

Registration, Recognition and Organisation: the case of the Cape Town stevedores

Western Province General Workers' Union

Introduction

There are two important reasons for publishing this analysis of recent events in the Table Bay docks. Firstly, the organisation of workers in an sensitive an area as are the stevedoring is both crucially important and extremely difficult. That - under the umbrella of the Western Province General Workers Union - the Cape Town Stevedores have managed to organise themselves so successfully, demands close analysis. There are a great many lessons - both positive and negative - to be learnt from the events of the past year and the lessons will, we believe, be of value both to ourselves and to other unions.

Secondly, there are a number of important general points that have emerged from the organisation of the stevedores. These general points raise concretely certain controversial aspects of the policy of the Western Province General Workers Union. They are of particular significance to the serious debate currently surrounding the question of registration. In this debate, the Western Province General Workers Union has, with only limited support, clearly taken up a position against registration, whereas the majority of the unregistered union movement has - under varying conditions - submitted applications for registration. In a recent issue of the South African Labour Bulletin (November 1979) the Western Province General Workers Union attempted to open up this debate by publishing a memorandum outlining our position with respect to registration. We did this in the hope that other worker leaders would learn from our analysis and, particularly, because we hoped that our line would be subjected to the fraternal criticism of which only other worker leaders are capable. We are accordingly surprised and disappointed at the conspicuous failure of the other unions - unions which have taken the serious step of applying for registration - to respond to our memorandum. We do not know the reasons for this failure. This analysis of the organisation of the stevedores is, in part, another attempt to clarify the issues surrounding the question of registration because it raises a number of extremely serious points. Firstly, it raises the question of the threat from the parallel unions, an extremely important factor prompting other

unions to seek registration; secondly, and, more importantly, it raises the crucial issue of **recognition** and its relation to registration

We will begin the analysis by a description of the events surrounding the organisation of the stevedores; in subsequent sections we will, in the light of the stevedores conflict, re-examine the question of registration particularly insofar as it is prompted by a desire to achieve management recognition and by the need to counter the parallel unions.

The Organisation of the Cape Town Stevedores

Background

In any port the stevedores obviously occupy a central place in the economic life of the city. This factor obviously makes it extremely important that unions operating in port cities give the fullest attention to organising the stevedores. On the other hand, for the same reasons, the state and the management are equally eager to prevent union activity amongst the stevedores.

Despite the seemingly powerful bargaining position enjoyed by the stevedores, their conditions have - it seems internationally as well as in South Africa - deteriorated consistently. The combined effect of containerisation and world-wide economic recession has drastically reduced the numbers of stevedores employed and has eased the ability of the bosses to attack the living standards of those that remain in work. The response of the stevedores to these attacks is characterised by strong and militant trade unions all over the world and by a degree of international worker solidarity that is unequalled.

All these features are to be found in Cape Town and in the South African ports in general. The stevedores do - needless to say - occupy a central place in the economic life of all ports. In the major centres they have long been the subject of organising attempts by a variety of unions. The relationship in the early parts of the century between the Cape Town stevedores and the ICU was not sustained and in more recent times the relationship between the stevedores and a strong, militant union, has been conspicuously absent. This is not to say that the militancy of the stevedores or their independent efforts at organisation have ceased. Their history has been one of stern defence of their faltering economic position marked by occasional strikes and occasional victories. Recent examples of this are the strikes of the Durban stevedores in the early 1970s and the protracted strike and overtime ban by Cape Town stevedores in 1974. The militancy and independent efforts at

organisation have not always been matched by similar attempts by the unions to organise the stevedores, despite the fact that in at least two of the centres - Durban and Cape Town - there have existed (and still do exist) structures which could easily accommodate these workers.

This conspicuous lack of union intervention is, in part, to be explained by the timidity and conservatism of the unions themselves. Faced with the ever-present knowledge of the awesome task involved in organising the stevedores, the Western Province General Workers Union has exhibited an uncertain, dithering attitude towards these workers - at times establishing reasonably strong contact and then letting it lapse again. In Durban the unions were faced by the strong - though volatile - base inherited from the early 1970s and, despite the fact that the stevedores were the first workers organised in Durban in the 1970s, it seems that the unions have not been able to take advantage of their inheritance. Only recently a prominent union leader in Durban claimed a strong foundation in one of the major stevedoring companies, but argued the need to maintain a 'low profile' with respect to their organisation of the stevedores. But in all fairness to the unions, the difficulties involved in organising the stevedores cannot be attributed solely to the inadequacies of the unions. All the other general characteristics referred to above bedevil the unions in their attempts to organise the stevedores.

We refer here to the vigilance exercised by both the state and the management in preventing organisation of stevedores. There is little point in dwelling upon the activity of the state - it takes its usual form though exercised with an even greater degree of vigilance than is customary. The activities of the management (apparently nationally co-ordinated) range from concerted, but totally unsuccessful, attempts to establish liaison committees, through to extreme attempts to isolate physically the stevedores from the rest of the community. In Cape Town the majority of the stevedores live in a large hostel complex in Guguletu, one of the Cape Town townships. The hostel complex is surrounded by high fences and there is only one entrance at which guards are permanently stationed. Stevedores entering the complex have to show their identification cards issued by local employers; visitors have to show their passes, give the name of the resident they wish to visit and state the purpose of their visit. No visitors are permitted after 8.00 p.m. Accordingly, the union has not been able to hold mass meetings either at the workplace or the residence of the stevedores. With the collaboration of the workers, union organisers have been able to sneak into the hostel complex and mass meetings have been held at other venues. This has certainly inconvenienced our organisation but we have not allowed it to act as a block to all our organising efforts.

These problems are compounded by the difficulties involved merely in understanding the conditions of service governing stevedores. Their wage structure is highly complex; there are difficulties involved in understanding the constant use of casual labour in face of the perpetual under-employment of registered workers; there is confusion surrounding the relationship between the three stevedoring companies and the local employers organisation, the Cape Town Stevedores Association. Suffice it to say that the old tactic of withholding information in order to confuse the workers, has been particularly successful in the case of the stevedores. In any event, the dispute to date, has not centered around these grievances - it has been concerned with questions of **representation** and **negotiation** and accordingly this is what will be dealt with in this article.

There are approximately 600 stevedores employed in Cape Town. There are three stevedoring companies operating in Cape Town - they are the South African Stevedores Services Company (SASSCO) a member of the Johannesburg based Freight Services Management group of companies; Grindrod-Cotts, which through Mitchell-Cotts has strong British connections; and Rennie's which is connected with Hong Kong based Jardine-Matheson. However, these companies are **not** the employers of the stevedores. The Cape Town Stevedores are employed by a company called the Cape Town Stevedores Association (CTSA) of which all three companies are members. It appears that in the other centres the local employers organisations are voluntary associations more concerned with the questions of international trade than with labour relations. The national employers association, the South African Stevedores Council (SASC) is based in Durban and the CTSA is a member of this national body.

The Cape Town Stevedores & the Western Province General Workers Union

At the beginning of 1979, the union decided to engage in an intensive organising drive amongst the Cape Town stevedores. We began meeting, in the normal way, with groups of workers and, thanks to the active assistance of a relatively large group of workers, organisation took off very rapidly. When management got wind of our activities, they immediately called a meeting at the hostel complex and attempted to persuade the workers to form Liaison Committees. The workers, with the assistance of one of our organisers who, unknown to the management, managed to attend the meeting, defeated this attempt. By the end of March organisers were attending regular weekly meetings of, on average, 200 stevedores. At the end of April it was decided that the union should write to the three companies and demand that each company convene a meeting of their workers. At these meetings the workers

wanted to elect a representative committee. As per the workers instructions, the letters demanded that management recognise their committees as the legitimate representatives of the workers.

The letters were sent on the 1 May and copies were forwarded to the CTSA. We received no reply from Rennies or Grindrod. SASSCO replied claiming that 'our labour force has a recognised committee, appointed (sic) after free elections last October . . .and regular meetings are held with the committee'. This reply was immediately referred back to the workers. It appears that, in late 1978, there had been a drive, initiated by the SASC, to have Liaison Committees elected. The workers of Rennies and Grindrod refused outright to participate in the election of Liaison Committees. It appears that the SASSCO workers had extended some sort of sanction to the establishment of a Liaison Committee (it is, however, not clear - though by now irrelevant - whether or not the SASSCO workers actually participated in any election). The workers claimed no knowledge of the functioning of any committee and could not even name their 'representatives'. There also seems to have been some sort of 'Liaison Committee' for the coloured workers, though, once again it is not clear whether the members of the committee were ever elected or whether the committees ever functioned. The union replied accordingly to SASSCO and repeated the demand that a meeting be convened.

In early June we received a reply to our letter from the CTSA. To our delight, the CTSA insisted that we deal with them and not with the individual companies. Both the workers and the union obviously preferred to deal with the organisation of the stevedores en bloc rather than maintain the division into 3 separate companies. We had, however, expected this to be a hard fought demand but, instead the CTSA facilitated our organising efforts by actually insisting that we deal with them on behalf of **all** the stevedores. In their reply the CTSA also noted that if the workers wished the association to call a meeting then the workers themselves should approach the management directly who would then '...make the necessary arrangements with the Authorities for permission for such a meeting to be held, attendance at any meeting called would be restricted to registered members of our labour force only'. This is a fairly standard response and as we will show below this was to prove one of the more conciliatory responses from the CTSA. We were, in any event, not unduly upset at the lack of co-operation from the CTSA - although the workers had clearly instructed us to make the demand in May, we were somewhat less confident about the basis of our organised strength in the docks. The initial round having been fought, we were able to take the opportunity to strengthen and deepen our organisation. It was not easy to show the workers that more would be required of them than an instruction

to their union. This is what we proceeded to do - we continued attending the weekly meetings, recruiting new members and developing our relationship with the leaders of the stevedores.

In early August the workers decided to elect a representative committee and on the 19th of the month a meeting held in Langa, attended by more than 300 stevedores, elected a committee comprising five representatives from each of the three firms, as well as a Chairman and Secretary elected from any of the three firms. The meeting instructed the union to forward the names of the Committee members to the CTSA and to demand, once again, that representatives of the Association meet with **all** the stevedores in order to discuss the relationship between the Committee, on the one hand, and the Association and the three companies, on the other hand. This letter was sent by the union to the Association on the 21st August. There then ensued a highly contradictory set of responses from the management. Predictably members of CTSA spoke (informally) to some of the committee members (whose identity had now been exposed). They indicated to these workers that their demand was being considered and that they intended recognising the Committee (whilst simultaneously making all sorts of derogatory references to the union). They did not, however, convene the meeting demanded by the letter. The local SASSCO management (which has subsequently proved the most conciliatory) indicated to individual workers that they had no intention of recognising the Committee. The workers instructed us to write to the management again. On the 24th September we sent a letter to the CTSA. In this letter we pointed out the confused and contradictory nature of their response and demanded, a third time, that a meeting be convened on the 29th September.

The CTSA did not convene the meeting demanded in our letter but they did this time reply directly to the union. Predictably, they denied that their response to our earlier requests had been in any way contradictory and stated further that '...until such time as your Union becomes registered in terms of the relevant legislation, we will not have any further dealings with your establishment. However, after **registration**, we will have no objection to dealing with **any** organisation of which more than **50% of our workers** are members in good standing'. (Our emphasis) They also reiterated their previously held position that '...individual companies will not negotiate with any organisation piece meal and that all matters will be dealt with through this office'. This affirmation on the CTSA's part becomes interesting in terms of a later response by one of the companies and, we now believe, at the time probably reflected major disagreement in the SASC on the most appropriate method of dealing with the union.

On the 24 October, acting on instructions from the increasingly well-attended weekly meetings, we wrote to the CTSA and once again demanded that they convene a meeting, pointing out the essentially reasonable nature of the workers request. We also indicated that, to date, no explanation of their persistent refusal to comply with the demands had been made. We were also instructed to forward our membership lists to the management. This we did and the list (effective as of 15 October) comprised somewhat over 300 members in good standing. We received an immediate reply from the CTSA claiming that 'As we have already stated, we cannot enter into any negotiations with your Union unless and until it is registered with the Department of Manpower Utilisation. Even then we would require, as is normal, to inspect your financial books and ensure that your constitution confirms with and is acceptable to the Department of Manpower Utilisation'. In the same letter, the CTSA also claimed that they were prohibited, in terms of the Riotous Assemblies Act, from holding the meeting which we had demanded. In our reply we pointed out that, as yet, the question of 'entering into negotiations' with the union had not arisen. We had certainly not made that demand. We pointed out that we had merely requested that they meet with the workers (the significant majority of which were union members). We will return to this point in detail at a later stage - it obviously raises the question of the union's attitude towards 'recognition'. It also, via the CTSA's persistent reference to our unregistered status, raises the question of the relationship between registration and recognition.

The deadlock was ultimately broken by the intervention of one of the companies, Freight Services. To their credit, Freight Services recognised the **growing** strength and commitment of the workers. As it so happened, their attempts at conciliation were too late and too uncertain to convince the CTSA and the SASC and, ultimately, the workers were compelled to down tools. The point to recognise is that as long and, often, as frustrating, as was the period of deadlock, it never had the effect of weakening the workers commitment to their stated demand or to their union. The reason for this is precisely that we never moved ahead of the workers - we never attempted to speed up the process because to do so would have removed the initiative from the hands of the workers. Every step taken by the union was preceded by an intensive round of discussion with the rank and file. This had the effect of instilling a particular organisational practice into the relationship between the union and the workers, namely the workers' control over their own struggle. This practice is as important now as it was in the critical period of confrontation and it will not be easy for management to alter this relationship in any way.

The mood of the workers was becoming increasingly angry. They had 6 months previously raised an eminently reasonable demand - that management meet with them for the purpose of discussing representation. Moreover, they had attempted to secure acceptance of their demand in a highly disciplined, patient manner. For their pains they had been rewarded by a blanket, unexplained refusal on managements part. The CTSA seemed determined to test the workers' resilience and commitment to their stated position. At least one of the companies recognised the dangers inherent in this approach.

In mid-November we were telephoned by an industrial relations manager from Freight Services Management Ltd., the Johannesburg based holding company of SASSCO, the largest of the three stevedoring companies operating in Cape Town. The Freight Services representative - speaking on behalf of the Executive Director in charge of 'human resources' - indicated that the company was concerned about the 'lack of communication' between the workers' representatives and management in Cape Town, and openly indicated that the company found themselves in strong disagreement with the attitude of the CTSA. They indicated that their Cape Town based company - SASSCO - was effectively bound by the policy of the CTSA but that they, Freight Services, were not similarly bound. They accordingly, requested a meeting with the union officials in order to discuss 'general' aspects of union and company policy. This request was immediately put to the workers, who, agreed to meet with the Freight Services management, on condition that the SASSCO committee representatives were permitted to attend and participate in the meeting. Their conditional acceptance was then conveyed to Freight Services who, after some initial disagreement, agreed to meet the union officials and the SASSCO committee representatives. The meeting was scheduled for the 3 December. Three days before the meeting, we were telephoned by one of the Freight Services directors who informed us that, under pressure from the SASC, they were compelled to shelve the proposed meeting. Captain Greenwood of the SASC admitted quite openly to the press that the Council had put pressure on Freight Services to cancel the meeting, arguing that the meeting would be tantamount to recognition of our union. He also argued that employers were prohibited - legally, he appears to have thought - from dealing with an unregistered union; and he informed the press that the SASC had been approached by TUCSA who intended forming a Dock Workers Union and expressed the opinion that the workers should belong to this union.

Shortly after this we received another (written) request from Freight Services for a meeting. Freight Services pointed out that they were not only

connected with the stevedores and that they wanted to meet the union in order to discuss 'general issues' not specifically related to the stevedores dispute. They requested that, *inter alia* we discuss 'principles of collective bargaining' and 'registration'. The Western Province General Workers Union's Controlling Committee (Executive Committee) accepted their request in principle but decided that, because of Freight Services involvement with the stevedores dispute, the meeting could not be held until the stevedores were satisfied that their demands had been met.

The Strike

The workers were immediately informed of the cancellation of the meeting and they resolved to present management with an ultimatum. On the 8 December a general meeting attended by approximately 400 workers elected a 3-man delegation. On the 10 December this delegation handed the CTSA a letter informing them that at 6.00 a.m. the following day the workers would gather outside the offices of the CTSA in order to hold the meeting which they had demanded over the past 7 months.

On Tuesday, 11 December at 6.00 a.m. the beginning of the first shift, the workers gathered. The manager of the CTSA immediately informed the workers that the port authorities had refused them permission to hold a meeting and he then returned to his office. An hour later he informed the workers that he was attending a meeting in Durban on the following day where the demands of the Cape Town stevedores would be discussed. He said that he would only return on 13 December. He also indicated that he would only speak separately with the coloured and African workers. The latter condition was loudly rejected by the workers. The workers then informed management that they would not be returning to work that day. They also informed management that they would all return to work on the following day (12 December) and that they would regroup at the CTSA's offices on Friday (14 December) for a report back from the Durban meeting. True to their word, not one single worker from either shift reported for work on the Tuesday. On the following day, all the workers returned to work, both the stay-away and return being obvious indicators of a remarkable discipling and solidarity.

At last management seemed to have got the message. After the SASC meeting in Durban, a press statement was released. The important aspects of the statement are, firstly, that the SASC had decided to form a National Employers Association in terms of the Industrial Conciliation Act; secondly that 'the Association is in favour of workers exercising trade union rights

through the Industrial Council system', thirdly that 'the association will talk and listen to worker representatives, including all registered and unregistered trade unions'; fourthly, that 'the association will enter into negotiation only with registered, representative unions'. We will comment below on this statement.

On returning to work the following day, the workers were called to a meeting by the management who informed them that their Committee would be recognised. On Friday, the CTSA requested that the Committee meet with them. At this meeting recognition of the Committee was confirmed and management advised the workers to attend a meeting called by TUCSA for the following day, a clear last-ditch attempt to dissuade the workers from their chosen path. They also requested that the Committee furnish them with a date for the first meeting.

The Mass Meeting of 15 December

Following the one-day strike, the union convened a mass meeting of all stevedores for Saturday, 15 December. TUCSA called a meeting of stevedores for the same day and time. The TUCSA pamphlet is interesting, firstly, it was handed out by employees of the CTSA - this has subsequently been denied by Greenwood of the SASC though our sources continue to claim strongly that CTSA employees distributed the pamphlets. Secondly, the pamphlet is signed by Louis Petersen, general secretary of the Western Province Garment Workers Union and prominent TUCSA member; thirdly, the workers were offered and provided with free transport; fourthly, they were requested to show their CTSA identification cards before boarding the buses or entering the meeting in order to prevent 'undesirables' from attending the meeting; fifthly, they were induced to come to the TUCSA meeting by an offer of free tea and biscuits(!) and finally, of course they were told that they would be asked to form and join a 'responsible' and 'registered' union. Our meeting was attended by over 300 workers; the TUCSA meeting was attended by one worker!

At the mass meeting the following decisions were taken:

1. a unanimous decision that all stevedores join and support the Western Province General Workers Union despite the refusal of the SASC to 'negotiate' with unregistered unions. The workers specifically endorsed the policy of the General Workers Union to remain unregistered.
2. the meeting confirmed in office their elected committee of 17 representatives.
3. the meeting approved a constitution drafted previously by the committee

and the union officials. A key clause of the constitution extends to the Committee the right to invite representatives of the Western Province General Workers Union to attend all meetings with management.

Since then the Committee and union officials have held two meetings with management. Thus far, much of the discussion at the meetings has centered on the constitution and particularly on the question of the union's role. We will comment on this below.

General Issues

We argued at the beginning of this paper that there are important general issues which arise from the stevedore dispute, issues which go beyond the immediate difficulties of organising stevedores. The two major issues have already been referred to above, namely the question of the **threat from the parallel unions** and the central question of **union recognition and its relation to registration**. We will deal with these two points below.

The Threat from the Parallel Unions

We have already commented extensively on the question of the threat from the parallels. Despite the extremely weak and totally unsuccessful attempts by Petersen of TUCSA and the SASC to foist a 'responsible', 'registered' union on to the stevedores, we still do not intend dismissing the threat from the parallels. But we must again state that the threat - even when it is a real threat - is not a sufficient reason for deciding to register. We have pointed out before that registration **because of the threat from the parallels**, ultimately pre-supposed competing with them on their terms, chasing paper members in the same way that the parallels do. How do we compete with the parallels? Do we also offer the workers a 'responsible', 'registered' union? It is clear that, at one level, this is what registered **because of the threat from the parallels** surely means. And we have to recognise that fear of the parallels is in fact a major reason which lies behind FOSATU's decision to register. In fact a recent FOSATU memorandum makes it the **major reason for registering**. The FOSATU memorandum expresses strong objections to the current terms of registration and slams the TUCSA parallels for their 'unprincipled actions' but concludes that in deciding to apply for conditional registration 'we have been strongly influenced by the unprincipled actions of the majority of the existing registered unions and the support they are receiving from employers and potentially (sic) the state'.

But we recognise that TUCSA's attempts will not always be as easily countered as their recent efforts in Cape Town. There will be more sophis-

ticated, more serious attempts. Our argument is that these attempts can only be fought by more careful organisation. They cannot be fought by recourse to a registration certificate. If unions register because of the threat from the parallels they necessarily end up compromising with them or, at best, fighting them on ground chosen by the parallels. The path that we have chosen - as indicated by the stevedore example - necessarily means that we fight the parallels and their TUCSA bosses on our own ground.

The question of recognition and its relationship to registration is concretely posed by the stevedore case and is made absolutely explicit by the SASC's press release (see above). The issue of recognition has been the subject of a long standing debate between this union and our brother unions. The demand for union recognition is of great importance and, in general, it is an attainable demand. It is, at this stage of the workers struggle in South Africa, imperative that each management recognises and accepts the fact that their workers are members of a union of the workers choice. By so doing management are conceding to the workers the right to belong to an organisation which is intimately concerned with the boss/worker relationship, but it is an organisation which stands completely outside of the control of the bosses. It is no great advance if management concedes to the workers the right to belong to an organisation the control of which is 'shared' by the workers, the bosses and the state. And management must see at every step along the way that the union to which the workers belong is controlled by the workers themselves.

It is for this reason a demand for recognition of the workers membership of the union - a demand that management negotiate with the workers as members and representatives of the union, with the backing of the organisational strength of the union beyond the confines of that factory - is not a demand for recognition of the right of union officials to negotiate on behalf of the workers. In other words, a demand for recognition must always be governed by one overriding principle, namely: **It is never the function of union officials to negotiate for the workers; It is never the function of the union secretariat or bureaucracy to substitute itself for the workers. Rather, the function of the union officials is to ensure that the workers possess the necessary 'skills' and self-confidence to face management themselves. The workers of the union, and not its secretariat, must lead the struggle and it is the unions primary duty to ensure that this is the unions practice. This priority can only be achieved through the experience of collective activity in a union which is uncompromisingly controlled by the workers.**

Within this framework recognition can take on different practical forms.

These will be dictated by a number of different considerations, but first and foremost is always the question of workers control. That is our priority and any form of recognition which undermines this is a setback and not a victory; secondly, there is the question of the workers organised strength in the particular factory and the strength of the union in general. There is no point - in fact it is positively dangerous demanding a form of recognition which the workers in the union are unable to sustain. If the workers demand a form of recognition, but are unable to sustain that demand, what will happen is that management will simply refuse to concede and the workers will be involved in an exhausting struggle which they simply cannot win. Alternatively, management will meet the demand, but only on condition that certain compromises will be made on the question of workers control. Thirdly, there are general political considerations at stake which, at times, strongly influence the form in which recognition is sought. We will expand on this below.

Hence for us, recognition takes on a multitude of forms. Our general strategy is that, having organised the workers, a direct approach - usually by letter - is made by the union on behalf of its members to the management. **This initial approach consists in demanding of management that they recognise the workers democratically elected committee, a committee elected under the auspices of the union.** Having made this demand, the precise nature of management's relationship with the committee and the union is formulated and enshrined in a constitution which the committee presents to the management at the first meeting. In certain cases, immediate agreement by management to meet the committee will constitute sufficient **de facto** recognition of the union - it is tantamount to management acknowledging the workers membership of the union.

In other factories a more explicit acknowledgement, a different form of recognition, is demanded. As we have already mentioned, in the case of the stevedores the right of the workers to invite union officials to meetings with management is written into the constitution. We do not consider this a superior form of recognition, rather we consider it to be the correct demand to pose in the circumstances. We have outlined above the three broad criteria which determine the form of recognition that we demand. In this case, these considerations determined that we demand a highly explicit form of recognition from the stevedoring bosses. Let us just examine the reasons for this.

Firstly, let us look at the state of organisation of the stevedores. The unions representativeness amongst the stevedores is undisputed. This is true not only of one or two companies, but of the Cape Town stevedoring industry as a whole. The solidarity of all the workers is underlined by the total walkout

on 11 December. This factor is obviously of primary importance because it would often appear to be the case that a demand is raised either which the workers do not fully support or else, which the union is not strongly enough organised in general to back up. The Unilever case, where Swedish workers struck in support of recognition of a local union which appears to have enjoyed only small support from the workers in South Africa, would appear to exemplify the former; the marked success experienced by FOSATU (and earlier TUACC) in forcing management to grant the form of recognition they have been demanding so consistently, probably exemplifies the latter. In the case of the stevedores, the entire industry is organised and this fact renders the demand for a highly explicit form of recognition an attainable possibility.

Nevertheless, this consideration is not of itself sufficient for determining the necessity for this form of recognition. The second factor which necessitated the demand for a highly explicit form of recognition is the general political situation. The whole tenor of the Wiehahn Report and the subsequent legislation is to compel unregistered unions in the direction of registration as a pre-condition for recognition. The Western Province General Workers Union has publicly refused to accept this pressure as grounds for registration, and we were here accorded the possibility of demonstrating concretely the ability of unregistered unions to achieve explicit, public recognition of the support it enjoyed amongst the workers. Just as the African Food and Canning Workers Union - a union also implacably opposed to registration - won a major political victory by forcing Fattis and Monis to accord it explicit recognition, so our success in respect of the stevedores constitutes a major political victory.

Finally, we have said that the bosses are, in all factories, expected to recognise the representativeness of the union, they are expected to acknowledge the workers membership of the union. This usually takes the form of agreeing, in terms of a constitution drawn up by the workers, to meet the committee on a regular basis. The bosses are compelled to recognise a committee elected solely by the workers under the auspices of the union. In the stevedores case the bosses consistently refused to recognise the committee precisely because it had been elected under the auspices of the union. In other words, they refused to acknowledge the workers' membership of their union. After 7 months of consistently refusing to extend this right to the workers, it became clear that ultimately, *de facto* recognition would be inappropriate. Management, having explicitly refused to permit the workers to belong to the union, could only credibly retract by explicitly recognising the union. Moreover, their attempt to encourage the establishment of a parallel union in

direct opposition to the workers' chosen union, made it all the more essential that explicit recognition be accorded to the Western Province General Workers Union. It also reinforced an important political point that we have consistently stressed, namely, that the inevitable alliance between the bosses and the parallels did not constitute an insurmountable obstacle to the organising activities of an unregistered union and, as such, did not constitute a valid reason for seeking registration. Accordingly, the stevedores demanded of the bosses the right to invite union representatives to meetings between the Committee and management.

The status of union officials at these meetings has not yet been finalised. It is clear that, in meetings with the CTSA, the bosses want the union officials to have observer status. With important exceptions, this will in all probability prove acceptable. The Committee's constitution is not yet finalised, but it is likely that observer status will be accepted unless, of course, the meeting requests the participation of the union officials, or, if any matters affecting the status of the union are discussed. Nevertheless, we accept observer status not because we find it necessary to accede to the bosses' formulation but rather because, in line with union policy, observer status places squarely on the shoulders of the workers of the union, and not the officials of the union, the responsibility for negotiating with and, in general, confronting their bosses. If the workers are unable to do this, then it is for the union to improve its organisation amongst the stevedores; it is not for the union secretariat to substitute itself for the workers.

There has been another important development. Recall that in their press release the SASC stated that they would be prepared to 'talk and listen to... unregistered unions' but that they would be prepared to 'negotiate' only with registered unions. In talks with management officials responsible for setting up the new national employers association, this formulation was discussed. Management pointed out its reservations concerning the Committee. They noted that the discussions between the CTSA and the Committee should not cover certain critical areas (viz. wages, working hours, etc.) because those were nationally determined. They indicated that, at the national level they envisaged discussion between unions and bosses and they preferred that these discussions took place within the framework of the Industrial Council system. If we wished to participate in discussions within the Industrial Council framework we would have to register. There are a number of alternative possible paths:

1. We could register and sit on the Industrial Council. Until the legislation is amended in accordance with our Controlling Committee decision this is not an alternative which we would consider;

2. or, if management agrees (and it is possible that they will) we could agree that union officials and the national employers association (with some token worker participation) meet to discuss these 'national' issues. This would not be in line with union policy and if the stevedores wanted us to accept this formulation, they would be compelled to persuade the Controlling Committee of the union to change the union policy on worker participation.
3. or, we could insist that, when these 'national' issues come up for discussion, the national employers association meet with the full committee. Once again there is no reason why the union would not accept the same 'observer' status as that which applies in the case of the meetings with the CTSA.
4. or, we could insist that management actually give to the local employers the right to negotiate all issues including those which are nationally determined.

Only options (3) or (4) would accord with union policy. We would not 'negotiate' within a framework that we register in order to accept a seat on the Industrial Council or that presupposed that the union officials substitute themselves for the workers. Our task is to establish workers control; our task is **not** to threaten this by accepting registration or by pushing our commitment to maximum worker participation into the background for the sake of the illusory 'benefits' of some 'greater' form of recognition. Therefore, the point to recognise is that, in seeking the form of recognition that we have sought we **have not been required to relinquish one of the guiding principles of a worker controlled, democratic union.** Under present circumstances the form of recognition sought by the majority of the trade union movement presupposes that they relinquish certain of these principles and, moreover, that they involve the workers movement in a whole series of compromises with non-worker organisation.

Conclusion - Why no formal recognition?

The above analysis begs one important question, namely, 'explicit, highly formalised recognition is the mode of operation of all the established unions in the European social democracies. Why then is it not the established practice in South Africa?

The answer to this important question is really quite plain: South Africa is simply **not** a social democracy. In other words, the demand for a formalised recognition of the Western European type is, at present, unattainable. It is unattainable because it is out of step with the political situation in the coun-

try and because it is out of step with the current level of union organisation. Is there any clearer proof of this than the marked lack of success experienced by the FOSATU unions in their hard fought quest for formal recognition? For years FOSATU (and, previously, TUACC), one of the more powerful representatives of the African working class, have raised formalised recognition as a priority demand. By August 1979 they had succeeded on only two occasions. ★.

Now suddenly it seems that formal recognition has become a real possibility. But only because the unions have been presented with a highly restrictive and limiting set of conditions for registration. Acceptance of these conditions raises the possibility - and **only the possibility** - of **formal** recognition being extended on a wide scale precisely because registration spells the death knell of workers control of the unions. In other words, the only strategy which will possibly enable the unions to gain the objective of formal recognition is one which involves changing the nature of the union seeking recognition; it involves, in other words, a series of massive compromises with the bosses and the state.

SEIFSA has recently published its 'Guidelines for SEIFSA Member Companies on the Development and Participation of Black Workers in the Metal and Engineering and Allied Industries' and these guidelines provide concrete proof of what we mean. SEIFSA's statement accords with the predictions made in our Memorandum on the question of registration.

In a nutshell, SEIFSA states that the conditions for formal recognition should not only be registration, but also membership of the Industrial Council. And they go even further than this when they recommend that, even after formal recognition has been achieved, there should be no 'in-house' agreements between individual companies and the unions which cover any of the aspects dealt with by the Industrial Council agreements. This spells out with absolute clarity the compromises required if the unions are to achieve formal recognition. Moreover, the SEIFSA 'Guidelines' provide the arena for a very interesting and very important sideshow.

The response of the unions (via the press) to the 'Guidelines' has been predictably negative and condemnatory; but the response of certain of the major member companies of SEIFSA has also been tentatively negative. They have indicated that they will continue speaking to the unions. It is clear that they

* 'To date there are only two cases of **actual direct legal recognition** of an unregistered trade union. This is **distinct from various forms of more or less satisfactory de facto recognition**'. (FOSATU, Documents on EEC Code of Conduct, August 1979, our emphasis).

will even consider entering into formal recognition agreements on an individual company/union basis. The conditions laid down by the major companies for continuing these discussions and for considering the possibility of 'in-house' agreements will be more acceptable to the unions than are SEIFSA's. These companies will 'merely' require registration. Thus in order to keep open the possibility of a few 'in-house' agreements the unions will still have to call on the entire battery of union organisation - powerful, strong organisation, international union support, the codes of conduct, etc. But, in addition, they will have to register. If they want formal recognition extended on a more general scale, they will have to meet SEIFSA's additional requirement, namely, admission to the Industrial Council. In short, **if these unions wish only to maintain their ground**, ground which holds out the possibility of a small number of formal recognition agreements, they will have to take one important step backwards, they will have to register. Or to put it another way, the unions will have to compromise on the question of workers control, for this is what registration implies. Having compromised on the question of workers control, the unions will have lost the most important element of their power. They will no longer rely on the power of a democratic, worker controlled union for the conclusion of formal recognition agreements, they would be forced to rely on the 'goodwill' of those 'progressive' members of SEIFSA. Their goodwill is extracted at a heavy price - that price is registration, the freedom of workers to control their unions.

Contrast this with the stevedores case. Here too the bosses are very definitely holding out the possibility of a formal recognition agreement and, at present, they appear to require registration as a pre-condition for this form of recognition. But this is not an acceptable condition; **the control of the workers over our union is not negotiable**. We should also point out that in the stevedores case we were also, as in SEIFSA, faced with a genuine and deep contradiction between the progressive captains of industry and their junior partners. Our victory was won, in part, by sensitive handling of this division amongst the bosses. **But our victory has not been won at the cost of our freedom**. We have exploited the division amongst the bosses; but in so doing we have not become the handmaidens of the more progressive faction. The bosses have recognised a workers controlled union - that is a victory for the workers. But, we must repeat, recognition of a union, control of which is 'shared' by the bosses, the state and the workers is not a victory for the workers; it is a step backward.

Postscript

Since completing this article, the Chairman of the Stevedores Committee and the Chairman of the Cape Town Stevedores Association have signed

the Constitution of the Committee. Important aspects of the Constitution are:

- * **the Committee is entitled to negotiate all aspects of wages and working conditions on behalf of the Cape Town stevedores. Full authority to negotiate on behalf of the bosses has been vested in the Cape Town Stevedores Association. Negotiations for a new wage agreement are currently in progress.**
- * **the Constitution provides for the negotiation of grievance and disciplinary procedures.**
- * **members of the Committee are permitted, after informing their immediate supervisors, to carry out their functions as Committee members during working hours.**
- * **the committee is entitled to invite officials of their union to attend any meetings with management. Union officials will have observer status at these meetings, unless the meeting requests otherwise. The Constitution refers to the 'representative union' and not to the W.P. General Workers' Union. We prefer this formulation for two reasons: firstly, we want all stevedores to be able to participate in elections of the Committee, even that small minority who are not currently union members; secondly, we believe that we should only be entitled to exercise the rights accorded by the Constitution to the union for as long as we remain powerfully representative. We would not wish to invoke the Constitution in order to establish our rights; in the event of any threat to the standing of the W.P.G.W.U. we would wish to invoke the organised support of the workers. It is our organisation's duty to ensure that we remain the representative union; it is not our attorneys' duty. At present our membership figures stand at slightly under 500 (of a potential 600) stevedores.**

the representative union is accorded exclusive control over all Committee training programmes and any other facilities required by the Committee.