg. The South African Pilkington Company is nearby. There were approximately two hundred (200) Black workers employed. Of these one hundred and forty (140) belonged to the Glass and Allied Workers Union, a Black Union with Head Office in Benoni and branch offices in Johannesburg, Pretoria, Springs and Port Elizabeth.

#### BACKGROUND: FORMATION OF GLASS UNION

The Union was originally firmly entrenched in Pilkington but not in Armourplate. In 1974 workers at Pilkington were interested in the formation of a Union and were planning to do so when the arbitrary dismissal of workers and general frustration in getting grievances attended to resulted in a strike at Pilkington in November 1974. Twenty-two workers were sacked by the Company. The sacked workers were assisted to seek an interdict from the Supreme Court for their reinstatement. Settlement was reached with the Company which included the subject of the Trade Union. The relevant paragraph of the settlement which was signed by O.T. Breakspear on behalf of Pilkington Brothers (S.A.) (Pty) Ltd., read as follows:

"The respondent records that it has no objection to the establishment of a Trade Union with a reasonable constitution, and the Respondent may at its discretion consult with the Urban Training Project in the pursuit of creating better labour relations."

Correspondence was entered into between the Company and the Union on an amicable and promising basis but ended when the Company decided that it would have nothing to do with the Union but would talk with the Works Committee only (100% Union membership). With the exception of this section the settlement was made a Court Order. Dismissed workers which it should be noted were claimed by the Company to have resigned were reinstated and R2 000 paid which covered legal costs and lost pay. Preparation was made to form the Glass and Allied Workers Union and this was established on 5th April, 1975.

At Armourplate great difficulty had been experienced in trying to organise both Works Committee and Union in the face of harsh management. The Union had ensured that at least the majority of the Works Committee members were Union members but this committee had difficulty in carrying on, and went out of existence until a new committee was elected. The new committee was making some progress as evidenced by an agreement with the firm in June 1976 to scrap old service records which it was agreed by management had been unfairly compiled.

#### ARBITRARY MANAGEMENT ACTION

In July 1976 the management consulted the Works Committee on the subject of the effects of the current recessions and obtained through them the workers agreement to work a four day week in order to avoid reduction of staff.

Ten days later with no prior warning or consultation with the committee three workers were fired one of whom was a committee representative. The workers were very angry at this action. They saw this as management breaking its word to them and almost started an illegal strike. The management, when pressed, said that the three workers had not actually been retrenched but dismissed for bad records.

Retrenchment had been recorded in order to give a good recommendation. Management then produced the old record cards which it had been agreed in June 1976 would no longer be used, claiming that the workers were fired because of these. The workers had two and a half years, three and a half years and nine years service respectively. The most serious complaint about the latter was evidently that he had been involved in an accident when driving the forklift; denting a folding door which had to be knocked straight. Management said that the dismissal was no business of the Works Committee.

Workers were furious at this clear breach of faith and decided to take the required steps to commence a legal strike in order to try to get the sacked workers reinstated. After a meeting with the management at which the subject was discussed and no agreement reached the committee informed management of their intention to strike unless the workers were reinstated and requested that the Bantu Labour Officer be informed of their intention. Both he and later the Bantu Labour Inspector, after trying to settle the dispute, confirmed that the workers could carry out a legal strike as from September, 23rd. (thirty days later) if the matter had not been settled.

On two occasions that the Armourplate Committee met with the Union executive, it was pointed out to the workers the great difficulty in pursuing a strike in the present economic situation. It was eventually agreed that a final decision to strike be left to the weekend preceeding the first working day after the third which was Monday, September 6th 1976. It was hoped that the evident intention of the workers to strike would encourage the management to discuss the so called retrenchment and reach a mutually acceptable agreement.

Two offers were made by the Union to the management to assist in the matter, both were refused.

On Thursday 2nd September, 1976 Mr Breakspear, Chairman of Armourplate, was quoted in the Rand Daily Mail as making amongst others the following statements:

"Minimum rate of pay without overtime was R150 per month".

"Black workers had the same pension and leave benefits as white staff"

"The call for strike action by the Works Committee had been taken without sounding out the workers in the factory."

These statements and the last in particular so infuriated the workers that it made it impossible to persuade them not to go ahead with the strike. The workers claimed that it was not true that the minimum rate of pay was R150 per month. They claimed that they were forced to belong to a Pension Fund called "Pilkington Group Non European Pension Fund" and did not therefore believe that the benefits were the same as for "European". The final decision to strike was made at a meeting of workers held on 5th September 1976 in Kwa-Thema, Springs.

#### THE STRIKE COMMENCES

On Monday, 6th September, 180 of the workers went to the Company, waited in the changeroom and sent the Committee in to talk with Mr. Fitzhenry, the manager. Police were outside the factory and warned the Secretary and Organiser of the Union standing outside that they should disperse as they were contravening the Riotous Assemblies Act ban on gatherings.

The Committee proceeded to the office of Mr. Fitzhenry. The Chairman, Ephraim Mabena went in and found Mr. Fitzhenry with three men he did not recognise. On the table in front of each of the three strangers was a revolver. Mr. Mabena asked Mr. Fitzhenry if the Committee could meet him. This was refused and Mr. Fitzhenry said he could see Mabena alone. Mr. Mabena and the Committee then withdrew to join the other workers. The Bantu Labour Officer arrived at the factory later and brought Mr. Fitzhenry to meet with the Committee. He said the firm was not prepared to reinstate the retrenched workers. Those workers who

wanted to go back to work should collect their pay the following day. Almost all the workers left; that is one hundred and eighty.

The following day 7th September, the workers went to collect their pay but found the gate locked. In view of the ban on gatherings existing and the presence of police they decided to leave. At a subsequent meeting held it was decided not to collect the outstanding monies in view of claims made by the Company that the strikers had resigned. The view of the Bantu Labour Officer was first that they had been dismissed. Later he stated that they had deserted.

On the 16th September, the Works Committee members called at the factory to test the position. They were asked to produce their reference books to be signed off. They said they did not have them on their persons. It was then suggested that they could take their money if they signed a list. This they also refused stating they still regarded themselves as employees, that they were on strike, that they had not resigned, and that normal procedure when collecting pay was to sign the duplicate slip.

It was reported that workers at Pilkington had been asked to take on work at Armourplate. This had been refused by the workers. Later two Coloured workers from Armourplate Port Elizabeth were flown up to teach new workers. When they discovered what was happening they made contact with the strikers and shortly after returned to Port Elizabeth. Management would not talk.

Both Works Committee and Trade Union continued to make efforts to persuade management to negotiate a return to work. Altogether three letters were sent with no reply received, and a number of phone calls were made in vain.

Mr. Breakspear on the one hand maintained that he would negotiate with the Works Committee only. When pressed he then maintained that he could not talk to the Works Committee as it did not exist any longer.

## FURTHER POLICE INVOLVEMENT

On September 22nd it was reported that Armourplate strikers were being called in for interrogation by the Special Branch Police. A statement from one worker reports that he was taken in on the 21st September. He was questioned as to who caused the workers to strike to which he replied "Mr Fitzhenry". He was asked if he was a Union member and if the Union had done anything for the strikers. The policeman then suggested that the Union was rich, had been in business for a long time, and had beautiful cars. The worker was then told about certain workers who had criminal records who were planning to murder the Chairman and four other strike leaders. He was asked not to tell others what had happened and to give information to the police.

## THE PICKET

On September 23rd striking workers commenced a picket at Armourplate. Workers holding placards walked at deliberately big intervals along the pavement up to the firm and back. First to appear was management who took a close look and went into the factory. Shortly after one policeman arrived by car. Later police vans arrived and 27 workers were taken to the Police Station. Within a few hours they were in front of a Magistrate and convicted under the Riotous Assemblies Act. They were each fined R50,00 or 75 days and detained at Modderbee prison. The following day the Union borrowed the money necessary and had the 27 men released. The unusual speed with which this case was handled surprised everyone including legal advisors, and the men were not represented in Court. They also did not realise that they could be represented and thus declined when asked by the Magistrate. The workers convicted have had an appeal noted in the Supreme Court.\*

The Union in a letter to Mr. Breakspear dated 28th September, told him that the workers believed that the Company was calling in the police, and asked him that if it was true, to see that it ceased as

\* All convictions and sentences against the accused were set aside on appeal in May in the Supreme Court on the grounds that there had been irregularities in the trial of the accused.

ugly feelings were aroused by this type of action. The Union then arranged for an application to be made to the Magistrate of Springs for permission to hold a picket. This application was refused. No reasons were given. Armourplate regarded the workers as having resigned. Armourplate would not negotiate with the Works Committee.

#### UNION ASKS FOR MEDIATION

On the 12th October 1976, the Union with the agreement of the strikers asked the director of the Institute for Industrial Relations to mediate in the dispute. This was agreed and Mr. S. Van Coller contacted the Company to find out whether it would agree.

He was informed that Mr. Breakspear who was overseas at the time would have to consider this proposal. After his return Mr. Breakspear was not available and the manager of the factory indicated that Mr. Breakspear was not interested in the proposal.

#### THE STRIKE ENDS

On Monday, November 1st, eight weeks after the strike began, the strikers met to consider the rejection by Armourplate of the suggested mediation and their next move.

They decided, in view of this, to go to the factory, collect their money and refuse re-engagement for the following reasons:

1. Management had refused mediation.
2. Reports had been received of ill treatment by Whites of strikers who had previously returned to work.
3. Skilled workers expected that they would be used to train new workers and then be dismissed.
4. Management had stated that only some workers would be accepted.
5. Victimisation of Union members was anticipated.

The strikers further decided that all should feel free to seek employment where they could from the following day. It was also agreed to request the Union to instruct its attorney to demand payment of pro rata leave pay which the Company had withheld.

Workers then went to the factory, had their passes signed off, collected outstanding pay and pension money, and when asked whether they wished to apply for reinstatement, declined.

#### COMPANY TRIES TO NEGOTIATE THROUGH THE PRESS

On the 7th and 8th of November, conflicting press reports appeared on a statement made by the Chairman of Armourplate, Mr. O.T. Brooksphear, who said that as a gesture of goodwill outstanding pro-rata leave pay would be paid to all. This would cost the Company R13 000. One report indicated that Armourplate "had decided to re-employ any of them (strikers) still looking for jobs with the Company on the basis of continuous service." Another report stated that Mr. Brooksphear had said the Company had its full complement at present which was 113 in the present economic climate and that the strikers would not be re-employed.

#### LOCAL SUPPORT

Branches of other Unions in the East Rand started to help the Glass and Allied Workers Union to assist striking members by collecting financial help from their members. Donations were also made by the Engineering and Allied Workers Union, the Laundry Workers Association, and the National Union of Motor Assembly Workers.

#### INTERNATIONAL SUPPORT

The British TUC was asked by the Union to assist in efforts to resolve the matter and action was taken on several occasions by the General and Municipal Workers Union who cover glass workers at the mother company Pilkington Brothers at St Helens, England. Several attempts were made but were not successful

in as far as the strike was concerned. Glass workers in the UK donated money through the above Union to help the strikers to pay rent and electricity. Money was also received from ICFTU and the Canadian Labour Congress.

The International Chemical Workers Federation was also kept informed of the position and the matter was discussed at the World Council for Pilkington held in Canada in October 1976. This Council consists of Unions at all Pilkington factories throughout the world.

#### FINANCIAL SUPPORT TO STRIKERS

The Union was able to pay out the amount of £5,00 per worker on **three** occasions and R12,00 per worker once. The latter amount was to assist in paying rent and light or rent and candles and paraffin. Total paid out was close to R4 000.

#### SEMINAR

At the request of the strikers the Union arranged to hold seminars for the strikers. These were conducted by Urban Training Project and were attended by about eighty workers on each occasion.

#### INFORMATION FROM THE FACTORY

During the strike the following unconfirmed information came from workers in the factory, who for the first four weeks numbered approximately 30-40, some old workers returned, others new. This increased by another 50-60 afterwards.

1. Workers who had been on strike and returned to work complained about the hostile attitude and bad treatment from the whites - who called them bloody strikers and made life miserable for them.
2. Two white workers threatened to hand their notice if the factory did not get back to normal.

3. Six whites were operating one machine usually operated by three black workers.
4. Due to mistakes made in one section preparing glass windows for delivering to railway carriage makers a penalty was suffered by the firm.
5. Two whites who were put on to driving lorries resigned. New drivers were having great difficulty with deliveries.
6. Glass delivered by Pilkington was piling up at the factory.

#### SUFFERINGS OF THE WORKERS

This was considerable. Pressures were exerted by some neighbours tired of borrowing, and some wives and children trying to get enough to eat. In the majority of cases, however, families and neighbours were magnificent in their support of their men. Problems were created by certain Retail Stores who took a hard line on the non payment of accounts by strikers. Pass problems were also acute as the reference book held by an African man has to be signed each month by the employer. All strikers were liable to arrest on this account. The only case reported was that of one worker who spent four nights in jail and was released. When workers did again register for work no difficulty was experienced at the Labour Bureau. Workers were not entitled to Unemployment Insurance Benefits as persons leaving employment as a result of an industrial dispute are specifically disqualified.

#### WHAT KEPT THE STRIKERS GOING

The men were really well united in their determination. Most attended a meeting of strikers held each weekday and night. They were pleased that the action they took was completely legal and although their expectations from such legal action were rudely shattered they believed that they had done the right thing.

They said that even should they lose the struggle

they felt they had taught management a lesson which they would not easily forget. They believed that things would thus be better for Black workers in the future. They were proud to be able to give Black workers in general an example of what unity can do. When they learned that the answer to the Unions request for mediation would take almost two weeks for reply they said they had suffered for so long why not a further two weeks.

They were particularly encouraged by the support received from their own Union, the other Unions locally and Urban Training Project. Support from glass and other workers overseas also meant a great deal to them.

#### ATTITUDE OF ARMOURPLATE TO STRIKE

This appeared to be one of complete rejection of any form of compromise or even talking with workers. In spite of the fact that there was at very least a mismanagement of a simple situation, Pilkington and Armourplate refused to make even a conciliatory gesture. The Union, in a letter to the firm, attempted to assist the firm not to lose face by appealing to it to accept the possibility that the workers could have been given a wrong impression by the actions of management. This was in a bid to settle matters and get the men back to work without further trouble. This made no impression. Management has on occasion talked to the Press. Some of the sentiments conveyed were as follows:

"The dismissal of the three workers was due to recession. They were chosen because they had least satisfactory records of service, no assurance was given that workers would not be retrenched. The Company would not negotiate with the Union." "We feel we have our lines of Communication with the workers Committee. We will stay with it." "As all the ex-employees have resigned we don't have a Works Committee at this stage. There is nobody to negotiate with."

"We are not trying to be vicious. I can

not, however, avoid the impression that this was instigated from outside. Relations with the Works Committee have been good and we have had no complaints about conditions here before the Strike."

When the workers on strike learned that the Company had claimed that they had resigned the Works Committee approached the Bantu Labour officer on this question. He had previously told them they had been dismissed. On the second occasion he claimed that they had deserted.

In a letter to the Bantu Labour Officer the Works Committee Chairman asked for progress made in settlement of the dispute. The reply received was. "In view of the fact that you are no longer in the employ of Messrs. Armourplate Safety Glass, I am unable to divulge any information to you by virtue of the secrecy provisions of the above mentioned Act."

The Glass and Allied Workers Union released the following statement to the press on November, 1976:

The Executive Committee of the Glass and Allied Workers Union has issued the following comments on the strike by Black workers at Armourplate Safety Glass, Springs which lasted eight weeks from 6th September to 1st November, 1976.

1. This strike has shown that Black workers have courage to take severe but disciplined and orderly action in the face of injustice. For this they needed the backing and support of their Trade Union.
2. The right to strike is a mockery without the right to conduct a lawful picket and without Trade Union organisation to assist members with their legal struggle and with the establishment of the strike fund.
3. Employers are going to have to enter into relations with emerging Black unions. Had such

a relationship existed in this case the Union is confident that the strike could have been avoided.

4. Management in South Africa is **going** to be forced to treat workers with respect and show this by being **prepared** to negotiate with Black workers through their union on all issues.
5. Any management that allows a comparatively small issue to blow up into a one of major proportions as this did, will have to take a good look at the education of management in sound Industrial Relations.
6. The Union which has been trying for two years to enter into a relationship with Pilkington Brothers, the Parent Company of Armourplate, is still prepared to extend the hand of friendship to the Company.