

workers after three days. Workers did not accept their dismissal and warned that the company should close down. 'We are not going to allow other people to take our jobs. Our problem is not with the company. We are still prepared to return on condition that a representative of the KwaZulu government gives us an explanation'.

Management claimed that striking workers had acted in contravention of the grievance procedure agreed upon with the union. A spokesman said the company was legally obliged to deduct tax from workers' wages in terms of the new tax system. He said that a representative of the Receiver of Revenue's office had addressed workers at the start of the strike at the workers' request. But they refused to return when a representative of the KwaZulu administration arrived to explain.

On 14 March, management agreed to reinstate the dismissed workers. The company offered to try and get a representative of the KwaZulu administration to address them. Workers accepted the terms of their reinstatement which were that

- * tax would be deducted at the single rate where the company was not provided with additional information on marital status;
- * workers would agree to work overtime when reasonably requested to do so, and this would be added to the existing recognition agreement with the union;
- * Workers would follow the grievance procedure laid down in the recognition agreement and would not strike illegally if a dispute arose.

Company: Vynide (Pinetown)
Date: 14 February
Workers: 140
Union: Chemical Workers Industrial Union (CWIU)

Workers at this AECI subsidiary downed tools in support of a demand for higher wages. The parent company had been hit by a legal strike at four of its plants earlier this year. The strike failed in its attempt to raise management's minimum monthly wage offer of R363. (WIP 30:21).

Strikers at Vinyl rejected a similar offer by management. Like their colleagues at AECI, they were forced to return to work without having their

demands met. A spokesperson for the CWIU explained that 'We accepted the offer because it was better than nothing and decided to go back to work. It was just a protest strike' ■

NUM and the mining industry

In the five months since their second annual congress the National Union of Mineworkers' (NUM) has moved increasingly into fighting mine workers' battles at the shaft face.

The strikes at Impala Platinum Refineries, Ucar, Rietspruit and Duvha are an indication of a growing militancy among mine workers and a sign that the mining industry is developing into a conflict-ground between organised workers on the one hand and employers and the state on the other.

But the NUM, which has grown into the largest black union in the country with a membership of about seventy five thousand, has kept up the pressure against employers on the legal front - the area where it scored its first major victories

The Hlobane disaster

The most notable of these has been the Hlobane case where the NUM assembled an impressive legal and mine-safety expert team to expose the gross mismanagement of the coal mine where 68 workers lost their lives in a methane gas explosion.

Hlobane was a turning point for the trade union, and for the mining industry as a whole. It inspired the NUM into taking up safety on the mines as a key issue, providing the industry for the first time with a safety-watchdog representative of black worker interests.

For almost a century the majority of victims of the hazardous conditions in South African mines have been black workers, but the accounts of why the accidents happen have been left to

government and mining industry spokesmen.

The NUM has provided a powerful voice for black mine workers. It has at once mobilised workers around an issue in their working lives which they feel very strongly about. At the same time it has challenged management and the government in a fundamental way.

The basic thrust of the NUM's argument is that accidents on the mines, which are usually portrayed by management as unavoidable 'acts of god', are often due to human error, mismanagement, refusal to incur costs for the best available safety equipment and an unreceptiveness towards advances in safety technology overseas. With a little bit of additional cost, the NUM has argued, safety can be improved, and the lives of hundreds of mine workers saved every year, not to mention the thousands of workers who are injured each year on the job.

Hlobane is the perfect case in point. Days after the disaster, the NUM issued a statement alleging gross irregularities which might have caused the blast - allegations which were pooh-poohed by management.

Yet the evidence which emerged in the Vryheid Magistrate's Court not only backed up the NUM's case, but was much more damning than even the union had initially suspected. A total of 14 out of 29 electrical machines found in the area of the blast were not properly frameproofed and could potentially have sparked the blast. The court found that the blast had been ignited by one of these machines.

A week before the explosion a report by a miner, T J Bezuidenhout that he had found explosives levels of methane gas in the sections of the mine later hit by the blast, was scored out by the mine captain.

Two days before the explosion a major holing operation was undertaken which short-circuited the ventilation system in the mine dispersing methane gas. No attempt to seal off the holing was made.

The mine's chief ventilation officer, Peter Shand, told the court that legally prescribed quantities of air regularly did not reach the working faces in the mine.

Records of the issuing of safety lamps used in the checking of methane levels in the mine, were in a 'chaotic' state and only four of the required number of ten lamps were found in the sections of the mine hit by the blast.

A dyke, a phenomenon in a mine known to release methane gas when penetrated, was penetrated twice a few days before the

blast but no steps were taken to prevent a sudden build-up of gas.

A list of a total of 21 Mines and Works Act regulations were contravened according to the evidence before the court.

The magistrate found that Bezuidenhout, the miner who died in the blast, was responsible for the blast because he failed to check for gas on the morning of the explosion. The Iscor-owned mine was responsible because of Bezuidenhout's negligence.

The NUM team was bitterly disappointed with the finding. It had built up a strong case that the company was responsible because of a failure of management to fulfill its duties right down the line. Either way it is doubtful whether most of the evidence would have come to light were it not for the NUM team.

Western Deep Levels inquiry

The NUM has made a difference at a number of other inquiries subsequent to the Hlobane disaster, the most notable being at Anglo American's Western Deep Levels mine where six workers died of asphyxiation. An inquiry found a white miner and an African team leader responsible for the deaths due to the fact that they ordered the workers to go into an area which had been sealed off because of a fire in the mine. The attorney-general is still deciding whether or not to prosecute them.

The NUM's most intriguing court battle has been with Gold Fields, generally regarded to be, with Gencor, one of the most reactionary of the mining houses.

NUM vs Goldfields

At Gold Fields' West Driefontein mine 17 workers were fired for refusing to work in an area they considered unsafe. An inquiry - requested by the NUM in terms of an almost-forgotten section of the Mines and Works Act - found the area to be 'objectively' safe. At a later Industrial Court hearing, the NUM argued that whether or not the area was safe, management had not taken adequate steps to prove to the workers it was safe.

The Court has twice extended the status quo order temporarily reinstating the workers and, if the two parties do not settle the dispute, will give the case a full hearing. The case will be a key test of the right of workers to refuse to

work under conditions they consider to be unsafe.

Withdrawal of offices

Meanwhile Gold Fields has launched a counter-offensive in the courts. At the end of February, the company was granted an urgent order in the Rand Supreme Court restraining the NUM from organising a strike at three mines. The case was brought to court 24 hours before the alleged strikes were due to begin at the Libanon, Venterspost and Kloof mines, all on the West Rand.

The dispute followed the withdrawal of office facilities from the NUM by Gold Fields at the three mines. The NUM has argued that given the compound system on the mines, the difficulty for a black union in getting offices in white towns and the routine harassment black workers are subjected to in these towns, removing its office facilities was a severe blow.

NUM workers on strike

Four actual strikes this year have changed the image of the union from one of being primarily involved in non-workplace struggles.

At the Ucar vanadium mine near Brits about 400 workers went on strike twice over the Bophuthatswana government's ban on South African unions operating in the territory. Negotiations are still underway between the NUM and Union Carbide, the American multinational which owns the mine.

At Duvha and Rietspruit, both Rand Mine Mines-owned open-cast coal mines close to Witbank, workers have struck in recent weeks over delays in the recognition of shaft stewards. At Rietspruit the company called in the police and 17 workers are facing charges under the Intimidation Act.

At Impala Platinum Refineries, Gencor fired about 1 400 workers who went on strike over the dismissal of seven workers who refused to work after a white foreman had abused and insulted a worker. The company ignored the compromise offer by the NUM that the workers would return to work pending an inquiry into the incident and discharged the entire staff.

The other leading issue which the NUM has found itself involved in is the continued existence of job reservation on the mines. At last year's conference the NUM took a strong line on the issue, accusing the government and the Chamber of Mines of racism.

The Chamber has since initiated talks with the white unions with the proposal that the definition of a 'scheduled person' which prevents Africans from taking up jobs in 12 categories on the mines be replaced with the non-racial definition of a 'competent person'. Presumably to win the backing of the right-wing Mine Workers' Union (MWU), whose members are most protected by the legislation, the NUM has been excluded from the talks.

The NUM has thus accused the Chamber of 'paternalism' for discussing a subject which has a major bearing on its members without it being present and has continued to lobby for a change in the laws.

Wage negotiations: the challenge

The NUM's biggest test lies in wage negotiations in the three months ahead when it has to take on the full might of the country's most powerful employer organisation.

Delegates to last year's conference called for a huge wage increase - a proposal which is likely to be resisted by the Chamber which will argue that the gold mining industry in particular is still badly affected by low prices in the world markets.

The NUM is angling for a general upgrading of wages for its workers in the industry. Cyril Ramaphosa, the union's general secretary, says the working conditions of mine workers are amongst the harshest and most dangerous and that mine workers should be remunerated for this. He points out that miners in other countries are amongst the best paid workers - and also amongst the most militant trade unionists.

The NUM is the only black union thus far to be recognised by the Chamber and, though they represent only a portion of the workers in the mining industry, the wages they negotiate will affect all of the industry's half-a-million black workers. Whether it can provide the muscle to adequately challenge mining employers will be tested in the months ahead. It seems certain that a major battle is looming