



NUM says 'NO' to the new labour law. It takes away many of the industrial relations rights we had won in the past.

Law removes our rights

THE new labour law attacks the rights of all workers. It attacks the rights of workers to strike.

The act says it is illegal to take any kind of solidarity action in support of our struggling brothers and sisters. The Labour Relations Act says any kind of solidarity is illegal, and that the bosses can bring an interdict against the union for "illegal" strikes. Shopstewards could be jailed and union property seized.

Workers cannot strike on the "same issue" in a period of 15 months. But most recognition agreements say we must negotiate on wages and conditions every year. For example, now workers cannot go on strike for two years in a row.

There is a much more complicated procedure for going on a legal strike. The new Act gives the Inspector powers to delay the time when a union can go on a legal strike.

The new law gives the bosses the right to interdict legal strikes. The purpose of going on a legal strike was to stop the bosses from attacking the union.

But in the miners strike we saw that even when the strike was legal, the bosses still fired 50 000 workers. Now with the new law the bosses can go to court to interdict a union during a legal strike to try and force the workers to stop striking.

The new law says it is not an unfair labour practise for bosses to selectively reemploy workers after a strike. The Industrial Court now says that if a boss wants to reemploy workers, then

he must reemploy everyone. The new law takes away this right.

In the new law a union is seen as responsible for all strikes that happen and the union can be sued for these strikes.

The law attacks our gains in the industrial courts. It restricts the powers of the industrial court. Previously the decision of the industrial court was final, but now cases can get sent to a Special Labour Court.

Dismissed workers may have to wait years for an appeal, and it is in the interests of the bosses to delay.

In the new law the Minister of Manpower can define what is an unfair labour practise and he can change this when he wants to. In the past the Industrial Court said what was an unfair labour practise. Now the Minister can decide. The Minister is part of a bosses government so he will act in the interests of the bosses. Many of the rights around unfair labour practises workers have fought for will be taken away.

The law attacks rights workers have won. It says that it is alright to dismiss a worker who has worked for less than a year.

Before that the situation was no worker could be dismissed - no matter how long the worker had worked - unless there was a good reason and a fair hearing had taken place. The law makes unfair retrenchment legal.

Many unions negotiated retrenchment procedures on the basis of last in, first out. Now retrenchment can be decided by the boss or foreman.

Workers resist the union bashing Act all the way

WHEN the apartheid regime introduced its union-bashing Labour Relations Bill the Minister of Manpower, Pieties du Plessis, said the bill would "hang like a sword over the heads of the unions".

The bill was the answer of the government to the militant struggles of organised workers, and to COSATU's living wage campaign.

Its aim was to attack our main weapons of struggle - strikes, solidarity action, blacking action and boycotts; to attack hard won legal rights by making unfair dismissals and retrenchments legal and by letting the Minister of Manpower decide what a unfair labour practise is.

COSATU resists

At once COSATU and its affiliates condemned the bill as a major attack on the trade union movement.

Lunch-time factory demonstrations were held throughout the country. A detailed memorandum was sent to Botha's parliament explaining union objections.

But still the bosses continued to support the bill and ignore the demands of the union. The government pushed ahead.

In February 1988 the COSATU central executive committee (CEC) decided that a Special COSATU Congress be held to discuss the workers response to the restrictions and the Labour Bill.

The Special Congress

The Special Congress was finally held at the Wits Flower Hall, Johannesburg on May 14-15. There were about 1 500 delegates from trade unions and the community.

The Congress decided to protest against the bill and to call a conference of a broad range of anti-apartheid organisations (Anti-Apartheid Conference).

The Congress further resolved to take peaceful national united mass action on June 6, 7 and 8 to protest against the attacks of Botha and the bosses on the working class and our allies.

In addition COSATU committed itself to organise, co-ordinate and unite factory based action against the Labour Bill and the restrictions placed on it.

The June 6, 7 and 8 protest action was against the labour bill, the restrictions on COSATU and the banning of the UDF and 16 other organisations. NACTU supported the action. It was the biggest, strongest and longest protest action in the history of our struggle.

It wasn't until the protest action

was made public that bosses started addressing themselves to the Bill. The bosses response so far had been that of tacit approval of the Bill; which workers understood as showing capital/state co-operation in trying to crush the labour movement.

In the middle of the action Minister of Manpower Pieties du Plessis suddenly said his door was open to discuss the bill. After the action SACCOLA said they wanted to negotiate with COSATU about the bill.

Bosses should ignore bill

COSATU is demanding that the bosses sign an undertaking to ignore certain sections of the act. These are: Section 1 says that all sympathy or solidarity strikes will be illegal and which make it easy for the bosses to legally dismiss and retrench workers.

Section 27 and 35 which says you can only strike legally if you notify the Manpower Department within 21 days of the dispute starting and which says the Inspector can delay forever the time when a union can go on a legal strike. Section 67 which says that Industrial Court judgements can be kept secret from the workers, and Section 79 which says a union is responsible for all strikes that happen and that the union can be sued for these strikes.

At a meeting on 11 August SACCOLA finally agreed that those sections of the Bill which the unions objected to should not be made law. The Director General of Manpower was im-

mediately informed and a meeting was set up between him and SACCOLA, and COSATU/NACTU for the following Monday 15 to discuss the agreement between SACCOLA and the unions.

But the very next day, Friday 12 August, the government announced that the bill would become law on September 1.

The action of the Botha government sabotaged the negotiated agreement with SACCOLA and COSATU/NACTU. COSATU and NACTU refused to meet with the Director General of Manpower on Monday 15 August.

The COSATU executive met and decided that:

- only working class action can defend us against the attack of the Labour Relations Law;
- mass meetings must be called in every local and region to discuss the latest developments in the struggle against the dismissals and the Bill and to plan action on the Bill and the way forward;
- Talks should continue with SACCOLA on the basis that they stand by the agreement reached that the sections of the Bill COSATU objected to should not be made law.
- A standard COSATU letter where bosses undertake not to use those sections of the law COSATU objects to should be given to all employers by shopstewards for signing.

Plans for workers' summit on law

COSATU will call a workers summit next year which will discuss the way forward on the LRA.

It has also been reported that bosses have started to use the new law to attack unions. Numerous interdicts have been brought against unions resulting in lockouts of hundreds of workers.

Most management has

refused to sign the letter saying they are prepared to sign a contract that they will not use the most vicious anti-union clauses in the new law.

COSATU also plans to hold a public commission of inquiry.

The plan is to bring together a number of world famous labour lawyers to make a judgement on the new labour law.



The June 6, 7, 8 stayaway was the largest in the history of struggle. Three million people did not go to work each day.



1988 - THE YEAR IN PICTURES

The attacks include:

- trying to crush our unity with other sectors through banning UDF as well as its youth and civic affiliates.
- banning of COSATU from taking up all campaigns outside the shop-floor.
- police disruption of shopstewards locals and regional councils.
- raids in our offices and re-location of documents etc.
- mysterious fires in union offices.
- the passing of the new labour law which viciously attacks the power of unions.
- mass dismissals, evictions and threats to sue for what bosses lose in strikes.
- the banning of the Anti-Apartheid Conference.

This repression followed the many anonymous attacks against us last year, including the bombing and the burning of offices.

But the bosses and the state are frustrated that this has not stopped the militancy of workers. COSATU is a powerful force in the huge industrial areas, where workers keep the wheels of the economy turning. Even if they ban the organisation, the spirit of progressive trade unions and worker militancy can never be rooted out.

The bosses and the apartheid state hate COSATU because we challenge their control and power over our lives. They act against us because, together with our democratic allies, we mobilise millions of people against apartheid.

Living wage

This campaign has become like a religion among COSATU and NUM workers. As mineworkers we know that without a living wage, we will never have a decent life. We will never break the chains of starvation and poverty. But the bosses are trying their best to bury this campaign. The attacks which started last year continued this year. They used dismissals - even in legal strikes - evictions and court cases against the unions. They united among themselves in this way they discourage some bosses in different sectors from paying higher wages. The unions can see that the bosses don't want to negotiate properly. In some sectors they offer even less than before because they are scared the campaign will grow into an even bigger challenge to bosses profit making.

However, the militancy of workers has not been dampened by these attacks. In fact it has grown as the year went on. Between June and August there were as many strikes as the whole

of the first half of the year. In these 3 months, 50 000 workdays were lost - and that is not counting political action.

And in many sectors worker militancy led to important victories. NUM won on pension benefits.

Labour Act

The campaign against the new labour law is not separate from the living wage campaign. The new law came after last year's living wage campaign. Bosses are happy that the new law, by attacking our right to strike, will lift the pressure on them.

The campaign against the Bill together with the crackdown on UDF and COSATU led to the Special National Congress of COSATU and allies. This was followed by the Three Day Protest Action (July 6, 7 and 8) that was one of the biggest stop-aways in history.

The success of the action surprised the bosses and the state. The state claimed there was still time to talk. However, 3 months of negotiation with the bosses organisation, SACCOLA, led nowhere. The new law was forced through on September 1 with the blessing of most bosses. SACCOLA refused to reject the bad clauses so that the talks could carry on.

In the last few weeks we have seen the bosses risk to use the new law. Many workers in different COSATU unions have faced interdicts which allow for lockouts and evictions. They have also threatened to take COSATU unions to court to make us pay for lost production.

How will we stop the bosses using this law to attack us? This is the question NUM must answer. COSATU will hold a huge mass summit meeting of workers to discuss this. This meeting will also discuss the need for one union federation in South Africa.

Unity

The Special National Congress called for all anti-apartheid organisations to come together in a big conference. The Anti-Apartheid conference was to discuss action against repression.

The conference was planned for mid-September. About 80 organisations were invited such as Idasa.

The mass saw that the conference would strengthen COSATU and its allies. Both and his allies would be further isolated with even less support. The conference was banned about 24 hours before the starting time.



NUM members arrive in Welkom on KwaZulu Day, 1 October



LEFT: General secretary RAMAPHOSA says union will resist attacks on our rights



NUM delegates at the Special Congress



ABOVE: Factory demonstrations against the Labour Bill
BELOW: Scene from an NUM play on safety



LEFT: Safety before profits



Members of the COSATU national executive at the Special Congress in May which decided to call an anti-apartheid conference, and three days of peaceful protest



BELOW: The United Democratic Front was banned in February