

TUTOR NDAMASE

The homeland leader who doesn't believe in union-bashing - or does he?

Transkeian workers are surprised and more than a little suspicious of the official blessing that trade unions have been accorded. **LOUISE FLANAGAN** looks at the issues.

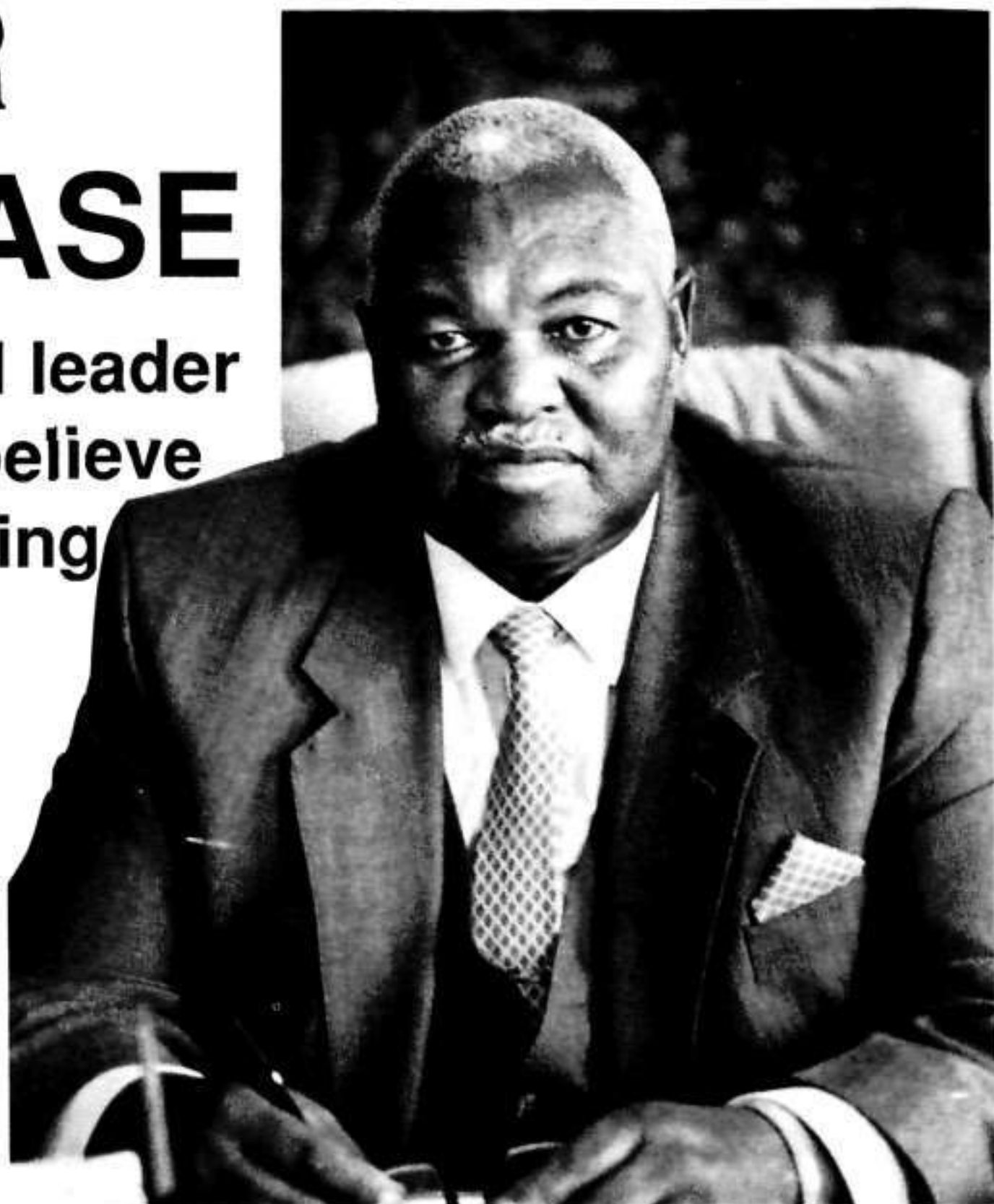
The Transkei Workers' Co-ordinating Committee (WCC), the homeland's largest labour organisation, has described recently-announced changes to labour law as a 'very small loophole, but one that must be turned to the workers' advantage'.

The question is just how fledgling organisations - for more than a decade denied the right to organise - can grasp the new opportunity outlined by homeland president Tutor Ndamase at the 'independence' day celebrations last month.

The announcement by Ndamase essentially endorsed the right of Transkeian workers to organise - a right that had never been formally removed by statute but which had become impossible to exercise in the context of sweeping repression of the Matanzima era.

Ndamase's stance on labour and other promises of liberalisation constituted a move unheard of for a bantustan.

Already the WCC, formed some months ago as an interim structure to pave the way for a general union, and the Transkei Post Office Workers'



President Tutor Ndamase: His stance on labour issues is unheard of in a bantustan

Association (Trapowa) are operating more openly.

While they are questioning the motives of Major General Bantu Holomisa's military government in making the move, they are aware it represents a dramatic advance from the Matanzima era when attempts to organise any section of the population were frowned on heavily and legal mass-based organisations were outlawed.

Like the other 'independent' bantustans, Transkei has been strongly anti-union and attracted foreign and South African investment through the offer of a non-unionised and badly underpaid workforce.

It promulgated its own labour laws a year or so after 'independence' in 1976 with provisions similar to old-style South African labour laws. Its key components are the Labour Rela-

tions Act - a mere six pages long - and the Wage Act.

The Labour Relations Act makes provision for liaison committees to be set up, with workers and management nominating an equal number of members. It sets out limited procedures for disputes and even defines strictly limited conditions in which strikes are legal.

The Wage Act provides for a Wage Board, intended to make wage determinations for each industry, lay down working conditions and minimum wages.

The Acts seem to have been little protection for workers. Both exclude domestic workers and public servants although farm labourers are included.

The Wage Board has done little at all. It is believed that the first wage determinations were gazetted only in

April last year.

In addition, these inadequate legal provisions have been rendered almost meaningless by the anti-union stance among Transkeian rulers and employers.

With the advent of military rule at the end of 1987, things started to change - largely because of protests by workers when the improvements they expected under the military (with its anti-corruption and pro-Transkeian campaign) did not materialise.

A few months after the coup, a wave of strikes occurred in Transkei.

Workers demanded better wages and improved working conditions.

Before the new rulers had been in office for a year, there had been strikes at Jet Stores, at the Holiday Inn (involving 300 workers), at Magwa Tea plantation (involving 2 000 workers) and among bus drivers, post office and hospital workers.

In most cases the military council sent a representative to meet the strikers and promised that their grievances would be addressed.

But little was done about workers' grievances despite this appearance of sympathy and in recent months workers' demands have become more vociferous, with an increased feeling that Holomisa is siding with employers and foreign investors.

In two landmark actions, Transkeian workers at Langeni Sawmills organised the first known legal strike in the territory in July and last month thousands of workers marched on the military council to present their demands.

The state's response to the increasing worker militancy has been confusing. The reaction of the military rulers has been strongly contradicted by actions of the police - the result, it seems, of long-standing conflict between the two.

These differences have become so marked that one worker commented: 'The government in Transkei is divided into two parts: there is a military government and there is a police government'.

Holomisa initially referred to the strikes as a problem inherited from the



Bantu Holomisa: Strikes were 'a problem inherited from Matanzima'

Matanzima administration. He stated that the workers' wage grievances were 'genuine' and promised that the military council would respond.

Later he seemed more impatient. 'I wonder why there is so much pressure when we have only been in power for eight months,' he said in August last year.

Apparently constrained in its response to workers, the military nevertheless seems sympathetic towards the strikers and many workers express some kind of belief in the military.

The actions of the police - regarded widely as faithful followers of the deposed Matanzimas - have been very different.

The Transkei police have long had a reputation for brutally repressing all opposition and have been repeatedly linked to notorious death squads.

Shortly after the military came to power, several prominent policemen and well-known Matanzima supporters lost their positions in what was clearly a cleanup of the police force. Subsequently Holomisa strongly condemned illegal South African Police operations in Transkei and Transkei Police complicity in these.

For the first months after the coup the police appeared to 'behave' themselves and kept a low profile. But by August they were beginning to reassert themselves to smash worker protests. Frequently their actions

appeared as attempts to 'sabotage' liberal actions by the military government.

Police action on striking hospital workers and boycotting students at Butterworth as well as police minister Rev Benjamin Dlamini's blanket ban on strikes and the banning of the Prisoners' Welfare Programme - which had been assisting strikers and students - was met with a huge silence from the military council. This led to accusations that Holomisa had no sympathy for the workers.

The dismissal of Dlamini a few months later, in another measure to clean up police ranks, did not help the military to regain the workers' faith.

More strikes started, including the legal strike at Langeni Sawmills, culminating in a week during October when factories in the main industrial area of Butterworth and others in Umtata ground to a halt.

Once again the military met workers to listen to their demands and finally 10 000 workers marched on the military council's office with a list of basic grievances.

B ut, while the military met the workers and accepted their list of demands, the police moved in yet again.

After marchers had dispersed and were on their way back to the Ngangelizwe township, conflict with police erupted. Police later claimed they were attacked, but organisers said police were provoking people and that marchers were not involved. Throughout the rest of that week gunfire was heard in Umtata every night and observers attributed this to police action.

The workers' demands were:

- * legalisation of trade unions;
- * designation of structures, like conciliation boards and industrial councils, for resolution of disputes;
- * a dramatic change in labour legislation;
- * an end to harassment of workers involved in trade unions;
- * scrapping of the Public Security Act, which allows for detentions and in terms of which many political prisoners are charged;
- * lifting of Transkei's state of

emergency;

* unbanning of organisations.

The 'independence' day celebrations came just a week after the march and saw the official announcement that workers should form unions, that new labour legislation was on the cards and that even the African National Congress might be unbanned.

During the announcement, Ndamase explained what was envisaged.

'My government has decided that workers should elect their own worker representatives from each firm. One member should be a representative in an ad hoc worker representative body on a central (union) level. They shall be responsible for reporting their disputes to the magistrate or the district commissioner or labour inspector'.

Ndamase also said that an industrial court was on the cards 'with powers to adjudicate, arbitrate and grant interim relief'. These, he said, were interim measures while new legislation was drawn up. A Wage Board would also start functioning in November.

Ndamase told all workers to organise themselves into unions, which would be required to register with the Department of Manpower Planning and Utilisation by the end of November - barely a month after the announcement. He said a 'labour law consultant' would be appointed to draft new legislation and invited 'legal representatives, organised groups, workers and others' to contribute to establishing unions and drafting 'sound legislation'.

Stating that the legislation should be promulgated early next year, Ndamase said: 'The government is advanced in its preparation of such legislation which exercise is futile without the participation of all the parties concerned'.

He added that people were free to form voluntary associations and organisations.

The announcements have been treated with a great deal of suspicion by Transkei workers.

Members of the WCC are among those who doubt the reform moves. 'There is that "but" - you can't do it

freely', one commented. 'For example, Ndamase says he's not against unions in Transkei, but you must not operate as in South Africa'.

It seems clear that the military has been forced into making some concessions to workers in a bid to end the strikes, restore 'order' and, more importantly, give investors more confidence.

'It's (due to) pressure from the workers,' said a WCC member. 'But they are trying to hijack us on the way.'

There is also a feeling in Trapowa and the WCC that the moves are influenced by FW de Klerk's promises of reform in South Africa. Some argue that Holomisa - who has always said he wants to be part of negotiations with South Africa - is moving in line with De Klerk. South Africa appears to approve of Transkei's moves. Certainly there has been no public reaction from Pretoria even to tentative statements that the ANC may be allowed an office in Umtata.

On the face of it, the announced labour reforms addressed most of the workers' demands, but a closer look reveals them as platitudes without substance.

'He was vague enough to look as if he was addressing the problems of the workers whilst he wasn't making any sense,' said WCC organiser Oupa Khumalo. 'They've been pretending to identify with progressive structures, but we know the government's policy of inviting imperialists to invest in Transkei at the expense of the workers'.

Since union organisation has never been illegal in Transkei but almost always been practically impossible, an optimistic reading of Ndamase's speech would be that workers will no longer be victimised for demanding their legal rights.

But the committee system he mentioned seems to get workers no nearer their objective of collective bargaining: it seems structured solely to report grievances.

And the Wage Board is nothing new - it has been there for years and just doesn't function.

Adding to the uncertainty provoked by the vagueness of the an-

nouncements were the actions of the police on the same day. Although the announcements were made by Ndamase, they were very obviously supported by - or quite likely even drawn up by - the military rulers who watched over Ndamase as he spoke.

Even as this occurred, what appeared to be yet another attempt by police to undermine any possible success by the military was underway. Police moved in on the same afternoon on a meeting of youths organising a new youth structure and detained about 200.

'They say they are not against these structures, but at the same time they are trying to detain people who are building these structures', commented a member of the WCC.

The WCC pointed to contradictions within the government's stance. 'While the government is calling upon the workers to form trade unions, it is at the same time prescribing how this must be done', it commented.

'The committee calls upon all workers to continue rejecting the undemocratic structures created by the state in collaboration with the bosses.'

The WCC has rejected the idea of immediate registration, saying it doesn't know what the consequences of this might be. To register before the laws were drafted would be to put the cart before the horse, Khumalo suggested.

'Trade union structures can't just go and register when they don't even know the legal structure. We're not opposed to registration in principle. But we're opposed when it's not known what the implications of it are'.

He added that workers were strongly opposed to being confined to structures that operated only in the bantustan.

Participation in drafting legislation also evokes unease.

A Trapowa spokesman said: 'If labour law is being drafted, it will affect all the workers, so we'd like to be involved in it but we don't know how. We envisage a situation where they ask for ideas but we are not part of the actual drafting. We should be part of drafting that law'.



Benny Gool, Afrapix

The new mood among workers in Transkei: ANC and SACP flags at the recent reburial in the homeland of Chief Sabata Dalindyebo, who died in exile

Some WCC members were more suspicious. 'The government wants to swallow us. They want to be the head of the structures. They are inviting us so they can operate at the head. We don't want to be directed to operate by the government', said a WCC member.

But most organised workers believe that there is now some leeway for structures to operate more openly and they are determined to take the gap. The lifting of the state of emergency and unbanning of 15 organisations in early November tends to confirm this perception.

The bottom line for all those interviewed was that they wanted unions, better labour laws, freedom to organise and to join the Congress of South African Trade Unions (Cosatu).

The fledgling unions have support - one estimate put it as high as 50% of Transkei workers - but experience of mass organisation is lacking. The effects of Transkei's isolation from the rest of South Africa and the impact of years of bantustan repression are evident.

Khumalo stressed the effects of repression. 'It used to be that participating in trade unions was the same thing as participating in the ANC.

Workers didn't want to be seen participating because of the conditions. They are not really acquainted with trade unionism'.

He added: 'The employers are not used to bargaining collectively with workers,' speculating that laws could 'help them get educated'.

There is little contact between existing Transkei structures.

Trapowa was the first worker organisation to emerge, taking off during the postal strike earlier this year (*WIP* 61). But it has emphasised that it is an association rather than a union. Trapowa officials said this was because government workers were not allowed to form unions.

Both Trapowa and the WCC said their lack of contact was not because they had fundamental disagreements but rather because they organised in different sectors. Trapowa also said that bail conditions imposed on workers jailed during the strike limited their contacts.

There is also little contact with groups based outside Transkei, although the National Union of Mineworkers (NUM) has had an office in Transkei since the beginning of the year and the WCC operates from the same build-

ing.

The WCC plans to become a general union, a factor which could complicate its achieving affiliation to Cosatu. Yet workers believe that Cosatu could play a central role in ensuring workers voices are heeded in the drafting of legislation.

'If Cosatu can officially be part of drafting the laws, we will support it. We won't be part of that meeting if Cosatu isn't there', one insisted.

Trapowa workers suggested that the Workers' Charter currently being discussed in South Africa could be used as a basis for new legislation.

All of this points to the need for an extended time scale for the preparation of new laws and for unions to debate how (and whether) to use the offer of participation.

Holomisa's promises of a referendum to determine whether people wish to reunite with South Africa is being considered in the light of mobilisation (even though such a referendum is unlikely to result in Transkei's immediate reintegration).

'Transkei is a bantustan. We see ourselves down here as part of South Africa, but on the other hand there's this so-called "independence". There's also talk of a referendum, of taking "independence" back to Pretoria and we don't know the implications of that', said Khumalo.

'If "independence" is taken back to Pretoria, this mobilising space in Transkei may be closed. Maybe that space should be widened to make space for the liberation movements, rather than closed. De Klerk may be embarrassed to exert control over an "independent" state'.

He concluded with the dilemma: 'We don't want a situation where we are separated from Cosatu. But we don't want to adopt South African legislation'.

Trapowa representatives were cautiously hopeful. One put it this way: 'We must not lose sight of the fact that Transkei is part of the Pretoria regime. It's dependent on Pretoria. What Pretoria says goes.

'But we believe that what it is doing now must be frustrating Pretoria a little bit'.