

SOUTH AFRICAN LABOUR BULLETIN

Eddie Webster

MAWU and the IC

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Organising in Recession

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New Mine Unions

Alan Mabin

Canadian Unions

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SOUTH AFRICAN LABOUR BULLETIN

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An anti-labour Labour Bill — Zimbabwe

After two years of labour, the Zimbabwean Ministry of Labour finally gave birth to its heralded replacement of the notorious Industrial Conciliation Act, the Smith regime's principal instrument for disciplining black labour. That long gestation, however, has produced a monster.

To assess the bill, we first consider the role of trade unions in the transition to socialism.

Everywhere, the transition to socialism proceeds by way of state capitalism. Zimbabwe today and for many years will have a state capitalist political economy. A state capitalist economy can go either of two ways. It may move towards fascism — that is, the naked control of the state machinery by and in the interests of multi-national corporations and the local entrepreneurial class; or it may move towards socialism — that is, towards control of the state by and in the interests of the peasants and workers.

During the period of state capitalism the countervailing power of the workers plays an important part in taming entrepreneurial power. Great multi-national corporations and local capitalists today dominate Zimbabwe's economy. In a myriad of ways, subtle and not so subtle, they seek to catch government in their tentacles. Without active working class support, government too easily falls into their embrace.

Which way Zimbabwe? To a large extent, that depends on whether the state succeeds in creating an ally in the working class, whether it liberates that class so that it becomes a countervailing power to capitalist power. Only with working class support is the state likely to transform its institutions step by step in a socialist direction.

Zimbabwe's government has pledged itself to these objectives. This bill denies that pledge. It serves the interests *not* of workers, but of employers. Let's examine how the bill places fetters on the organising of the unorganised, and aids employers in collective bargaining; how it hinders worker participation and choice; its resurrection of influx control; its fair labour standards provisions; and its provisions concerning discrimination in employment.

Ninety-two percent of Zimbabwe's workers have no unions. To help them receive a fair share of the national pie, they must have unions. That requires effective constraints against management interference in the unionisation process, state support in the bargaining process, and help in funding. This bill fails in every department.

The bill formally forbids employers from interfering with employees' right to form, belong to, and participate in the work of trade unions. It

provides a procedure for determining whether the employer committed such an unfair labour practice. It deprives workers, however, of their right to strike against an employer who commits an unfair labour practice. Instead, it depends on the Public Prosecutor bringing a criminal charge against the employer in a magistrate's court. Experience under the Minimum Wages Act teaches that prosecutors seldom prosecute employers for violating labour laws. They think they should spend their time prosecuting 'real' criminals.

Sophisticated employers interfere in unions not by discriminating against union activities, but by subtly dominating 'sweet-heart' unions, with whom they can negotiate collective bargaining agreements favourable to the employer. Registered with the Minister, these agreements make it a crime to strike for better pay or conditions of work. Most labour acts around the world prohibit employers from dominating a labour union. This bill does not.

The bill makes it practically impossible for workers to organise their own trade union. Until registration, a union may not collect dues. To register, the union must apply to the Registrar. The employer and other unions may contest the registration. They can appeal from the Registrar's decision to a Regional Hearing Officer, to the new National Labour Relations Board, and to the Supreme Court. The bill does not tell us where an unregistered union without power to collect dues will find the money to engage a lawyer for these appeals.

In any event, the registration provisions seem unconstitutional. The Constitution forbids a hindrance on the right of free assembly and association, and expressly mentions registration of a trade union as a hindrance on the right.

A registered union may collect dues. It cannot, however, call a strike nor enter into a collective bargaining agreement. To do so requires certification. The criteria and procedure for certification repeat those of registration. The registered union must go again through the weary round of application, hearing before the Registrar, and appeals.

An employer who could not prevent a union from obtaining certification for three or four years ought to get himself a new labour lawyer.

The new labour law ought to help unions bargain against employers. It does not. On the contrary, it throws a variety of checks in the way of unions.

Right to strike

Unions have an ultimate weapon: the strike. Anything that weakens the strike weapon, weakens unions. This bill effectively cuts the right to strike.

The bill boldly proclaims a right to strike, but only if the union has exhausted the dispute-settlement mechanisms created by the bill. Before striking, a union must give two weeks' notice to the employer. The employer may then notify a labour relations officer (the bill's new name for the old industrial relations officers). After a hearing, the labour relations officer may send the matter on an unfair labour practices charge, or for compulsory arbitration before the new Zimbabwe Arbitration Tribunal.

In either event, a strike becomes unlawful. One of the grounds for ordering compulsory arbitration is that a strike threatens.

The right to strike probably is constitutionally protected. In this regard, too, the new bill violates the Constitution.

No qualifications limit appointments to the new Zimbabwe Arbitration Tribunal. If precedent serves, one member will be a white employer or employer's lawyer, another will be a black lawyer (supposedly 'representing' workers) and the third a public figure, supposedly representing 'the public'. In any event, none will be a worker. All will come from the middle or upper classes. Should Zimbabwe's workers surrender the right to strike for compulsory arbitration before a tribunal like that?

The bill permits workers to create workers committees. Unlike registered but uncertified unions, they have the right to negotiate collective bargaining agreements and to call a strike. They do not, however, have the right to collect dues. Without a strike-fund, a strike becomes suicidal.

The bill, however, does not permit a dispute between a workers' committee and an employer to go to compulsory arbitration. Faced by an unfunded workers' committee, an employer can afford to be tough, knowing the committee cannot afford to strike, and that the dispute cannot go to compulsory arbitration. Faced by a tough and financially strong union, however, the employer can still opt for compulsory arbitration. The employer wins both ways.

The bill gives either side the right to object to a particular member of the other side's negotiating team or to their style of negotiating. If the other side then does not take reasonable steps to remove the 'prejudice', it commits an unfair labour practice. Thus an employer can object to a militant member of the union's negotiating team and force his removal. Employers have unlimited phalanxes of corporate lawyers on whom to call. Labour unions have much thinner manpower resources. The provision seems blatantly pro-employer.

Agreements

Finally, the Minister has power under the bill to accept or reject a collective bargaining agreement or a clause in it. He may do so if the agreement seems unfair to consumers. Every raise in pay or improvement in working conditions costs an employer money. Every employer therefore weeps that to improve pay or working conditions will require him to raise prices. (He never accepts that instead they might reduce his profits). The bill does not even give the parties to a collective bargaining agreement the right to be heard before the Minister vetoes their agreement.

State capitalism will move towards socialism rather than fascism to the extent that workers and peasants become liberated. This bill does not move towards workers' liberation. It ensures that they remain under the thumb of employers and Government. In most countries of the world, for example, the workers in a plant decide by secret ballot which union they want to represent them. Under the new bill, they do not. The Registrar in his discretion decides which union ought to represent them.

(One of seven considerations that he must take into account is 'whether a substantial number of employees in the undertakings, industries, trade or occupations ... are in favour of joining the trade union ...' — not even whether a majority does so.)

The Minister has complete control over the internal affairs of trade unions by controlling their finances. He can order an employer to pay the dues he withholds from employees' pay packets into a trust fund, thus stopping the union's source of funds. He can tell a union how much dues it may collect, and for what purposes it can spend its money.

Colonialist

One technique of colonial control over trade unions lay in prohibiting them from political activity. This bill repeats that colonialist technique.

Quite unconstitutionally, the bill gives the Minister power to declare one area with a labour shortage, or with a labour over-supply. If it is a labour over-supply area, he can prohibit people from entering it to look for work. If a labour shortage area, he can prohibit workers from leaving the area. Call it influx control.

The bill includes a scheme for defining and enforcing fair labour standards. It adopts the old Industrial Conciliation Act's principal device for disciplining black labour. Under the old act, the employers and the union in a particular unit formed industrial councils, for the continuous negotiation of controversies. These worked quite well. Since mainly only white workers had unions, the industrial councils serviced mainly white

workers.

The old act had a seemingly analagous, but in fact completely different set of institutions, industrial boards, to set wages, hours and working conditions for the unorganised — read black — workers. The Minister selected members of the industrial boards, choosing some to 'represent' employee interests, and some to represent employer interests. Employers he identified easily. With no union, however, who represents employee interests?

In the end, employers sat around the table with some civil servant representatives and decided how much to pay black labour — the so-called employee 'representatives' went along. What the employers and civil servants decided became regulations promulgated by the Minister. After that it became a crime to strike for higher wages or better working conditions.

The present bill retains both industrial councils and industrial boards, under the new names of employment councils and Employment Boards. No change appears in their content.

The bill's only remedy for failing to pay minimum wages or to follow regulations about hours and working conditions remains a criminal sanction. That has not worked to enforce the present Minimum Wages Act. Why should it work to enforce minimum wages under the new bill?

Job reservation

The old Industrial Conciliation Act succeeded in de facto job reservation while pro-claiming its non-racial character. It did this by permitting craft unionism — that is, a union could represent, for example, all the electricians in an area, no matter what firm they worked for. The other workers in a firm might not (and usually did not) have a union to represent them. The union and management then manipulated the apprenticeship programme to ensure that only whites became electricians.

Thus it used craft unionism as a device to split white workers off from black ones. Splitting the working class to make it easier for employers to deal with the workers as a whole has long served as craft unionism's principal function.

The present bill makes no effort to change that situation. It does not express a presumption in favour of industrial unionism: that is, unions which represent all the workers in a particular factory or industry. Industrial unionism implies the unity of the working class. Craft unionism implies its opposite. The bill permits the continuation of craft unionism.

The bill contains not one but two horrendous-sounding anti-discrimination clauses, making criminal discrimination in employment on

grounds of race, colour, creed or sex (and in one of the sections, age). These provisions contradict the President's directive about Africanising the civil service. If a permanent secretary employs a black over a slightly more qualified white because the applicant has a black face (as the Presidential directive requires), the permanent secretary becomes liable to a \$5,000 fine or two years in prison.

The bill must have had as its ultimate author an attorney representing big business — nobody else could have written it so carefully to deprive labour of any legal support. Its adoption could well put paid to Zimbabwe's declared goal of socialist transformation, for it will inevitably place government in the role of labour's enemy, not its ally. Enactment of this bill will strangle the working class, destroy the right to strike, place unions under the thumb of employers and government, permit the Minister to impose influx control, and in the end drive a fatal wedge between government and the working class.

(Moto Magazine December 1982/January 1983.)

Conditions of Employment (SATS) Bill 1983

The Conditions of Employment (South African Transport Services) Bill, 1983, which passed its third reading in Parliament recently, is consolidating legislation bringing together 24 previous Acts dealing with employment conditions in the SATS.

Most amendments were to the Railways and Harbours Services Act, No 22 of 1960 and the most important change was to the SATS conciliation machinery. Clauses 27 and 28 scrap the Conditions of Employment Advisory Board, which represented all staff associations, and replace it with smaller ad hoc boards representing only the staff association most immediately effected by the matter at hand.

The Government White Paper describes the procedures for settling disputes in terms of the 1960 machinery as time-consuming and expensive. It had therefore recommended simplified procedures and the appointment of one-man commissions to settle disputes instead of the existing two-man nominated commissions.

Five broad themes emerge from the bill; entrenched but hidden racism, the SATS refusal to recognise independent unions, far-right fears of in-

creased ministerial powers, SATS refusal to legitimise strike action and Minister Hendrik Schoeman's attitude to the General Workers Union.

Clause Six of the new Bill — a repeat of the old Sections 4 (1) and (2) of the 1960 Act — emerges as one of the most controversial aspects. By confining permanent or temporary appointments in the SATS to South African citizens only, it condemns large numbers of Xhosa, Tswana and Venda-speaking South Africans to 'casual' or 'regular' status, thereby excluding them from the major provisions of the Bill which extends protection in internal procedures. About 50,000 out of 130,000 Black SATS workers — a third of the Black worker strength — are excluded by this condition alone. All migrant and contract workers — the bulk of the SATS labour force — are also categorised 'contract' or 'casual' thus similarly excluding them.

A suggestion by the Progressive Federal Party that all employees - including those from territories once forming part of South Africa — be allowed 'permanent' or 'temporary' status after two years employment was rejected by Schoeman who described putative citizens of independent bantustans as 'gastarbeiders' in the SATS. He did imply, however, that once parity of pay had been achieved in SATS, at a cost of R400 million within a minimum five year time span, any member could be classified as contract, casual, temporary or permanent staff. Whether the coveted 'temporary' or 'permanent' status will also be extended to the 'gastarbeiders' was not spelt out.

A second major theme in the bill related to SATS employees' right of free association and the insistence by the Government that only staff associations recognised by the Minister and registered as trade unions can participate in the conciliation machinery.

Opposition spokesmen hammered the clauses as a direct contradiction of Manpower attitudes to the autonomy of unions and the freedom of association. Schoeman rejected the argument and claimed it was an employer's right to choose whom he wished to recognise. The SATS machinery was comparable to the arbitration and conciliation procedures embodied in labour relations legislation. Other Government speakers predicted chaos if the SATS had to negotiate with outside unions. Splintering would destroy the 'labour peace which has existed in the SATS for more than 50 years'. The Minister implied the majority of black workers supported the SATS-sponsored Staff Association for Black Employees (Government speakers claimed it had a 50,000 membership) but he failed to react to opposition calls to hold a referendum among black workers.

A third theme emerging from the passage of the Bill came from the far-

right. Conservative Party spokesmen opposed the devolution of certain authorities from the State President towards the Minister on the grounds that in the new constitutional set-up the future Minister might be a coloured or Indian person.

A fourth theme involved strike action. Clause 26 of the Bill repeats the old 28 bis of the 1960 Act which prohibits an employee or anybody else from initiating or taking part in a strike. The maximum penalty was set at R200 or a year's imprisonment, or imprisonment without the option of a fine, or both. PFP warnings that a blanket refusal to allow strikes was a denial of basic rights was dismissed by Government speakers who emphasised that SATS remained a strategic organisation.

A final theme to emerge was Schoeman's attitude to the General Workers Union; at one point he referred to them by implication as 'communist labour unions' and other Government speakers accused the PFP of having become 'mouthpieces of leftist radical trade unions' and siding with the GWU against SATS. On the recognition issue Schoeman claimed that if he recognised the GWU the other staff associations might say they were being rendered helpless: 'Let us preferably make our own trade unions stronger'.

Opposition comment on the Bill was that it was anachronistic in its conciliation machinery, and the SATS Victorian in its industrial relations — as highlighted by the GWU strike. Schoeman unabashedly explained his motivation:

'Those who went on strike were paid off. I am not going to alter the terms of the legislation; I want to keep power in terms of the legislation.'

(C.T. correspondent, March '83)

Poverty in the Boland

The recession is taking its toll in the Western and South Western Cape, where more than 5,000 canning workers have lost their jobs in the past two years. In the Boland towns of Paarl and Wellington alone, more than 2,000 workers, previously employed in the industry, are now jobless. According to figures compiled by the Food and Canning Workers' Union (FCWU), which represents the majority of canning workers in the Cape, there were about 15,000 workers employed at the peak of season in

February 1981. In February last year there were about 10,000. The union expects the 1983 peak figure to be 'substantially less'. The number of factories operating in the Western Cape has decreased from 15 in 1979 to nine this year.

The fruit and vegetable canning industry is classified as 'seasonal' by the Minister of Manpower and workers who work less than eight months are not entitled to unemployment benefits. Most workers in the industry work for about five months of the year. The FCWU have said they are angry that there are no social security provisions for people who have 'given years of their lives to make a substantial contribution to the industry and, in fact, the whole economy'.

In Wellington, 300 people, all of them women, many of them breadwinners with families, have been without work since the Oaklands canning factory closed down in April last year. One woman, who lives in the poverty-stricken and dusty township of Hillcrest, about 10 kilometres outside Wellington, worked for the canning factories for 15 years before retiring three years ago. She says there is 'no chance' of unemployment benefits for the canning workers: 'People look for work in Franschoek or they go and char for the whites in Wellington'. Others say: 'There is no work in Wellington. We have to eat every day, we have to wear clothes. Our children are in school and they're always hungry. Life is hard here in the Boland with no work'.

Some have husbands, daughters and sons working in other factories in the area, or as domestics. Many others have no-one else to rely on. Few women charring in the white towns of Wellington and Franschoek earn above R2 a day. Looking for work is an expensive business. A bus ride to Wellington costs 33 cents. A train journey to Paarl is R1,28 return. The train to Cape Town costs R1,20 for a single ticket. Most of the women say they cannot afford to go so far to look for work. Rents in Hillcrest range from about R3 a week to about R4,50 for three-roomed houses without electricity. 'There's no place to live if you get thrown out', said a woman who hasn't been able to find work since Oaklands closed down last year.

As the downward turn in the economy continues, the chances of the women finding jobs in the near future, particularly in the canning industry, looks slim. Some relief would be provided if the women were entitled to draw unemployment benefits, they say. A local official of the Wellington branch of the Food and Canning Workers' Union said the union had passed a resolution at an annual conference 'some years ago', calling on the Minister of Manpower to enable canning workers to draw from the UIF. Union representatives also asked Dr Alex Boraine, MP and PFP spokesman on labour to raise the issue in parliament: 'We have tried

to talk about it, but nothing has yet come of it', said the union official.

The women of Mbekweni, the township outside Paarl, who were recently retrenched from one of the Langeberg factories, face a double obstacle in finding work in the Western Cape. Apart from the serious job shortage in the industry, the coloured labour preference policy imposes quotas on the number of African women employed in various industries. Textiles and canning are the only factories that will employ African women in the area. Like the Wellington workers, they too, are not entitled to unemployment benefits.

While canning employers complain of the collapse of the export market, and the entry of Greece into the EEC, which precipitated the crisis, thousands of workers sit in tiny houses all over the Western Cape, literally not knowing where their next meal is coming from.

(Western Cape correspondent, March '83)

Detentions Hit Unions

The East London branch of SAAWU (South African Allied Workers' Union) has been the main target of a recent wave of detentions. Early on the morning of Wednesday 16th March six trade unionists were taken from Mdantsane township by police attached to the Ciskei 'homeland'.

Those detained are:

- Thozamile Gqweta — SAAWU national president
- Sisa Njikelana — SAAWU vice-president
- Bangumzi Sifingo — vice-chairman, Chloride workers committee
- Jeff Wabena — SAAWU organiser
- Humphrey Maxagwana - SAAWU organiser
- Sidney Mufamadi — general-secretary of GAWU

All except one are East London-based unionists. Mufamadi was visiting East London at the time of his detention. He is employed by the Johannesburg-based General and Allied Workers' Union (GAWU).

In a statement issued after the detentions SAAWU stated that it 'vehemently deplores this barbaric action. The detentions are clearly indicative of the intention to destroy SAAWU. Nevertheless all their attempts are an exercise in futility because nothing is going to deter us in

the quest of fighting for the most exploited and downtrodden workers in society. We call on all progressive bodies to condemn these unjustifiable detentions'.

Support committees have been established in various regions, partly in response to these detentions. A meeting of Johannesburg unionist condemned the Ciskei 'government' for 'perpetrating their masters' ends and objectives to crush and cripple the emerging independent trade unions in South Africa'.

A number of those detained have been held for lengthy periods previously. In particular, Gqweta has been detained eight times and Njikelana six, either by the South African or Ciskeian police. Despite having been charged on numerous occasions neither has been convicted, since the charges were withdrawn.

The Sebe brothers, who run the Ciskei, have stated that the six detainees would be charged together with three others for ANC activities. This allegation should, however, be treated cautiously since similar allegations have been made previously by them.

The Ciskei authorities' hostility to trade unionism is long-standing and this, together with South African police action, has made trade unionism in the East London area a hazardous enterprise. Recently Charles Nqakula, the national president of MWASA (Media Workers' Association of SA), had his news agency raided. Mr Nqakula is restricted to the Ciskei and may not enter the rest of South Africa.

This week, Bonisile Norushe, the East London-based national organiser of AFCWU (African Food and Canning Workers' Union), has had his home raided by Ciskei Security Police four times in as many days. Fortunately Mr Norushe was away on union business. As a precautionary measure he has decided not to return to his Mdantsane (Ciskei) home for the time being. In a statement his union claimed there was 'a concerted attempt to crush unions in the homelands and so create a reservoir of cheap labour there'.

This month has also seen the harassment by security police of members of the General Workers' Union's (GWU) branch in East London.

Police action in the past has not managed to stop the continuation and even growth of trade unionism in the East London area. There is no reason to suppose that the current wave of detentions and harassment will succeed in stopping the trade union movement.

(JMB, 25 March '83, Jhb.)

- Latest — All the detainees were released on March 30th. No charges were brought against them.

1982 — A Record Strike Year

There were 394 strikes in 1982, the largest number in over twenty years. A total of 141,571 black workers were involved, with a resultant loss of 302,489 man-days. No white workers were involved. These are the as yet unreleased figures compiled by the Department of Manpower and obtained by the SALB.

The full details are:

394 strikes — made up of 48 'stoppages' and 346 'strikes'. A 'stoppage' is essentially a short strike where the Department of Manpower feels the demands are not clear.

Workers involved

	strikes	stoppages	total
Coloured	17,745	175	17,920
Indian	1,170	—	1,170
African	117,829	4,652	122,481

Man-hours lost (divide by 8 to get man-days)

	strikes	stoppages	total
Indian	502,021	758	502,779
Coloured	33,866	—	33,866
African	2,357,626	28,427	2,386,053

All official strike statistics can be regarded as underestimates, since they only include strikes reported to the Department of Manpower. Furthermore the official statistics have in the past excluded mass stay-aways, such as those which occurred in 1976 and 1980. In this respect the 1982 figures are no exception; the widespread stoppage in February following the death of Neil Aggett is not reflected in the statistics. 'It was only a sympathy stoppage', commented a source in the Department of Manpower, 'and anyway the details of the numbers involved are not reliable'.

The statistics are nevertheless significant, despite these shortcomings.

They reveal 1982 to have been the most turbulent year on the labour front since at least the early 1960's. The total of 394 strikes can be compared with previous peak years — 384 in 1979 and 370 in 1973. The 141,571 workers involved can be compared with 98,378 in 1973. Similarly the 302,489 man-days lost far exceed the 229,281 lost in 1973.

These statistics confirm the views of many labour observers: that 1982 was the culmination of three years of hectic union and worker activity. Since 1980 workers have been joining the unions in massively increasing numbers. They have also begun to flex their muscles and, despite many setbacks, have made real gains.

	Strikes	Workers involved	Man-days lost	Av. duration
1980	207	61,785	174,614	2,78 days
1981	342	92,842	226,554	2,44
1982	394	141,571	302,489	2,14

This trend is not expected to continue in 1983. The recession, and the problems it brings for trade unions, mean that workers may be less eager to strike.

However, making predictions is a dangerous occupation, and employer attempts to roll back some of the gains of the past three years may yet provoke some substantial, if desperate strikes.

(Johannesburg correspondent, March 15, 1983)

MAWU and the Industrial Council — A Comment¹

E. Webster

The three-and-a-half year battle over the form of collective bargaining in the metal industry took a significant turn when MAWU decided to apply to join the National Industrial Council (N.I.C.) for the metal industry at its National Executive Committee (NEC) meeting on 28th February. The NIC is the largest industrial council in the country, covering some 8,400 establishments with nearly half a million employees. Nearly all of the employers belong to SEIFSA, a well organised employer federation that pursued a tough anti-union line in the pre-Wiehahn period. In addition, the 14 unions party to the NIC are dominated by the tightly controlled 'craft' union caucus, the Confederation of Metal and Building Unions (CMBU). The NIC is a highly centralised body that has operated effectively since its inception in 1944 in the interests of employers and, to a lesser extent, white wage earners. The limited but significant material benefits gained by the unions party to the NIC have often been at the expense of the less skilled, usually African, wage earners. For MAWU then, the unrepresentative and bureaucratic nature of the NIC came to symbolise the worst features of established industrial relations in South Africa. Not surprisingly the NIC became an important, if not the most important, arena of struggle over the Wiehahn strategy of attempting to incorporate black workers into the industrial relations system. This comment attempts to provide a background to MAWU's controversial decision.

Three organisational principles have underlain MAWU's structures and policies since its formation in April 1973 — the building of shop-steward structures, factory-level bargaining and worker control. The first — the principle of building shop-steward structures — emerged in the early stages of MAWU's history when it shifted from a strategy of mass mobilisation to a concentration on building shop steward structures in selected factories. This focus on building shop steward structures led to an emphasis on factory level bargaining — on negotiating, policing and enforcing a factory agreement on the shop floor. By stressing factory bargaining the rank and file, in particular the shop stewards, were encouraged to participate in and control key decision-making in the organisation. This third principle — workers control — became firmly established in the union through the practice of accountability to the rank and file through the system of mandates and report-backs.

It is not surprising then that the attempt by Wiehahn to incorporate black workers into the Industrial Council by excluding them from the shop floor was seen by MAWU as a direct threat to these principles. In late 1979 SEIFSA issued

guidelines to its members that they should have no dealings whatsoever with unions other than through the employers' association at Industrial Council level. Employers were warned not to negotiate with shop stewards at plant level and not to grant unregistered unions stop orders. Employers backed up this threat to MAWU by actively encouraging established unions to 'unionise from above' through forming parallel unions.

In May 1980 these guidelines were amended slightly to allow for automatic exemption from the prohibition on stop orders applicable to unregistered unions. However, these guidelines contained the important proviso that the union had to be well advanced in its application for registration and undertake to apply for membership of the NIC on registration. SEIFSA's strategy has always been to keep 'the stick' close to the 'carrot'.

In spite of SEIFSA's guidelines some employers broke ranks and began to negotiate recognition agreements at plant level in 1980. These agreements, when signed in 1981, were significant advances in industrial relations as they established for the first time in the metal industry the following rights:

- a) shop steward recognition, which included time-off for union business, access to the plant by union officials and stop-order facilities.
- b) limitations on managerial prerogatives through a dismissal and grievance procedure.
- c) plant bargaining on the terms and conditions of employment, together with the rights of report-back to members.
- d) other benefits such as retrenchment procedures and health and safety committees.

However, it was the dramatic increase in work stoppages among metal workers on the East Rand between July and November 1981 that was to transform the role of MAWU in the metal industry. An estimated 11% of the total work-force in the metal industry on the East Rand were involved in these stoppages. The rejection of arbitrary control by management, i.e. demands for the re-instatement of dismissed workers, was the central demand in these stoppages. In all of these cases workers' demands for re-instatement of dismissed workers was effective in eroding areas of managerial control at the point of production. As a consequence MAWU's membership tripled between 1980 and 1982 from 10,000 to 30,000. Attendance at the AGM grew from 200 in 1980 to 1,000 in 1981, reaching a height of 5,000 in 1982.

It was this challenge from below that was to lead to the first significant shift in employers' attitudes to shop floor negotiation. In the November 1981 guidelines SEIFSA recognised for the first time that the NIC would have to become more responsive to the shop floor if it was to survive as an industry-wide bargaining institution. As a consequence it recommended that employers give a role to shop stewards by providing time-off for training, and including them in the company's dismissal and grievance procedure. But the guidelines remained committed to changes which encouraged unions to join the NIC — and negotiation over wages

at plant level was not one of the changes that they envisaged.

The issue of wage bargaining was brought dramatically to the fore in the following year when, beginning in January but particularly in the first 13 days of March 1982, a wave of wage strikes broke out on the East Rand. These stoppages were longer and management were more intransigent than in 1981. In the majority of cases management refused to negotiate, gave workers a deadline to return to work and selectively rehired those who did. While this meant, on a number of occasions, that all workers were re-employed, it was, of course, on management's unilateral terms, with few of the initial grievances being removed. Thus the demand for wages was to develop into a more central issue when management refused to negotiate wages at plant level, insisting on bargaining through the highly centralised NIC.

In the event, March 1982 was to be the high point in the challenge from below in the metal industry. In April the NIC negotiations deadlocked when SEIFSA offered a 25 cents an hour increase in all grades. Black workers responded by taking the situation into their own hands and a second strike wave hit the East Rand at the end of April. Employers took a firmer stand, refusing to allow the NIC negotiating process to be pre-empted. Events climaxed at one of MAWU's largest factories on the East Rand, Scaw Metals, when workers made the modest interim demand of 10 cents an hour. Anglo-American owned Scaw, at the very heart of SEIFSA policy-making, refused to negotiate, dismissed the 2,000 work-force in a strike that the union 'called-off' after 11 days, then selectively re-employed. The strike was broken when police intervened to prevent workers entering their hostel. With the retreat of the Scaw workers, effective opposition to the NIC had been broken. When the NIC met a month later they agreed on an increase of 30 cents an hour for unskilled workers, and 40 cents an hour for skilled workers.

When 5,000 MAWU members met at the Wattville soccer stadium in May 1982 for their second national AGM, popular antagonism towards the NIC was at its highest. For the leadership, however, the lesson of the April stoppages was that the union had failed to direct this militancy into an industry-wide challenge to the NIC. MAWU had been unable to transform a factory-by-factory struggle into a united industry-wide demand. Employer resistance had effectively defeated the worker offensive as MAWU began to lose support in some of its factories. MAWU needed to consolidate its rapid growth. This was the theme of the Secretary of the Transvaal Branch in his report at the AGM in May.

The union has grown very fast. Membership has grown by 200% in a year. But this has led to big problems too, because so many new factories are joining, the organisers have not been able to train shop stewards and meet and plan with members and shop stewards. So many workers have joined without being clear what the union is.

The magnitude of the problem facing MAWU was underlined further by the onset of recession and the beginning of large-scale retrenchments in the metal industry. MAWU'S strength in the East Rand is rooted in the hostels and the union

leadership were quick to realise the vulnerability of migrant workers to being 'endorsed out' in the wake of retrenchment. The migratory nature of MAWU's membership base helps explain the volatility of the union; very rapid growth and then retreat. By the end of 1982 East Rand metal firms were retrenching an estimated 18% of their work-force, with some, such as Salcast, as much as 25%. Attempts by the shop steward councils to persuade employers to attend industry-wide meetings to discuss retrenchment failed, although some successful plant negotiations were held. SEIFSA successfully advised management not to attend, as they believed that these issues should be discussed at NIC level only. It is essential, they said, for management to achieve 'maximum flexibility' in the face of the economic downturn.

It was in this context of successful employer resistance to bargaining outside of the NIC and the failure to co-ordinate workers on an industry-wide basis, that discussions on the need for some form of industry-wide bargaining took place inside MAWU in the second half of 1982. Entry into the NIC, like registration, it was argued, was a tactical question. Provided certain conditions could be met, MAWU's principles could be retained inside the NIC. MAWU could still fight for the right of workers to negotiate at their own factory. When it bargained for minimum wages at the NIC it could insist that the democratic and factory based structures on which the union was built, be involved. Through the system of mandate and report-back at all levels of the organisation, MAWU could retain democratic control and the unspoken management aim of divorcing bargaining from the shop floor would not be achieved.

In August the FOSATU central committee announced that member unions should make a decision as to whether to enter Industrial Councils on the basis of certain principled pre-conditions. These arguments were to culminate at the end of the year in a NEC recommendation to apply for membership of the NIC. In the widespread discussions that followed this recommendation, the importance of MAWU's voice being heard in the 1983 negotiations was stressed. Many members were angry with the way in which other unions party to the NIC took up demands originating from MAWU — such as shop floor recognition, retrenchment procedures, lay-offs, etc, — in the NIC and then handled them in a different way to that which MAWU wanted. In the course of discussions the danger of workers losing control of their organisation by entering the NIC was raised. This opposition seems to have been reassured when it was made clear that MAWU could withdraw from the NIC at any time and that they would not sign any agreement that was rejected by the membership. It was also made clear that workers' control depended on the maintenance of shop floor organisation, representation and bargaining, without which MAWU could follow the CMBU unions in relying on the NIC.²

The response of SEIFSA and the other unions party to the NIC to MAWU's decision is not yet clear. Discussions have been taking place for some time on bargaining in sub-sectors of the metal industry. This could go some way towards

decentralisation by enabling MAWU to bargain in those sub-sectors (such as foundries) where they are representative. Of course whether MAWU is able to achieve its objectives in participating in the NIC remains to be seen. MAWU emphasises in its public statement (see Documents) that it will be a minority on the NIC and that it 'cannot hope to win big gains'. By calling for a wage freeze of at least 6 months in the industry, SEIFSA have signalled their intention that they are not likely to concede much.

By attempting to build its strength by entering the NIC, MAWU faces a number of challenges.

1. Entering the NIC is part of MAWU's strategy of establishing an effective national union. Already four branches exist — the Transvaal (which is the largest), Southern Natal, Northern Natal and Eastern Cape. Are the structures at branch level strong enough to retain local participation in the face of the tendency for a growing centralisation of decision-making on the national level?
2. A vital tension has emerged inside MAWU between the growing need for stable organisation and the desire for mass participation in the organisation. MAWU believes that the NIC is the means whereby it can unite demands at this stage and mobilise on a mass basis. The emergence of local and sub-sector wide shop steward councils provides MAWU with the organisational form for such a mass mobilisation. This, however, depends on the consolidation and extension of the present shop-floor structures in the union.
3. The NIC agreement is a complex technical document that will force MAWU to undertake some division of labour inside the organisation. In particular some members will have to acquire technical knowledge and negotiating skills. The challenge facing MAWU will be to build representative structures which can be made accountable in a real way to the rank and file.
4. The strength of capital in the metal industry and the self-proclaimed weakness of MAWU, stacks the odds against MAWU. Is this weakness an argument for entering the NIC in an attempt to consolidate the organisation, or is it likely to be out-numbered and out-manouvered by the CMBU?

For the emerging unions, the crucial test will be the extent to which MAWU is able to retain its principles in the face of these challenges. MAWU is the second FOSATU affiliate to apply to join an IC (NUTW applied in January) since the new strategy towards labour. Of course MAWU is faced by a specific set of circumstances — their membership base includes large numbers of migrants, employers and established unions are well organised, and metal is the largest sector in manufacturing. However, they also share a number of experiences common to the emerging unions as a whole. Other independent unions would, therefore, be wise to refrain from too hasty a judgment of MAWU as this union is likely to foreshow changes and trends within the worker movement. MAWU, as the largest of the emerging unions, shows to the others the challenges in their own future.

Footnotes

1. This article is intended to provide a brief background to the recent decision by MAWU to join the National Industrial Council. The author is currently writing a lengthy article on the development of MAWU. (Editor's note)
2. MAWU's reasons for entering the industrial NIC are explained in a document reproduced in the documents section of this issue of the SALB. (Editor's note)



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Trade Union Organisation and Economic Recession

Dave Lewis¹

Introduction

I would like to share some general impressions gleaned from the relatively short experience in organising in the midst of what is widely regarded as a severe economic recession. The experience is short in the sense that the contemporary South African trade union movement has never really experienced this particular problem before. And it is short relative to what is conceivably yet to come in particular sectors of the economy. I must underline that the remarks that follow will be highly impressionistic in that they are not the product of in depth research nor, regrettably, are they gleaned from a particularly clear theoretical understanding of the character and true nature of economic recession. They are impressions gained from organisational experience in a small union.

I should also add some qualifications from the outset: Whilst there are undoubtedly generalised characteristics of recession many of the characteristics of recession are very particular and are heavily determined by the nature of a specific industry; by the economic and social character of a particular region; by the size of particular factories or enterprises. Accordingly the remarks that follow will be derived from experience in organising predominantly in the transport/trade sector and the heavy industrial sector. Moreover much of the organisational experience is gained in the Western Cape. Therefore in writing about the general characteristics of trade union organisation in an economic recession the following qualifications need to be borne in mind:

1) Firstly an economic downturn is uneven in the sense that certain sectors, (for example transport) are, also for obvious reasons, particularly severely affected. Moreover it seems even within a particular broad economic sector the effect of a recession will be uneven — for example a general engineering concern that is easily able to switch its product line will be less severely affected than a highly specialised engineering factory operating in a fairly competitive market.

2) Secondly, there is the well known fact that particular industries experience the effects of a recession at different times — for example the downturn in the construction industry will inevitably occur later than in other industries principally because of the relatively long term nature of the commitments made in the construction industry.

3) The effects of the recession can be geographically differentiated. Heavy industry in the Western Cape reliant on markets on the Rand will be more severely affected than, let us say, their competitors on the Rand or than light industry in the Western Cape where, conceivably, transport costs are not a particularly

significant factor.

With these qualifications in mind let us turn to the general question at issue: the effects of recession on union organisation. At the outset I made a statement which will seem to be incorrect. I stated that the contemporary union movement had not experienced the harshness of organising in a recession before. Union organisers will be quick to point to similar circumstances encountered in the 1977 recession. I believe that the two situations are critically distinct. In 1977 it is probably true to say that union organisation was highly unstable - the overwhelming concentration was on organising unorganised workers. The last few years have seen a considerable stabilisation of union organisation so that, by now, a large sector of the progressive union movement has two definite priorities: firstly, organising unorganised workers, and, secondly, stabilising and maintaining organisation in already organised factories. The recession will affect each of these activities in very different ways and it is these distinctions that I want to raise in this article.

Organising the Unorganised

Organisation of unorganised workers is not significantly retarded by economic recession — indeed it might even be enhanced. In an advanced industrialised country the opposite might be true and workers might consider far more carefully and conservatively the potential risks of joining a union struggle in the midst of a recession. In South Africa, however, this is not likely to be the case: firstly, the appalling conditions under which workers labour (i.e. the relatively low base from which workers emerge from the boom and enter the recession,) spurs organisation. Put more crudely, black workers in South Africa are generally not risking a well paid, satisfying job as certain of their counterparts in the advanced industrial societies might conceivably be doing. This is exacerbated by the fact that the recession does not in any way dampen down the spiralling cost of living, and this further eases the task of new organisation. Secondly, whilst there can be no doubt about the fact that unemployment has increased substantially in the past month, it is equally true to say that unemployment levels were so high during the preceding boom that the threat of unemployment is not perceived as being substantially greater now than in the immediate past. Accordingly 'recession-time unemployment' will not act as a brake upon new organisation. Finally, there is often a strong political imperative tied up in a black worker's decision to join a union. Unions are not generally seen by black workers as purely economic defensive organisations and accordingly there is a substantial political element involved in a decision to join a union. There is no reason to expect these political imperatives to abate in any way — in fact in the face of a concentrated political offensive by the state (with much of the offensive aimed directly at the workers) one might expect the political motive to turn workers to the union movement in increasing numbers.

Stabilising Organisation

These considerations do not necessarily apply to the task of maintaining and

stabilising organisation in already organised factories. In other words, it is to be expected that a recessionary economic climate will complicate this task. There are a number of reasons for this. Firstly, it is increasingly difficult to win demands — particularly wage demands — in a recessionary climate. It is probably true to say that the real earning and working conditions of *organised* workers have outstripped those of their unorganised counterparts. The fact of workers being organised in a boom period is palpable — just as the consequences of organising in a recession are palpable. The effect of organising in a boom is to ease the ability of the organised factory to improve wages and working conditions.

The consequences of negotiating during the recession are the opposite. The reasons for these difficulties are numerous. Amongst the more obvious are, firstly, the negotiating weaponry of the bosses is unquestionably enhanced. The bosses are able to point to declining work levels, declining profit rates and turnover, business bankruptcies and mergers and retrenchments and short time in other companies. In other words, the power of the bosses' arguments at the negotiating table is enhanced in a recession. This might sound like a fairly thin justification for accepting lower wage increases. But because one of the consequences of a *negotiated* relationship, if one wishes to maintain the undoubted benefits of the relationship, is precisely that one is obliged to 'hear' the arguments of the other side. In a recession, these arguments take the form of a verbal and empirical assault. Unquestionably the workers have plenty of negotiating weaponry at their disposal — the concrete conditions, the phenomenal price rises which are characteristic of contemporary recession. But, be that as it may, in the context of negotiation the bosses arguments are unquestionably enhanced by a recession, and all the more so if, during the boom period, they had agreed to wage increases above the national average.

Secondly there is the effect of industrial action during a recession and here there are two factors which lend weight to the intransigence of the bosses: firstly there is the common perception on the part of the bosses that in the face of retrenchments, declining work levels, etc, the workers will be 'sensible' enough not to strike. This 'sense', the bosses believe, takes two forms: the notion that the workers are 'reasonable' and will be able to see that the bosses cannot 'afford' these increases and that, accordingly, the workers will not further jeopardise the prosperity of the business by striking. But primarily, of course, the bosses believe that the workers will be 'sensible' enough not to risk the possibility of unemployment i.e. a 'sense' borne out of fear and deprivation. This latter perception is not necessarily valid, principally because of the extreme deprivation experienced by *employed* workers in South Africa and because of the additional hardships generated by the inflationary impact of the recession. Secondly there is the fact that strike action during a recession is generally less effective — the clearest example of this is the Port Elizabeth motor strike where, faced by relatively declining sales volumes, the motor bosses' ability to hold out against the union was clearly enhanced and, accordingly, the impact of strike action was considerably reduced.

The Port Elizabeth South African Transport Services (SATS) strike is an even clearer case in point. Here work levels were so reduced (because of the seasonal nature of the work and because of the impact of the downturn) that SATS were actually able to keep the critical aspects of harbour work going with about one fifth of the work force.

The fact is that it is more difficult to win satisfactory improvements in wages and working conditions in a recessionary climate and this has a destabilising effect on an organised factory — the more so when the factory has been organised in boom conditions and where, starting usually from an extremely low base, there have been rapid improvements in wages and working conditions. In saying this I do not wish to peddle the cynical notion that workers will turn away from unions when they have difficulty in 'delivering the goods'. This is not so because it is not the sole, or ever the primary, reason why workers join unions. But at the margins — and in a large factory there are always margins — it is the case, and it is usually evidenced by reduced attendance at general meetings, by reduced subscription collections, and by a tendency for the leadership to turn itself inwards and to start blaming itself for its sudden lack of success.

These tendencies are, of course, extremely exacerbated when the union is faced with competition from unscrupulous unions who take advantage of the recession to promote their own union at the expense of the established union precisely by exploiting dissatisfaction at the margin of the union's membership.

Bosses Responses

So firstly then, the difficulty in obtaining concessions complicates the task of maintaining organisation during a recession. The second problem is closely related but is, nevertheless, a separate issue. A Pavlovian reaction of the bosses during a recession is to attempt, with varying degrees of subtlety, to reverse gains already made, to cut corners in order to 'save' money. Disciplinary procedures are very rigidly applied; health and safety factors are ignored in the name of increasing productivity; work loads are intensified; there are immediate attempts to alter shift patterns, to mention just some responses. In short *productivity* is the name of the game and, in order to give the company the 'necessary' competitive edge, the bosses look to the workers' present conditions in an attempt to recapture lost ground. I have even come across instances of 'progressive' bosses starting to gripe about the quantity and length of meetings with the shop stewards. Clearly the primary mandate of the industrial relations boss in a recession is not to ensure good 'communication' or 'industrial peace' but rather to press home the bosses' advantage by raiding the hard won preserves of the workers. Consequently the union, faced by these predators, is constantly fighting to preserve ground already won. This exercise is both time consuming and demoralising, particularly if one has been lulled into a sense of complacency by the sanctity of an established relationship. A recession teaches one the hard way that an 'established relationship' or an 'agreement' is principally (if not entirely) determined by the

power relationship at any given point in time, and in a recession, with the power relationship tipped in the bosses' favour, a union is constantly fighting to preserve the status quo.

Retrenchment

Thirdly, and unquestionably, the most demoralising effect of a recession is the advent of retrenchment. Many of the progressive unions have made public proposals aimed at ameliorating the worst effects of a retrenchment, and with strong organisation it is undoubtedly possible to reduce the scale and consequences of a threatened retrenchment. But it is extremely difficult to prevent retrenchment altogether. I am convinced that the real difficulty in preventing retrenchment results from the fact that redundancies do not arise directly from declining volumes of work but rather from declining rates of profit. In other words there is no one-to-one relationship between a decline in the volume of work and the size of a retrenchment. Retrenchment is necessary to halt a decline in profit rates or, what is the same thing, to increase productivity. In the short run this is achieved by an immediate intensification of labour (simply, making workers work harder) and in the long run by a complete restructuring of the production process. But, be that as it may, the point that I want to make is that fighting redundancies is not merely a question of fighting through an aberration, a bad patch, in the economic business cycle. Rather it is a question of fighting an inbuilt tendency in the economic system which manifests itself in the perpetual displacement of workers from the labour force. It is extremely difficult for the union movement, or, more, a single union in a single factory, to take on this task single-handed. And that is why there is something depressingly inexorable, something rearguard, about negotiating a retrenchment programme. Having to make the best of a bad situation is an important and necessary exercise, but it is not designed to raise the buoyancy and commitment of union members.

Retrenchment is also a tailor-made opportunity for straight union bashing. Unless the union is perpetually on its toes it will find victimisation of shop stewards (or at the very least, and equally damaging, rank and file leaders) disguised as retrenchment; it will find older workers — often the most solid union members — on the way out; it will find bosses exploiting the tendency for division between skilled and unskilled workers, coloured workers and African workers, contract workers and section 10 workers. In short a retrenchment will inevitably find a union with its back to the wall fighting for the jobs of its members, fighting to keep its leadership intact, and fighting to prevent divisions — and the consequent demoralisation — arising within the ranks of its members. This, to my mind, is the critical feature of organising in a recession. There is an acute dichotomy between the relative ease in organising previously unorganised workers on the one hand, and on the other hand, the acute problems experienced in maintaining strong organisation in established factories.

Consolidation vs Expansion

This dichotomy has one very important and interesting consequence. There is a widespread belief that the recession will affect the union movement by wiping out those unions which are not firmly based. It is, of course, acknowledged that even the stronger unions will take a knock in the recession, but, whilst it is generally held that these unions will survive, it is thought that the weaker unions will go to the wall. Whilst I have no doubt that the stronger unions will pass this critical test and will emerge extant from the recession, I am equally certain that the most rapid growth in membership will not be posted by the more established unions. The established unions will, as I said at the outset, have their work cut out maintaining organisation in their established factories — a smaller union which is not occupied with this complex and time consuming task will be free to devote most of its energies to new organisation. That is, of course, fair enough, and it is gratifying to know that energy will be devoted to the critical task of organising unorganised workers.

But there is a more disturbing possibility — unions which do not see the necessity for stabilising and maintaining tried and proven worker leadership, but rather wish to post spectacular gains in membership, will forget the unspectacular task of stabilisation for the more glamorous and exciting task of new organisation. If this is the case, factories will collapse soon after they have been organised, and union organisers will merely move on to the the next factory ripe for organisation.

If unions attempt to operate in this manner then they should be aware of the acute problems experienced in re-organising a badly lapsed factory and the extreme demoralisation engendered amongst the worker leadership in those factories. It will moreover be relatively easy for unions to poach members from the other unions, and particularly from newly organised factories. Workers will obviously be acutely dissatisfied with the treatment meted out to them by the bosses in this period. Accordingly it will not be difficult for an unscrupulous union on the basis of straight distortion and extravagant promises to persuade workers that it will be able to deliver a better deal. Workers organised in this way will soon realise that they have been duped but their anger and resentment will frequently be directed at trade unionism rather than at the union that has conned them. Finally, a union which does not see the necessity for a constructive retreat, that does not see that staying one's hand can, at this stage, be a more militant exercise that widespread action, will engage in spectacular organising successes and equally spectacular confrontation and could, in the process, do considerable damage to the trade union movement.

This is why I maintain that both unions and those organisations and individuals that support the trade union movement are going to have to be more sensitive in their assessment of the strength and weakness of the trade union movement. In the halcyon days of the boom, spectacular membership, constant confrontation and the winning of significant gains was an easy and, often (though not always), correct assessment of the development of the trade union movement. In these

times it is, additionally, stabilisation and maintenance of organisation that will provide a key indicator of the strength of the union movement.

I have heard the present predicament described by one worker leader in these terms. He reminded one of the more rhetorical proponents of spectacular growth and action that 'democratic unions are like eggs. Don't think you can just drop them one day and pick them up the next. You have to nurse them if they are to hatch. If you drop them it makes a helluva mess.' I could have eliminated much of the verbage that has gone before if I had started with this observation. This is exactly our predicament; the success or failure of the union movement confronted by recession will be counted not by the quantity of egg yolk on the ground, but rather by the number of eggs that survive to hatch.

Footnote

1. Dave Lewis is general-secretary of the General Workers' Union (GWU). This paper is written in his personal capacity.

Chamber of Mines' Policy and the Emerging Miners' Unions

Steve Friedman

Introduction

The last few years have seen relatively sharp changes in labour relations attitudes. But no change can have been as rapid or startling as that on the mines. Students of mine labour history will need no reminding that, besides being the biggest employers of migrant labour in South Africa, the mines have also resisted black unionisation more sharply than any other industry.

The extent of this resistance is brought sharply into focus by the fact that, as late as 1978, the Chamber of Mines visited the Minister of Manpower, Mr Fanie Botha, to request him not to extend the legislation establishing works and liaison committees to the diamond and platinum mines. Even this form of worker representation — long discredited among black workers — was considered 'inappropriate' to black miners.

And it is only recently that many mines have scrapped the 'induna' system — in which a miner was delegated by management to 'represent' workers — with works or liaison committees.

The Chamber of Mines' submission to the Wiehahn Commission contained two chapters on union rights for black migrant miners — one, by Anglo American, supporting them; the other, by the rest of the mining houses, opposing them. In other words, mines labour relations thinking lagged behind that of the Government itself.

The mines were able to adopt this stance partly because they were not subject to the same pressures for black unionisation as those in secondary industry. Because all but a handful of their workers are migrants, housed in compounds on mine property, the mines have been able to exercise tight control over the access of union organisers to the miners. Security at mine compounds is tighter now than it was in the 1940's when the African Mineworkers Union organised mine workers by meeting them in secret behind the minedumps at the dead of night and, after the crushing of that union during the 1946 black miners' strike, no serious attempt was made to organise black mineworkers for nearly forty years.

A further factor is the relative white monopoly on both artisan and skilled production jobs on the mines, (bolstered by regulations promulgated in terms of the Mines and Works Act), which is only now being eroded in some areas. This has been irksome to the mines, acting as it does as a ceiling on the utilisation of labour, but it also ensured that black mine workers would remain relatively un-

skilled and thus easily replaceable if they attempted to strike.

The mines paid a labour relations price for this policy. Because there were no institutional channels for black grievances, strikes tended to develop rapidly into riots, causing substantial damage to mine property. These eruptions were particularly common in the mid-1970's — many more were dismissed at the time as faction fights — when they claimed scores of lives and led to the appointment of a Government commission whose findings, which were never published, blamed the violence on the migrant labour system. Employer action to prevent further outbreaks of unrest were usually hampered by the fact that management attempts to discover the causes of unrest usually ended in failure. Because there were no channels for communication, let alone bargaining, the mines had no means of establishing how a supposedly contented workforce erupted into violence on occasions. They seem, however, to have regarded this as a price worth paying if the alternative was permanent black organisation in the industry.

Post-Wiehahn Period

With the introduction of post-Wiehahn labour legislation, the mines moved haltingly towards accepting black unionism. But this acceptance was so hedged with conditions that it ruled out almost entirely any possibility of independent black mine unionism.

An early draft of the Chamber's labour relations guidelines, published in the Press in 1981, spelled out the industry's policy at that time. A vital stipulation was one ruling out any access by union organisers to miners' hostels or workplaces. As the mines had always derived their ability to forestall unionism by their control over access to workers, this seemed to rule out any sustained and effective organising effort.

Even if unions managed to surmount this hurdle — and it is difficult to see how they could have — they faced onerous restrictions on their right to bargain. To name but two examples, they would not be recognised by mines unless they registered and could not gain bargaining rights on any one mine unless they represented at least 30% of the workers in any one job category throughout the industry.

One of the effects of this stance may have been to exclude organisation by any unions except the established white unions in the industry. But even the established SA Boilermakers Society reacted angrily to the guidelines, arguing that they made black union organisation virtually impossible. At that stage, then, the idea of viable black unionism on the mines seemed remote — perhaps for decades.

But the first draft of the guidelines proved to be the high watermark of the Chamber's resistance to unionism. After the Boilermakers took the issue up with the Chamber, a process of chipping away at the guidelines began which was to end last December when the Chamber released new criteria which were, at least on paper, considerably more 'progressive' than those of much of secondary industry.

Union Access to Mines

The first hint of a change came when the Chamber granted access to mine property to the Black Mineworkers Union, an unregistered union which had been launched by ex-Black Allied Workers Union official, Chillian Motha. Because Motha's union adopted an extremely conciliatory approach to mine managements and was being assisted by the Boilermakers, this did not necessarily mean an acceptance of independent black unionism.

Confirmation that the recognition guidelines had been drastically revised came later in the year when the Chamber granted the Federated Mining, Chemical and Explosives Workers Union (FMECWU), recognition at two mines where it had recruited some coloured workers. It received bargaining rights in those job categories where it had a 'substantial' coloured worker membership. (The union which established FMECWU, the Boilermakers, had earlier been granted full recognition at de Beers in Kimberly. Although recognition was granted by Anglo American, not the Chamber, this may have influenced subsequent events).

FMECWU is registered as a coloured union but began organising Africans last year. Chamber sources said at the time that there would be no difficulty in extending the agreement to cover African workers.

The most significant test for the mines' new flexibility came, however, when the Council of Unions of SA launched a black miners' union, the National Union of Mineworkers. This move appeared to be largely a reaction to the rioting on Goldfields and Gencor mines in the middle of the year, prompted by the fact that workers employed by these groups had received annual increases which were smaller than those at Anglo American and Rand Mines, and were also the smallest increases for some years.

The NUM applied for access to mines and was granted it, thus becoming the first independent black union on the mines since 1946. The details of access were, however, left up to individual mining houses and some continue to take a fairly restrictive approach. Thus Anglo has granted NUM full access to hostels and Rand Mines is believed to have followed suit. But groups like Gencor and Goldfields still place limitations on the union's right to organise on their mines.

The issue now became whether the Chamber would grant NUM bargaining rights if it achieved substantial representation in any one mine — particularly as the Chamber's recognition criteria still stressed that a union had to have registered.

Chamber's Policy Guidelines

The answer came when the Chamber announced revised recognition guidelines last December.¹ Their most publicised feature was the fact that they dropped the registration stipulation, which had remained intact despite successive changes to the guidelines. Chamber spokesman said this step followed the lead set by the Government in announcing draft legislation (which has since passed through Parliament) granting unregistered unions the right to use the statutory disputes

machinery. 'There is a general feeling in the country that registration is not the issue it once was,' the Chamber's industrial relations advisor, Johan Liebenburg, said.

This measure immediately removed a crucial obstacle to bargaining rights for NUM which had earlier, at its inaugural congress, rejected registration, arguing that it was a means of controlling black unions. But the Chamber guidelines went further. Instead of insisting on the centralised bargaining demanded by most secondary industry employers, the Chamber announced that it would recognise any black union on any mine where it achieved 'substantial membership' (in some cases less than a majority, but never more) in one job category.

This was a pretty big departure from the original thirty-percent- across-the-industry stipulation and the new guidelines made it relatively easy for black unions to gain recognition at any mine where they have a worker base. So much so that established unionists have been heard to grumble that it is 'too easy' for black unions to gain recognition.

Established Unions Respond

The established unions want an industrial council for the mining industry, and formed a Confederation of Associations and Mining Unions as a precursor to such a move.

This attempt has been delayed by the new Confederation's decision to exclude FMECWU, but may well be revived at a later stage. NUM also decided at their congress to reject joining a council and, interestingly enough, Chamber officials have implied that they are interested in a council but hesitant about any bargaining forum which will exclude the new black unions.

New Union Activities

There are now five unions which are attempting to recruit black mine workers, three of whom have been granted access. Of the three, NUM looks almost certain to emerge as the biggest, certainly at this stage. It has recruited some 18,000 members in its six months or so of organising and is attempting to establish shaft steward and regional structures in an attempt to consolidate its base.² It is negotiating four recognition agreements with the Chamber and believes it will be in a position to negotiate two others soon.

By far the majority of its members work on Anglo mines — the obvious result of Anglo's more accommodating approach and a trend which some mining insiders fear may create problems when industry-wide black wages are discussed this year. Anglo, they argue, will face far more pressure from newly-organised workers than the other groups and may therefore hold out for a much higher award than the other houses are prepared to countenance.

NUM's second biggest source of membership at present is Goldfields, regarded by some as the group most resistant to unionism. Almost all NUM's organising activity has been on West Rand and Western Transvaal mines.

At this stage, its only serious rival is FMECWU which is registered to represent coloured workers, but has been recruiting blacks for some months. FMECWU has two recognition agreements at this stage. However, the indications are that it was established by the Boilermakers more as a means of recruiting skilled black mine workers than as a vehicle for mass organisation.

The third union to have gained access to the mines, the BMWU, is unlikely to make much headway. Indeed, little has been heard of it since it gained access (it has apparently called only one worker meeting — at a time when its potential members were on shift), and little more is likely to be heard in the future.

The two who have not asked for access are the Black Allied Workers Union, which may have some coal miner support in Northern Natal, and a Black, Mining Construction and Allied Workers Union which is apparently a union of the 'progressive democratic' variety. There are also reports that the Municipal and General Workers Union has shown an interest, and extravagant claims about the existence of a Tunnelborers Union which have not yet been confirmed.

Suffice it to say that, as in secondary industry, the better organised unions will survive and little influence on the industry's future is expected from the group who have not yet gained access to the mines. Whether some other, more substantial rival to NUM is to emerge remains to be seen.

Chamber Policy Assessed

The obvious question which arises from the past year's developments is why Chamber policy changed so radically so quickly. In secondary industry, changes in employer labour relations policy have been relatively easy to explain by reference to the pressure of organised workers, the growing need for a stable skilled labour force and the like.

The mines made their change under relatively little pressure. While they may have been influenced by the Boilermakers' desire to organise blacks — certainly the union did work hard behind the scenes to effect some changes — the birth of black unionism on the mines came after, not before, the decision to grant unions access. And, fast growing though it has been, NUM was hardly strong enough to force changes in Chamber policy on registration.

The riots on Gencor and Goldfields mines could have played a role. Because they hit those groups which had given the lower increases, they could not be wished away a 'faction fights'. But this, too, is not an entirely satisfactory answer. After all, this sort of unrest was not exactly new.

There are, of course, some good long-term reasons for the mines to come to terms with unionism sooner rather than later. Although the black work force remains overwhelmingly migrant, the Chamber has for some time been attempting to stabilise the mine labour force. There has been a slight easing of Government restrictions on family housing for black mine workers, although this clearly affects only the upper strata of black workers.

At the same time, and more importantly for our purposes, the Chamber's

recruiting arm, Teba, has been offering migrant miners guaranteed re-employment at their previous mine if they return within a set period. This is a first step in an attempt to produce 'career miners' among the black workforce. It is obviously not an overly dramatic one, but a stabilised workforce is, of course, far less replaceable than a purely migrant one. If the stabilisation process continues, the mines will have to come to terms with that less expendable workforce.

At the same time, although Mine Workers Union resistance to the elimination of racial job barriers remains strong, there is a drift on the mines towards using black labour in more skilled positions. And Chamber efforts to secure union agreement for more far-reaching changes have increased. Once again, a skilled black workforce has more bargaining power and there is a much greater incentive for employers to attempt to accommodate them.

The Chamber's moves on black unionism came at a time when it was discussing a future labour relations system with white unions and this may well have acted as an incentive to produce a long-term strategy on black unionism.

As I indicated earlier, Chamber officials tend to explain the change in terms of changes in Government thinking. There has, of course, been a relaxation of official attitudes towards both the registration issue and decentralised bargaining and the Chamber, they say, merely slotted into that. Although there are obviously broader issues at stake, this argument cannot be dismissed entirely.

It does seem plausible, albeit unsatisfactory to cosmic structural theorists, that the mines, having initiated a process of reform, simply took this to somewhere near its logical conclusion. It is worth bearing in mind here that, unlike secondary industries such as metal, the mines have never had a formalised and established bargaining structure. There has never been an industrial council and black workers do not even have a liaison or works committee tradition. The absence of traditional structures to cling to might well have contributed to a climate in which innovation was more possible.

Prospects

What of the future? Euphoria about the development of black mine unionism would be more than a little misplaced. Unions like NUM have been in existence for only a few months and it is far too early to assess whether they will actually be able to exercise power on the mines. To put the issue more bluntly: What is going to happen when the unions start making demands which employers resist? Will mine managements find the jump into real bargaining too much and retreat into a more traditional stance? And will unions like NUM, which remain unproven (ironically, no other emerging union has been able to organise with employer permission virtually from its inception), be able to resist these moves. Certainly, employer ability to resist the union remains immense, particularly in the short term. However generous the access concessions, a black mine union is still operating on the mines only because the employers don't mind it being there. It is still bargaining in terms of a permit which could be withdrawn.

The mines have a lengthy history of tough bargaining, which can only get tougher with the growth of black unionism. Unionised black workers will still be almost exclusively migrants, who are recruited in areas of high unemployment where replacement for strikers are easy to find.

The 1979 white miners' strike left no doubt about the Chamber's willingness to take a tough stance during disputes and the scope for toughness is clearly much greater when employers are dealing with migrant miners who live in compounds on mine property.

It may well be a good many years, therefore, before the nascent black mine unions are in a position to do labour relations battle on anything like equal terms.

Nevertheless, the post-Wiehahn developments in secondary industry have tended to show that reform processes, once begun, take on a logic of their own. To name but one example, refusing a union access to the mines is a good deal easier than cutting off access because it is making demands which employers don't like. It is very doubtful that this would ever happen.

The more the reform process continues, the more difficult it becomes to dismantle it. While it is too early to begin assessing the likely growth of organised worker power on the mines, it does indeed seem that a permanent era of black unionism has begun.

Footnotes

1. See Documents: Mines Policy Guidelines. (Editor's note)
2. See Interview with NUM. (Editor's note)

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Issues in the Canadian Union Movement

Alan Mabin

It would be no exaggeration to say that the union movement throughout the capitalist world is passing through a period of stress. Recession in the international economy, shifts in work and employment based on new technology, and conflict within the unions over nationalism, democracy and political strategy have affected the movement in every country. In this situation there is something to be learnt from the ways in which unions and workers have confronted their difficulties in other parts of the world. Continental European and north American conditions are largely unknown but still relevant to South African unions, as was remarked in the *Labour Bulletin* in 1976. In this article, some of the issues which have concerned the Canadian union movement will be examined. The issues include nationalism, local bargaining, certification (related to registration), the right to strike and picket, and many more. While the context in which these issues have appeared is clearly different from that in South Africa, the similarities will immediately be noted by those involved in the independent union movement in South Africa.

Unions in Canada

Canada is usually perceived as an 'affluent country', and it is of course a wealthier society than South Africa. The achievement of higher wages and the rights of workers is the product of a long period of worker organisation, which has included some tremendous victories and some bloody defeats. Since the late nineteenth century, the Canadian economy, originally the product of British colonialism, has increasingly come under American domination. Canada has the highest level of foreign control of any relatively industrialised country — foreign, mainly American, interests own well over half of Canadian industry, while in some sectors the proportion of foreign control rises to 90 per cent. Exactly how Canada has come to be relatively wealthy while so dependent is a matter which will not be discussed here. But the context of extensive foreign control, and an economy highly dependent on primary production and export of mine, forest and farm products is clearly important to understanding the development of the union movement.

The first unions in Canada were essentially craft unions, organising skilled workers to the exclusion of others. Owing to the proximity of the United States, there were organisational overlaps from the first, though the large number of British immigrants meant that the British traditions of unionism also played a role. The American Federation of Labour, the Knights of Labour and other organisa-

tions originating among skilled American craft workers were thus among the first unions in Canada. At the same time, a militant tradition very quickly emerged in Canada, particularly in two areas: in the unions which set out to organise on an industrial basis, and among workers in the extractive industries where conditions were very harsh. Thus the Industrial Workers of the World (IWW) flourished for a time in western Canada; and the state, in the form of the Canadian federal government, moved harshly to crush worker militance. The newly-formed Canadian army saw its first actions against striking coal miners in Nova Scotia and on Vancouver Island between 1909 and 1913. The best-known expression of the militant tradition was the Winnipeg General Strike of 1919, when the city of Winnipeg was brought to a standstill for a month, though the strike ended in the defeat and decline of the organisation (One Big Union) involved. But the militant tradition survived such defeats and still plays a role in many unions, as will be revealed below.

At the same time the incorporation of much of the working class into the ideology of north American capitalism needs to be acknowledged, and explained. Part of the explanation lies in the history of the union movement during the depression of the thirties, the second world war, and the conditions of the late forties and early fifties. The depression put over a quarter of working people out of work in the thirties. The memory of unemployment and poverty strengthened the militant tradition of the industrial unions as large numbers found new jobs in the economic expansion of the second world war. In the craft unions, where the membership had to a large extent retained their jobs during the thirties, the effect of the period was increasing conservatism, reflected in the contrast between the conservative Trades and Labour Congress (TLC) and the break-away Canadian Congress of Labour (CCL), in which the industrial unions predominated.

During the war the struggle for control of the industrial unions began in earnest. Much of the organising of these unions in the thirties (and forties) was undertaken by the people with connections in the communist party, and the left either influenced or controlled the leadership of many industrial unions. But communist leadership suffered a tremendous setback in credibility by first opposing the war with Germany (after the Hitler-Stalin pact) and then vigourously supporting it (after the invasion of Russia) - support which even extended to no-strike pledges. After the war the policy of the Soviet Union in eastern Europe (at least as portrayed by the north American media) fueled fresh doubts about leaders who appeared to follow an external agenda rather than working for union members. Under these conditions, the left was defeated in most Canadian unions in the forties and fifties, and those unions which maintained left leadership (like the United Fishermen and Allied Workers Union) found themselves excluded from central labour organisations. Employers and the state played a red-baiting and harassing role as in the United States at the same time.

Two further factors encouraged conservatism. The boom conditions of the late forties and early fifties provided good organising times for the craft unions — es-

pecially in the construction trades — and their strength increased, while the industrial unions were torn by internal leadership struggles. Simultaneously the mass organising of both types of union provided a base for the bureaucratisation of union leadership, with full-time, highly-paid business agents assuming ever more power in the running of the unions. Workers were prepared to trade off control of their unions for high wages and complicated benefits. Under these conditions the militance of earlier years was dissipated and the non-communist party left squeezed into a corner. In Canada it was not until the seventies that either found room for resurgence.

Nationalism and the central labour organisations

Throughout the history of Canadian unions, nationalism has exercised a sizable influence on organising. The major division on nationalist grounds in Canada is that between Quebec, where the overwhelming majority of population are French-speaking, and the rest of the country, in which the population is generally dominated to an even greater extent by English speakers. Workers in Quebec are largely, though not entirely, organised in the Confederation des syndicats nationaux (CSN) and the Corporation des enseignants du Québec (CEQ). While Quebec nationalism is concerned with the domination of Quebec by the Canadian federal government and thus with the dominance of English Canada, English Canadian nationalism is concerned with the domination of the Canadian economy and culture by the United States. Especially since the late sixties, the latter nationalism has been increasingly vociferous. To understand the context of this nationalism, it is necessary to know that many Canadian workers are members of American-based unions — the so-called international unions. These are unions which originated in the US and expanded their organising into Canada. Many of the internationals are affiliates, there has been an ongoing struggle for Canadian control. Some new and breakaway organisations are affiliated to the Confederation of Canadian Unions (CCU), part of the rationale for which is an explicit Canadian nationalism.

The union congresses of federations (often called 'centrals' in Canada) have a long history. The CLC was formed in 1956 by the merger of the Trades Labour Congress (TLC) and Canadian Congress of Labour (CCL). The CLC is the largest labour central in Canada, with a membership in its affiliates of about two million. The CCU is far smaller, with about 40,000 members. Perhaps 15% of all organised workers are in unaffiliated unions, while overall about one third of Canadian workers are union members.

The explicit links between the CLC and the social democratic party is called the NDP (New Democratic Party) point to one of the significant differences between Canada and the US, for in the latter country no social democratic movement able to challenge the established parties has emerged. The union-party connection has been responsible for the ability of the NDP to win elections in three of the ten Canadian provinces in the past ten years. At the same time the contradiction

between the political influence of the CLC in Canada, and the influence of American-based unions in the CLC itself, is apparent.

The issue of the so-called 'international' unions in Canada is far from resolved at this point. The divisions, and raids, between international and Canadian unions have a long history. Perhaps the most celebrated battle for control of a group of workers was that carried on by the Seafarers International Union (SIU) against the Canadian Seamens Union in the 1940s and against a group of other unions in the 1960s. Using violence, collusion with employers and the financial power of the AFL-CIO, the SIU succeeded in replacing all the Canadian unions (which had been far more militant and successful in improving the conditions of Canadian workers than the SIU, especially on the Great Lakes steamers). Having been suspended for these activities, the SIU even succeeded in being readmitted to the CLC in 1966.

Some of the international unions have sought to supplant not only Canadian unions, but also other originally 'international' unions. Thus the United Steelworkers of America (USWA) supplanted the more militant Mine, Mill and Smelter Workers Union at almost every Canadian location by tactics of raiding, intimidation and red-baiting — again, with backing from the AFL-CIO. This background is important to understanding the tension and acrimony surrounding the current fight between the CLC and the American-based building trades unions, which have been expelled from the CLC for withholding dues from the Canadian central organisation. At the behest of the American head offices of these unions, and again with AFL-CIO support, the Canadian districts of the construction trades unions have set up a rival union congress in Canada. The battle over the affiliation of the 300,000 Canadian members of the construction unions will probably be similar to that between the craft unions and the new industrial unions in the thirties.

In each of these situations, the role of the AFL-CIO has been to promote conservatism and bureaucracy within the unions in Canada, and disunity between the unions. This is not to say that the membership of the international unions has been entirely passive, and (as described in the section on strikes below) some international unions in Canada have been involved in progressive strikes and support for other unions on strike. Nevertheless, the impression of undemocratic conservatism made by some international unions within the CLC, and by the AFL-CIO's role in the Canadian context, is a reality.

Nationalism and democracy

Issues of nationalism and democracy are interwoven in many of the struggles within the Canadian union movement — whether raiding, breakaways or arguments at CLC conventions. On the one hand are the American-based unions, with their generally highly bureaucratic structures and lack of democracy, frequently controlled from head offices in the US. On the other hand are organisations based in Canada, appealing to the nationalist sympathies of Canadian workers, and generally rather more democratic than the the American-based internationals.

But the separation is not as simple as this. The unions which predominate in the CLC are a mixture of international and Canadian unions, some much more democratic than others. What is certain is that undemocratic control exercised by bureaucratic leadership, often identifiably American-based, has led to the strengthening of the nationalist movement in Canadian unions.

The most obvious representative of the democratic nationalist union movement is undoubtedly the Confederation of Canadian Unions (CCU). Although it is still very small by comparison with the CLC, the CCU's role in acting as a catalyst in the movement for Canadian autonomy in the locals (branches) of international unions and, though less so, in the attempt to democratise and radicalise the CLC had been recognised even by its strongest opponents. The CCU is composed to a considerable extent of members of breakaways from the international unions, such as the 1800 members of the Canadian Association of Smelter and Allied Workers (CASWA) at Kitimat, British Columbia, who after a long struggle eventually succeeded in divorcing themselves from the United Steelworkers of America in 1972.

The coincidence of the nationalist and democratic issues also affects the independent unions, which represent 15% of organised Canadian workers. Examples of the independents vary from the American-based and undemocratic Teamsters to the Canadian based and rather more typical Hospital Employees Union. Among many members of the independent unions the question of affiliation to the CLC or an alternative labour central is quite divisive. For example, in the case of the Association of University of College Employees (AUCE), a relatively small (2500 member) union in British Columbia, the proposal to seek affiliation with the CLC led to a long debate in the union. Since the CLC's ruling was that AUCE could not affiliate as a unit but would have to merge with another affiliated union to accomplish entry into the CLC, the debate tended to centre around the issue of whether the democratic practices of AUCE could be maintained in another union, or whether affiliation instead with the alternative central, the CCU might not strengthen AUCE's democracy. As a result the proponents of CLC affiliation ended up being labelled 'undemocratic', and the proponents of continued independence or CCU affiliation became 'ultra-democratic' or 'nationalist flag-wavers', or both. This struggle (which resulted in stalemate) has echoes elsewhere in the Canadian union movement as the issues of nationalism and democracy continue to be interwoven.

Workers' rights and the state

The struggle for recognition by the state of the rights of workers in Canada has a long history and continues today. Rights have been established in three areas: the regulation of conditions of work and of employment, the recognition of the right to organise and the establishment of the right to strike and picket. Here the latter two subjects will be discussed.

The right of workers to organise in unions was first established by law during the thirties in most parts of Canada. Today, the right to organise is contained in

the labour relations legislation of all the provinces and of the federal government. An example is found in sections 2 and 3 of the British Columbia Labour Code:**

s.2(1) Every employee is free to be a member of a trade union and to participate in its lawful activities.

Section 3 further provides that no employer may interfere with the formation or administration of a union, discharge or discipline an employee for being a member or official of a trade union, impose conditions of employment which restrain employees from exercising their rights or intimidate employees with respect to these rights. The limits of these legal guarantees are clearly evident in sections 3(2)(g) and (h) which allow employers to 'communicate a statement of fact or opinion ... with respect to the employer's business' to employees and to make changes in the conduct of that business which are 'reasonably necessary'. Both of these provisions obviously allow employers to exert pressure on workers, and complaints against employers in this connection can lead to long and expensive legal proceedings.

Another limit on the right to organise is imposed through the definition of 'employee'. In most parts of Canada, domestic and farm workers are excluded from one or other aspect of labour standards or labour relations legislation, and other sectors (teachers for example) are often similarly excluded. One major current struggle is thus the attempt to win legal rights for domestic and farm workers. The Canadian Farmworkers Union (CFU) is an example of an organisation involved in this area; many of its members are immigrants, frequently non-English speaking and often subject to the racism which prevails in Canada as much as in most western countries. Despite continual promises, provincial governments have yet to extend basic legislation to cover domestic and farm workers. As long as these categories of workers are without the same protection as other workers, they remain subject to employer intimidation, which in turn restricts the effective right to organise. The *legal* right to organise is never absolute.

As is the case in most parts of the world, strikes in Canada are surrounded by legal questions. First, only a certified union may legally strike (the certification issue will be discussed below). There are limits on the extent to which pickets may be placed at the struck work location, and even more so on the use of secondary pickets — that is, picketing the premises of employers not immediately involved in a strike. The courts are often ready to grant injunctions limiting strike or picket rights; and the state occasionally legislates against strikes of specific types (as in 'essential services' legislation) or even against specific strikes (as in the 1975 lumber industry strike in British Columbia, or the 1978 postal workers strike: both groups found their right to strike suspended by law).

** In this article most illustrations are drawn from British Columbia, which like the other nine provinces has its own particular labour legislation, union history and current major issues.

Direct interventions by police against strikers are perhaps less frequent than in some parts of the world, but happen nevertheless. An 'illegal' strike in Kitimat was violently ended by police in 1976. In 1979, a strike by non-academic workers at Simon Fraser University in Vancouver ended in the arrest of 18 people on the picket line and a subsequent series of trials which took a year to complete. Both were instances in which picket lines were destroyed by police action and the strikes concerned subsequently lost. The right to picket is an integral part of the right to strike which has to be maintained in Canada as much as anywhere else.

The legal process: certification and arbitration.

As remarked above, there is no legal strike in Canada unless that strike is carried out by a certified union. In order to understand the nature of the certification process, it is necessary to place it in the context of the legal framework which surrounds unions in Canada. Just as in South Africa the registration process is intended to carry its own rewards for registered unions, so in Canada the certification process is designed to give access to the protection of labour relations laws. In order to illustrate this process the example of the British Columbia Labour Code will be used.

Certification refers to the process whereby a union obtains legal recognition as the representative of a specific group of workers. One union can therefore have many different certifications covering different types of workers at different sites. When organising begins, organisers must seek to obtain the signatures of at least 45% of the workers whom the union wishes to represent. Once that mark is reached, the union may apply to the Labour Relations Board (LRB) for certification with respect to these workers. The LRB has the power to decide whether or not the workers make up an 'appropriate bargaining unit'. For example, if an application is made to represent manual workers at one place of work, but not the clerical workers at the same place, the LRB might rule that the clerical workers must be included, or that some employees (usually supervisory workers) be excluded. On the determination that the unit is appropriate and that 45% or more workers have signed cards, the LRB orders a representation vote. The vote is conducted by officials of the Ministry of Labour. On a majority of votes being cast for the union, the LRB certifies the union. The LRB can also decertify a union if it loses majority support. This sometimes happens when one union raids another and succeeds in winning a new representation vote.

Certification carries with it the responsibility and the sole authority to bargain on behalf of the workers in the unit. In the period between an application for certification and the certification vote, conditions of employment are frozen by the Labour Code, and the freeze stays in effect until four months after the certification of the union. After either party — employer or union — has given notice to commence collective bargaining, the Code lays down that bargaining 'in good faith' must commence within 10 days. Collective bargaining usually leads to a comprehensive collective agreement including provisions on wages, benefits, hir-

ing, dismissal and various other conditions of work. Such an agreement remains in force for periods usually of one to three years. In addition a grievance procedure is almost always included, and in terms of the code the agreement must make provision for the settlement of disputes by arbitration. Since under the code strikes and lockouts are illegal during the term of the collective agreement, the arbitration system provides the main means of settling major disputes between employer and union.

In view of the number of decisions with which the LRB and arbitrators are charged in this labour relations system, the extent to which legal argument and interpretation of the law, and of collective agreements, plays a role, is considerable. This means that much of the representation of workers is handled not by workers themselves, or even by their elected or hired agents and representatives, but by lawyers. The effects of the system are perhaps best illustrated by arbitration.

Under the Labour Code, grievances not resolved through grievance procedures set up between union and management go to arbitration, and as long as a collective agreement is in force cannot be settled by strikes. One important effect of this structure is that strikes become restricted to actions undertaken to gain improvements through collective bargaining after the expiry of existing agreements. Workers do not experience the strike as a collective weapon always available with which to force the resolution of a particular grievance, such as unfair dismissal of union members. Another effect of the system is that union members come to depend on lawyers to represent them at complex arbitration and LRB hearings in which the outcome frequently depends more on interpretation of law and collective agreements than on the union's strength. Often the first few days of lengthy and expensive arbitration proceedings will be taken up by argument over whether or not the issue is arbitrable at all. And much of the subsequent hearing around the specific case, if it takes place at all, likewise depends on legal technicalities which seldom provide the stuff of vigorous organising campaigns.

The LRB itself hears cases arising out of alleged breaches of the Labour Code; unfair labour practices such as failure to bargain in good faith, dismissal of union members, use of professional strikebreakers. This function of the LRB provides unions with a much cheaper means of obtaining legal redress than either arbitration or the courts, since hearings before the LRB are free, while unions share with management the costs of jointly-appointed arbitrators (often running into hundreds of dollars a day). But again, hearings before the LRB involve unions in the legal process to a degree which makes it difficult for ordinary workers to exercise control over the process. The legal system provides management with a means of individualising grievances, making it hard for unions to treat grievances as collective issues. The best means of avoiding the pitfalls of this legal apparatus is through the kind of strong membership and shop steward system which ensures that most grievances can be settled through grievance procedures without going to arbitration.

The Labour Code does not require such potentially dangerous things as ap-

proval of union constitutions as South Africa law seeks to do, but it does set down procedures which have the effect of interfering in the internal working of unions. In particular, a union cannot legally call a strike without obtaining 50% support in a compulsory strike vote, in which not only union members but anyone in the bargaining unit affected may vote. This provision interferes with the ability of union members to decide democratically for themselves whether or not to strike, in places of work where some workers are not union members.

The legal framework under the Labour Code allows unions to become increasingly involved in expensive and technical legal matters, which encourages the concentration of decision making power in the hands of a few individuals within the union (and lawyers outside the union). At the same time the Labour Code contains protections for unions and for workers which have proved sufficiently powerful incentives to draw unions into the system despite the significant limitations placed on them, such as the loss of the right to strike in settlement of grievances. The state in Canada has been able to draw unions into compromises over democracy, the right to strike and other issues. Within this system, unions have frequently become bureaucratized institutions. These results are apparent despite (or even because of) the fact that Canadian labour law provides protection to workers, outlaws professional scabs and legalises (some) picketing.

Some major Canadian strikes of recent years

While the legal right to strike is essentially restricted to the achievement of collective bargaining goals, this does not mean that strikes are a rare occurrence in Canada. In recent years, much to the distress of employer organisations, the number of days lost per worker through strike action in Canada has exceeded the figure for Britain and come close to that for Italy. In this section of the article, some of the major strikes of the past decade will be discussed in order to illustrate the issues which workers have sometimes been prepared to lose months of wages to win.

In Canada, a resurgence of militancy seems to have begun in the early seventies with actions by civil servants, teachers, non-medical hospital workers, nurses and postal workers. For example, since 1970 there have been close to 40 strikes by the Canadian Union of Postal Workers and the Letter Carriers Union of Canada (CUPW and LCUC). The issues have included pay, job security and technological change. Over a long period the postal workers have opposed the introduction, or at least the method of introduction, of automated sorting machinery. Post Office management decided to pay sorting machine operators 50 cents an hour less than manual sorters, and much strike action (often undertaken strictly 'illegally', during the term of an agreement) has focussed around this issue. Following national postal strikes in 1974 and 1976, the CUPW workers obtained improved terms regarding job classification and pay, but the basic issues continued to rankle, leading to the 1978 postal strike, which was terminated when the federal government passed a law making the strike illegal. For encouraging members to defy the

law, several executive members of the union went to jail for varying terms. In the 1981 postal strike, one of the main demands was for 18 weeks paid maternity leave, a demand which the postal workers managed to win, much to the horror of other employers who were concerned at the effects this victory would have on women workers generally — of whom more will be said below.

Some industrial unions also adopted more militant strategies in the seventies. The United Steelworkers of America (USWA) represents thousands of workers in the steel, mining and smelting industries in Canada. In 1974, the USWA local at Trail, British Columbia, held out for three months and won much increased wages, retirement at 55, and other improved conditions. In 1979 the particularly militant local of the same union at Sudbury, Ontario, stayed on strike for even longer, with massive community support, for improvement in wages and working conditions — but more particularly for better job security, which is crucial for many Canadian workers since so much Canadian industry is tied to the fluctuations of the American market in lumber (wood), mineral products, etc. There were, likewise, extensive strikes during the seventies in the lumber industry in all parts of Canada, by unions such as the International Woodworkers of America (IWA) and the Canadian Paperworkers Union (CPU).

Rapid inflation and government wage controls brought a number of strikes from the mid-seventies on. In 1976, a one-day national stay-away brought out about a million workers on the 14th of October, demonstrating the ability of the organised labour movement in Canada to mobilise its strength. The object was to demonstrate against the national wage controls — which were removed a few months later. Under conditions of rapid inflation, wages have continued to be a central issue in recent strikes. In 1981 public employees bore the brunt of the wage struggle: the federal civil servants in the Public Service Alliance of Canada (PSAC) were out for a few weeks, and municipal workers in the Vancouver metropolitan area shut down municipal services for two months.

Not every strike results in victory for the workers. In Ontario, hospital workers represented by the Canadian Union of Public Employees (CUPE) organised an illegal strike of about 15000 workers in 1981, mainly prompted by bad wages and the issue of the right to strike. Due to poor coordination of strategy and the foot dragging of the central union organisation, the strike ended in defeat, with the arrest of large numbers of workers and the jailing of several union members.

One of the most interesting strikes of recent years in Canada took place in British Columbia in 1981 when the employees of the Telephone Company (BC Tel) stopped work. This company employs about 11000 people, about 3000 of whom are excluded from the union on the grounds of their 'supervisory' work, which makes it possible for the company to continue operations for a lengthy period even if the 8000 members of the Telecommunications Workers Union (TWU) are on strike. As a result of frustration both at the company's intransigent bargaining position and at the prospect of a long and only partially successful strike, TWU workers occupied the company's premises. Previously the techni-

cians (half the workers) had been running small scale rotating strikes and using flying secondary pickets to disrupt work at some of the company's major customers. The operators and clerical workers, most of whom are women who work with video display equipment under very rigid rules, responded to their frustration by beginning the occupation of offices. Calls to operators were greeted by the phrase 'Good day, union telephone', and buildings were festooned with banners reading 'Under new management'. Confronted by the ten day sit-in, the company came to a settlement certainly more favourable than would have been achieved by a long strike, which would have been undermined by the 3000 'supervisors'. Another factor leading to the success of this strike was the ability of the union to gain the support of many other workers through a 'mini general strike' for a day in a large area of the province.

Another important issue in recent strikes has been local level bargaining. For most of the summer of 1981, the 60,000 workers in the British Columbia lumber, pulp and paper industries were on strike, and one of the major demands of the unions involved (IWA,CPU,PPWC) was the devolution of a larger number of issues from the industry-wide bargaining level to the local level. While there is no statutory industrial council system in Canada as there is in South Africa, there are industries in which industry-wide bargaining has emerged as employers have insisted on bargaining only at, say, the provincial level, thereby removing the issues in negotiations from the environment and often the control of the workers whose conditions are at stake. The Labour Code supports this system, in that employers' organisations can be recognised by the LRB as the sole bargaining authorities from the management side, forcing unions to deal with them unless the militance and strength of the membership is such as to successfully reject the system. The 1981 strike saw more local issues returned to settlement at local level than had been the case for many years.

Organising the unorganised; clerical workers and women

As in most countries, the majority of union members in Canada are men. But in the past decade or more, the most rapid growth in union membership has been among women. This is due to the extent to which clerical and related 'white collar' workers have been organised over this period. To a degree, the very growth of organising in these areas is related to the greatly increased proportion of the workforce in them, which is of course reflected in the increased proportion of the workforce made up by women. Unions have looked to this area of organising as industry has been automated, and as the increased militancy of women has demanded that women be organised at work as well as elsewhere.

The largest growth in union membership among women has taken place in the public sector unions. In particular, the Canadian Union of Public Employees (CUPE) has grown over a decade and a half to a quarter of a million members, mainly because of its approach to general organising in all areas of public and semi-public employment. In CUPE locals of municipal workers, for example, the

original members were often the 'outside' workers — mainly men — with later extension to office workers, mainly women. CUPE also includes locals of university workers, hospital employees and even student union and trade union employees.

There are strong contrasts between the various unions which have large office worker membership. CUPE is a relatively democratic union in which the locals decide their own policy, bargain with employers directly, and depend on the central organisation for a limited level of services, for which they pay about 40% of their union dues. The British Columbia Government Employees Union, by comparison, is a highly centralised union in which the only autonomy locals (branches) have is their ability to decide on a few specific clauses in collective agreements on their immediate conditions, while the central executive of the union negotiates a master agreement with the employer representatives. Locals have little or no control over their own funds.

Organising of office workers is not restricted to the public sector. Many of the industrial unions have extended their membership to the clerical workers in the companies where they already represent the production workers, and sometimes beyond, as in the case of the United Auto Workers (UAW). There are also unions of 'white collar' workers which have concentrated on non-government workers, such as the Office and Professional Employees International Union (OPEIU). But workers have frequently found that the big international unions seem to be more interested in their dues than in providing services. In one small financial office in Vancouver, workers found that the OPEIU was prepared to agree to retrenchment without even consulting the workers concerned.

Unions like CUPE have made efforts to organise previously neglected 'ghettoes' where women are concentrated, like clerical work. So, too, have smaller independent unions with a strong feminist orientation. British Columbia provides two examples of such 'feminist' unions: the previously mentioned Association of University and College Employees (AUCE) and the Service, Office and Retail Workers Union of Canada (SORWUC). Both unions originated in the Working Women's Association, which began organising women in clerical and service jobs after gaining experience in strike support and public education activities. SORWUC has been involved in attempts to organise workers in previously neglected sectors, such as small offices and restaurants. Small units are notoriously difficult to organise, but very significant, since it is in these sectors that wages and working conditions are often most degrading. At one restaurant in Vancouver, a strike over recognition lasted for a number of YEARS, without a satisfactory outcome.

Perhaps SORWUC's best-known project was the United Bank Workers organising drive. Most workers in Canadian banks are women, and most work in bad conditions at low rates of pay. Organising has always proved difficult, sufficiently so to discourage unions with vastly greater resources than SORWUC. Much of the difficulty is due to the size of the banks and the number of branches. As long as it remained impossible to sign up over 50% of the workers at ALL

branches, it remained impossible to gain recognition from the banks. In 1976, the bank workers branch of SORWUC won a decision from the Canada Labour Relations Board that certification could be granted for one branch at a time, forcing the banks to recognise the union in each branch in which over 50% of workers were signed up. This decision greatly eased the sign-up work, but opened the door to another problem. The banks insisted on bargaining at the branch level, which made it necessary to conclude lengthy and expensive negotiations many times over. As a result SORWUC had to end the organising campaign in the banks, leaving the field to the CLC's Bank Workers Union, which has yet to show any greater ability to organise in this tough sector.

Both AUCE and SORWUC, as unions begun by feminists, have had their successes and failures. The successes include the best wages and working conditions for clerical workers in Canada. Both organisations have managed to set up and maintain themselves for over a decade on the basis of very little funding, and using organising methods that drew on the skills and experience of members themselves. Both have entered into collective bargaining, handled their own cases (often without legal counsel) at Labour Relations Board hearings, won precedent setting decisions and concluded progressive agreements with management without well-paid, full-time organisers or employees other than members elected to temporary positions as organisers and co-ordinators. The contrast with much of the rest of the bureaucratic and centralised labour movement could hardly be more striking, and the reason for it is to be found in the determination of many of the women workers involved not to be dominated by (usually male) bureaucrats in a repetition of the pattern which they confront on the job every day at the hand of management.

Recently, strikes by several unions in Canada have illustrated the extent to which issues originally generated by women have become vital struggles. Reference has been made above to CUPWU's success in winning 18 weeks paid maternity leave. CUPE's strikes in the Vancouver municipalities in 1981 were characterised by the slogan 'equal pay for work of equal value'; the difference from the more usual 'equal pay for equal work' reflects the belated recognition that 'women's work' is usually undervalued. The same issue was focussed in another 1981 strike in Vancouver. At a truck-building plant, the almost exclusively male production workers had traditionally received (in common with many other workplaces) much higher wages than the women who worked longer hours, under tight supervision at jobs like punch card operator. One of the union's demands in the strike was that the starting rate in the data processing department should be the same as the starting wages in the plant. After a 3-month strike, the demand was achieved. Along the way, the union received the active support of other union locals and from the women's movement generally, owing to the general significance of the demand for equal pay for work of equal value.

Conclusion

This article has reviewed some of the important issues confronting workers and unions in Canada. The current decade is likely to see the intensification of struggles around all these issues. The organisation of previously unorganised women, the raiding battles between CLC unions and American based construction unions, and the continuing struggle to maintain and extend the right to strike are examples of these campaigns. The union movement is presently facing a deepening recession in the Canadian economy, with real unemployment levels at their highest since the depression of the thirties, renewed wage controls in some provinces and continuing interference by the state in the rights of workers and their organisations. The majority of the unions are still relatively conservative. But the union movement, and an increasing proportion of union membership, is in a more militant mood than was the case in decades past. In Canada, as elsewhere, the struggle continues.

Sources

I have not given specific references in the article, but further reading can be found on all the subjects mentioned in the books listed below. In addition, there are papers and magazines which carry regular, in-depth reports on strikes and other issues in the union movement: the best is possibly *Canadian Dimension*, published from 801-44 Princess Street, Winnipeg, Manitoba, Canada R3B 1K2. Useful books:

Robert Laxer *Canada's Unions*, Toronto, James Lorimer and Co., 1976.

Paul Philips *No Power Greater: A century of Labour in BC*, Vancouver, BC Federation of Labour, 1967.

Jack Scott *Canadian Workers, American Unions*, Vancouver, New Star Books, 1978.

Resources for Feminist Research Women and Trade Unions, Published as Vol 10, No. 2, of Resources for Feminist Research in Toronto, 1981.

Paul Weiler *Reconcilable Differences: New Directions in Canadian Labour Law*, Toronto, Carswell Co., 1980.

SORWUC *An Account to Settle: The Story of the United Bank Workers*, Vancouver, Press Gang, 1980.

DOCUMENTS

Mawu and the Industrial Council

This is a press statement released by MAWU following its application for membership of the Industrial Council.

The Metal and Allied Workers Union has decided to apply for membership of the Industrial Council for the Iron Steel and Engineering and Metallurgical Industry.

This decision was taken after eight months of intensive discussion among the union's members, shop stewards committees and executive committees. All the union's branches have now voted in favour and the National Executive Committee decided unanimously on 20.2.83 to apply for membership of the Industrial Council: the letter of application from the union sets out MAWU's principles.

1. That MAWU organises primarily at the shop floor level and that MAWU is committed to the principle that shop floor bargaining is fundamental. Industry wide bargaining may be supplemented but can never take the place of shop floor bargaining on all issues including wages and working conditions.
2. That MAWU is democratically controlled by its members and that the union will be represented primarily by elected worker representatives. These representatives will be mandated at all stages of negotiations by the union's shop steward councils.
3. That MAWU will represent all its members regardless of race.
4. That MAWU will not be party to any agreement or actions by the Council which MAWU's members do not agree with.
5. That MAWU will withdraw from the Council if necessary.
6. That the union understands that the Council will not attempt to limit or discourage shop floor bargaining. In addition MAWU will insist on facilities for reporting back during negotiations.

In a booklet circulated to MAWU members following the NEC's deci-

sion, MAWU members are warned of the many potential dangers of becoming a member of the Council. Members are warned that MAWU is in a minority in the Council and cannot hope for big gains. So members should not rely on the Council in any way. MAWU remains committed to shop floor organisation as being the most important — industry-wide organisation is secondary.

Why has MAWU decided to apply?

From the time it was inaugurated in Pietermaritzburg in 1973, the employers — SEIFSA — and the state have repeatedly tried to kill or cripple MAWU. Despite this MAWU has grown into a national union with about 200 organised factories. It is one of the two largest unions in the metal industry and has a mass membership organised factory by factory and concentrated in the main industrial areas of South Africa.

During the wave of strikes in the metal industry in 1981 and 1982, MAWU members made substantial gains until the middle of 1982. A combination of high unemployment, action against migrant workers by the Administration Boards and concentrated action by employers through SEIFSA, allowed employers to strongly resist workers' demands.

MAWU has fully reviewed the events of the past year. All the strikes were over the same issues — wages, pensions, job security and retrenchment. Although the strike wave assumed industry wide proportions the strikes themselves were fragmented. Workers in different factories did not unite in their demands.

MAWU has made various attempts to overcome this problem, as for instance in the campaign on the East Rand against retrenchment: this campaign was conducted through shop steward councils. However it has become clear that MAWU needs a focus around which workers could unite in their demands. Industry wide bargaining is needed for this level of mobilisation of members.

MAWU needs to mobilise its members as a mass union and to unite them across factories. The employers are solidly united behind SEIFSA while the unions are divided along racial, political and occupational lines. Most of the unions have aligned themselves in support of the Industrial Council. So at this time, the Industrial Council will have to be the focus for mobilisation.

With 200 organised factories MAWU has to rely more and more on the shop steward councils. The union cannot any longer rely only on the structure in each factory. To dominate the industry MAWU will need to organise a large fraction at least of the 1,000 major factories in the industry out of a total of about 8,000 factories.

So strategies to work as a mass union are of crucial importance.

Moreover, the Industrial Council is more and more taking over demands made by MAWU to individual employers. These demands have

been hijacked and mishandled by the Council. These demands include:

- minimum R2 per hour
- retrenchment procedures
- layoffs instead of retrenchment
- recognition of shop stewards
- recognition agreements and dispute procedures
- bargaining in industrial sectors

Whether MAWU likes it or not the minimum conditions of employment are negotiated annually in the Industrial Council. Some of the unions now in the Council claim to speak for black workers. It is necessary to establish clearly that only MAWU and the very few other unions in the metal industry with similar policies are the only true representatives of the oppressed workers.

MAWU will review its decision to enter the Industrial Council at regular short intervals and will withdraw if necessary. Besides entering the Council, MAWU is also developing strategies to build its power in the industry. During 1983 the union has resolved to concentrate on organising and consolidating a few sectors of the metal industry in order to reach a dominant position.

MAWU will also continue to build its structures to face employers at all levels:

- in the factory
- joint company shop steward councils
- local shop steward councils
- shop steward councils for different sectors

25th March 1983

Collective Bargaining

An article by Anna Scheepers from Labour Mirror, Vol 2 No 13, June/July 1982, official newspaper of the Trade Union Council of South Africa.

Collective Bargaining can take on different forms. There can be collective bargaining on a factory or shop floor basis, industry-wide negotiations or through the legally provided means of collective bargaining at Conciliation Board meetings and, of course, the best known collective bargaining — that at industrial council level.

I do not want to decry plant level negotiations or bargaining as this can be useful under certain circumstances and can also serve a good purpose in the short term.

It is advantageous for emerging unions to enter into plant level negotiations at one or two plants where they have been able to enrol a majority or near majority of the workers as members.

This will give them a base, and not only will they be able to prove to the rest of the workers in that particular plant that they are able to achieve gains, but they can use it as a carrot at other plants.

Collective bargaining does not only include bargaining for wages. Our labour legislation lays down certain provisions that must be observed. The Factories, Machinery and Building Work Act lays down that workers are entitled to two weeks' annual leave; two weeks per annum sick leave; overtime rate at time-and-a-third, and so on.

Therefore workers have a certain amount of protection and if plant level negotiations can secure higher wages this may satisfy them in the short term, but workers have other needs and desires, for which provision can be made.

If a union shows any potential and is in a position to spread its wings in the industry, its task will become more difficult.

Unless it has a large and very competent staff it will be unable to monitor all agreements. It must always be remembered it is one thing negotiating an agreement but it is equally important to ensure its enforcement.

I cannot see an emerging union having the finances from contributions of members to employ a large army of capable people, unless such union receives assistance from outside sources.

On a number of occasions American trade union friends have said that trade unionism is too cheap in this country — in some cases members pay less in union contributions than they would pay for their Sunday newspaper. But the fact is that the majority of workers are low paid and cannot afford high contributions for anything, including their trade union.

For an expanding trade union ever to hope to monitor plant agreements will become an impossibility.

Private agreements do exist which are enforced. The mining unions have such agreements with the Chamber of Mines. But all the unions who are parties to such agreements are very powerful and have large bank balances to ensure enforcement either through court action or otherwise.

New unions cannot have such reserves and therefore must ask of members a great sacrifice to suggest strike action.

I have fought my whole life for workers to have the right to strike and I believe in it as firmly today as ever before. But I also believe that all other avenues should be explored before taking such drastic action.

In my view it should be the last resort. If strike action should become the weapon to enforce agreements it will be a sad day for the workers, the employers and South Africa.

Plant negotiations are also unable to do away with unequal terms on a geographic area and what they have achieved may be of short duration owing to unfair competition particularly in today's economic climate.

The only other way to enforce private agreements is by taking employers to court unless underpayments are rectified on demand. Civil court action is another expensive procedure to follow.

Shop floor negotiations are impossible to conduct in large industries unless only selected targets are tackled.

In reply to a question, I was told by a proponent of shop floor negotiations that they concentrate on the large firms. What about the poor workers in the small firms? Normally larger firms are more likely to comply with an agreement than the smaller ones anyway. Must the workers in the smaller firms then be thrown to the wolves?

Experienced trade unionists, leading well-established, representative and recognised unions, can only smile when 'shop floor negotiations' are advocated as the be-all and end-all of negotiations.

It is, quite frankly, only justified as a cover up to conceal the weakness of the union, or if this is not the true reason it reveals a deplorable ignorance of labour relations and true trade union requirements which could, in the end result, be disastrous for the new emerging unions and the trade union movement as a whole.

Larger and medium-sized industries cannot be catered for by shop floor negotiations.

The clothing industry in the Transvaal, for instance, has 412 factories in 21 different centres stretching from Schagen in the Eastern Transvaal to Bloemhof in the Western Transvaal.

What would be considered a large firm? The average size of the workforce is 66 so if a 'large' factory employs more than 66 workers and a 'small' one fewer than 66, we will have 99 factories to negotiate with, covering 17,434 workers, leaving over 300 factories employing 7,442 workers with no agreements.

The union would then have to negotiate separate agreements in 99 factories with 17,434 workers and over 300 factories will be left with no agreement to cover the workers.

The whole concept of floor level negotiations as against industry wide negotiations is inconceivable.

I have no doubt that I could negotiate very favourable agreements with individual factories and then claim plant level negotiation to be better than industry wide negotiations.

But what would happen? These factories would soon find that they can

not meet competition and would either close or have their garments made in factories having no agreement or a more favourable agreement.

What would be the reaction of workers who became unemployed? Would the hardship caused to them make them supporters of the trade union movement or not?

The answer is obvious and the same result is achieved where plant level negotiation end or start with workers on strike followed by large scale dismissals. Obviously a successful plant level negotiation with or without strike action is good for recruiting members.

What then are the advantages and disadvantages of plant level and industry wide negotiations?

Plant level negotiation is extremely useful for weak emerging unions to gain a foothold, to gain recognition (hence recognition agreements) and to impress workers with their ability to achieve improvements.

But it can result in insecurity for workers. Unemployment is bound to follow either directly or as a result of an unsuccessful strike or in the long term where the factory reaching a favourable agreement will lose out against its competitors who need not comply with the same conditions.

Workers will have to enforce their own agreements and flash strikes will have to be the constant weapon to ensure compliance with a reluctant employer. Hostility between employers and workers will be the result and the clock will be put right back to the concept that 'bosses are bastards' and trade unions are their sworn enemies.

I will not outline the advantages of industry-wide collective bargaining here because in South Africa industry-wide bargaining is done at the two legally established levels with all the advantages that working within the legally provided framework of the labour relations act gives to trade unions.

The emerging unions have generally rejected the officially recognised system and all the advantages bestowed by it. Therefore there should be valid reasons for doing so. Regrettably the valid reasons do not exist and the explanation again must be found in the weakness of emerging unions.

To obtain registration as a trade union, that union must show that it is representative; to be granted a conciliation board the union must prove that it represents at least 50 percent of the workers involved, and to participate in an industrial council requires 50 percent and better representation.

To hide the obvious, emerging unions also claim that they are opposing the 'established' system for political considerations. They will have nothing to do with the 'apartheid Government'. No doubt this will also be a good recruitment ploy but if the apartheid Government disappeared tomorrow a labour relations act would still have to be retained or an extremely good legal framework for promoting the interests of workers.

Whenever it is alleged that a dispute exists in an industry, trade or occupation in any area, any party can apply to the Minister of Manpower for the appointment of a conciliation board.

The party applying for a conciliation board must furnish proof to the minister that the contents of the matter in dispute have been served on the opposite party.

The case which led up to the dispute must be set out clearly to the minister. This can pose a difficulty for ordinary workers unless supported by a trade union or a legal advisor.

Employees and employers have equal representation on the board and normally the parties select a person from the Department of Manpower as chairman and the department supplies secretarial services.

Negotiations take place similar to those at an industrial council and if no agreement can be reached the unions or the workers (unless they try arbitration) can hold a strike ballot. If a majority vote in favour of a strike, the strike becomes legal.

Most of the strikes we had in latter years were 'illegal' as the procedure prescribed had not been followed.

The Government has become more lenient in respect of illegal strikes. I remember the days when strikers had been badly beaten up by police and arrested. I can speak from experience — I did not know whether I was blue or black or white spotted.

If agreement is reached, it is published in the Government Gazette when it becomes a legal document enforceable by criminal sanctions.

In addition, the conciliation board agreement is extended to cover everyone whether the workers are union members or not and whether the employers are association members or not.

There has always been a problem with the enforcement of conciliation board agreements but the position is far more acute today. The Department of Manpower must see to the enforcement of these agreements but with the acute shortage of staff it is impossible for the Department to do the job as it should be done.

In terms of the new labour relations act a dispute on an alleged unfair labour practice cannot be settled by a conciliation board, whereas all other disputes must first be submitted to an industrial council or conciliation board before they can be submitted to the industrial court.

The Department of Manpower also does not approve demands for fringe benefits in a conciliation board agreement because they do not have the machinery to operate medical benefit, provident or other funds.

I am a very strong advocate of industrial councils run efficiently. There are many, if not all, of the emerging unions who are opposed to industrial councils. Some may have had experience with badly-run councils. Others, I think, speak against councils owing to ignorance and inexperience.

The industrial council system is as good as the trade unions and employers' organisations make it to be.

We must remember that before the first industrial conciliation act of 1924 came into operation industrial relations were at a very low ebb.

The Act, in making provision for industrial councils, created the machinery for trade union and employer representatives to meet around the table to negotiate and deliberate on a permanent basis. This, over the years, has contributed to a much better industrial climate.

The only big flaw in the 1924, 1937 and 1956 Acts was that Black workers were not defined as 'employees'.

However, my union found a loophole in the 1937 Act in that it did not exclude Black persons but excluded persons falling under the urban areas and other Acts which all dealt with the pass laws. As Black women did not bear passes in those days we applied, in 1942, to the Supreme Court for a declaratory order. We were successful in getting Black women declared as 'employees' in terms of the industrial conciliation act, but failed on the application in respect of an exempted Black male worker.

This action on our part was a blessing to thousands of Black women workers throughout the country.

Where agreements had not been extended to cover non-employees, Black women became covered immediately as employees. In the clothing industry alone many thousands of pounds in back pay were claimed for these workers.

Industrial councils served the workers well including large sections of Black workers, even though they had no direct representation.

The great advantage of industrial councils is that at a low contribution from both sides you can set up first-class machinery to monitor and enforce agreements.

The advantage of legally negotiated and published industrial council agreements (and conciliation board agreements as mentioned earlier) is that they carry criminal sanction.

If infringements take place and the employers are not prepared to rectify these on request, the cases can be submitted to the public prosecutor and the court will decide. Workers and employers can get justice without paying any legal costs.

A further advantage is that you do not only negotiate on wages and salaries, but also on hours of work and overtime; annual leave and paid public holidays; right of entry to factories; supply of protective clothing and overalls; medical benefit and sick pay funds; provident or pension funds and other funds to protect workers in the event of short-time being worked; other funds to protect workers' wages and holiday pay in the event of insolvency, etc.

This almost complete cover you can never have under shop floor

negotiations or conciliation board agreements.

Another advantage here too, is that the industrial council agreement can be extended to cover all 'non-parties' — that is the workers of employers who are not party to the industrial council and also non-union members.

Even if one could obtain all these provisions through shop floor collective bargaining, the question remains who will monitor the agreement, who will administer all the benefit funds which are of tremendous importance to the workers?

Today Black workers, like any other workers, can be represented on industrial councils and have full rights.

We, the pioneers in the trade union movement, fought for these rights long before many present here were born.

If there is anything wrong with the system, campaign to have it changed or improved but don't destroy it because the workers will be the ones to suffer.

Even before Blacks were given the rights they have at present, my union, for instance, never negotiated agreements without consulting the Black workers on the proposals.

No industrial council agreement was ever concluded unless the Black workers gave their approval. Therefore it is not the system but the people who operate under it who must be reformed.

Black workers could not have enjoyed the conditions they are enjoying today had it not been for industrial councils. Normally at the request of the trade union, council agreements are extended in terms of the act to cover non-employees and non-parties and this gives to Black workers the same security as union members directly involved.

The anti-industrial council advocates of whom I asked what they would do to protect all the benefits obtained by unions and administered by industrial councils have still not given me an answer.

Industrial councils cannot prevent all strikes, but they are a deterrent. Industrial councils and union officials intervene whenever there is a problem which the shop stewards are unable to settle. These officials, together with the shop stewards, negotiate on the shop floor.

In the earlier part of this year we had some strikes when employers were slow in commencing negotiations but no strike lasted longer than one and a half days and most were for a few hours only.

Union and council officials always managed to settle these strikes. Normally throughout the currency of an agreement there is peace in the industry.

OVGWU Proposals for Union Unity

These proposals were sent by the Orange Vaal General Workers Union to the General Workers Union on the 4th March 1983 for distribution to all unions attending the summit on trade union unity in April 1983.

A year and a half has passed since our trade unions first began an organised drive for unity at the Langa summit in Cape Town. Since then, in spite of two further summits, the 'paper' unity that was agreed at Langa has been thrown away by representatives of the trade unions. Today, with another summit approaching and the working class needing unity in action more urgently than ever, our trade unions are dangerously divided from each other. Every conscious worker and every serious trade union leader is concerned about this.

The coming summit is an opportunity for us to put right this wrong. Our proposals will be on the agenda at the summit. We feel they provide a sound basis for building the unity of the trade unions and the working class as a whole.

All who are serious about working class unity are urged to study these proposals to take them up in their organisations and to fight to implement them wherever they are. For finally it is only in the actual struggle to build unity in action that the much hoped for goal of a single united trade union movement will be realised.

Who has been divided — workers or leadership?

Though the Langa summit was for leadership a result of a desire for a common stand in the face of the state's attempts to control the unions (Labour Relations Amendment Bill); for many workers it was a product of the great striving for unity in struggle which had re-emerged with the PE motor strikes in 1979. It was, in a sense, an echo of the cry for unity coming from the rank and file in struggles throughout the country. Its resolutions — particularly the one for Solidarity Action Committees — reflected the mood and search for united action amongst workers in all trade unions.

Unfortunately though, the Langa resolutions were never seriously implemented. And each subsequent summit has only demonstrated this further — as we found more and more about which to disagree, workers in struggle were more and more reaching out to one another for unity and solidarity.

Virtually throughout this period workers showed in action their willingness to unite around the burning issues of the day — low wages and high prices, pensions, victimisations, retrenchments and recognition. The pension strikes, the East Rand strikes, the Wilson Rowntree strike, the

Sundumbili general strike, the Firestone sympathy strike and blacking action are just some of the striking examples of the growing solidarity and united action amongst workers.

While we leaders were deepening the divisions between unions on questions such as registration, industrial councils, non-racialism, the form which trade union unity should take and more concealed political differences, workers were building solidarity in action around the most important day to day issues around their common needs. Everywhere workers took action, workers showed a real basis for unity existed around the issues they were fighting.

But up to now these issues — the issues that workers themselves were already building unity around — haven't even been seriously discussed as a basis for unity by us trade union leaders. Instead we have concentrated on questions which only widened the differences between us to the extent that all agreement broke down completely at the last summit. And through this entire period, we do not remember one single group of workers anywhere in the country taking action around any of the issues leadership was discussing for unity.

Instead of discussing the common needs of workers, the issues which workers themselves were showing they needed to unite around, leadership split itself apart on other questions, questions which were not the burning issues for the working class. This is not to say that these questions are unimportant and that the OVGWU does not have a position on them. We do.

We are against registration, against industrial councils, for non-racialism and for a united mass trade union movement built around the independent needs of workers. But we do not make our position on these questions a pre-condition for unity with other trade unions.

We say: let us look to the problems we have in common; let us look to the issues which workers themselves are taking action on and building solidarity around; let us look to the issues which directly affect and concern all workers — no matter what union they are in or whether they are in a union at all; and let us begin to build the unity of the trade union movement around these common needs of all workers despite the differences we may have on other questions.

The conditions under which the coming summit is to meet are completely different from the situation at Langa a year and a half ago. While the Langa summit reflected the confidence and determination of a growing strike movement, this summit meets under conditions of an ebb in the workers' struggle in the face of the bosses generalised offensive. And the trade union movement is more divided than before against the bosses' more united attack.

If unity was a problem for the trade unions under yesterday's boom

conditions, its absence under today's crisis conditions is fast becoming a life or death question for the labour movement. Every trade union leader has felt the truth of this situation as unions lose more and more members through retrenchments and victimisation and, for those still lucky enough to have a job, wages mean less and less as prices continue to go up.

Now is the time to speak honestly and openly about the common problems and needs that every union and workers everywhere face. Not one single union is free from the offensive and not one single worker is free from the problems. Most, if not all, unions have:

lost hundreds, maybe thousands, of members through retrenchments;

faced bosses who, forced by the crisis, refuse to grant the concessions of yesterday and even try to take yesterday's gains back;

lost membership because of the ebb in the struggle;

faced victimisations that are more difficult to defend against today;

felt the pressure of massive price increases while wages stay low;

felt the impact of the further tightening of influx control and the state's attempts to deepen divisions in the working class through the new constitutional proposals, and

faced growing state repression.

If we say we have democracy in our unions, if we say we have workers control, then any union leader who says that these problems are not their problem is taking a lie into the workers movement. Instead of looking at what divides us, let us look at our common problems and needs. Let us not pretend that these common problems are not our problems. Workers do not need pretence. Workers urgently need trade union unity to build a fighting defence against these problems and for our common needs. The unity of the trade union movement can and must be built by fighting together against the very weapons that the bosses are using against us, around the very issues that workers were uniting around in the great struggles of 1980-82.

Although not always openly said, it is common knowledge that the political divisions amongst our trade union leaders are a crucial factor in the current divisions amongst trade unions. These must not be allowed to obstruct our struggle for trade union unity any further.

By their very nature, trade unions are workers organisations, open to all workers who accept the constitution of the trade unions whatever their political opinions. Trade union constitutions are not political programmes. Every trade union contains workers of differing political opinions. Leadership must stop pretending that its politics are the politics of all

members in the trade union and stop dividing the trade unions because of their personal political opinions.

The workers themselves, in the course of their struggle, will make their own minds up about the way forward for the working class politically. Leadership is there to advise in this process, not to dictate and pretend that the workers must have every option open to them if democracy and workers control are to have any real meaning in the trade union movement.

The option the OVGWU proposes for the trade union movement and workers as a whole is this: the basis for unity of the trade union movement and the working class must be built around the issues that workers themselves have shown are the burning issues right now — the same issues which the bosses are using, with the government, as their main weapons in their attacks on the working class.

These issues are:

1. *WAGES, WITH A GUARANTEED MINIMUM, WHICH BETTERS THE INFLATION RATE*
2. *DEFENCE AGAINST RETRENCHMENTS AND UNEMPLOYMENT*
3. *DEFENCE AGAINST VICTIMISATION AND STATE REPRESSION*
4. *UNITED ACTION AGAINST THE CONSTITUTIONAL PROPOSALS AND INFLUX CONTROL*

We believe in the OVGWU that these are the issues which are of most concern to workers in all the trade unions and that these are therefore the issues which should form the basis for united trade union discussion and action.

How will trade union unity be built — by workers or by leadership alone?

For some time now there have been discussions, particularly amongst some of the larger union grouping, about a proposed federation of industrial-based unions which, although joined together in united federation, will be relatively autonomous. It must be openly said: this plan, although admirable in its desire for a broader unity, is premature and misconceived.

The task of unifying the trade union movement can never be solved by organisational manoeuvres at leadership level which amount to dividing up the working class between various 'autonomous' unions within a new federation. This is a bureaucratic solution, not a worker-based solution, and bureaucracy is the worst enemy of the independent workers movement.

The way forward for workers themselves to build the basis for a united trade union movement was already pinpointed at the Langa summit when

it was resolved to build Solidarity Action Committees (SAC's) by all the unions in attendance. It is history now that those SAC's which did emerge were complete failures. They have failed because they never were worker-built SAC's. They were, where they even existed in the first place, empty shells; talking shops for leadership with no real consequence for the workers struggle. Ironically, the only occasion where they ever actually attempted to do anything was when brother Neil Aggett was killed. And that was too little, too late.

The way in which to build a solid and lasting united trade union movement is for all unions to jointly commit themselves to building genuine rank-and-file based SAC's in every single locality within every single region where workers are organised throughout the country.

By joining together workers from different trade unions and different industries in the same area to jointly decide on issues and action which meets workers common needs there, the unity of the trade union movement will be built in the strongest possible way — by workers uniting together around the issues of the day, irrespective of what trade union or industry they are in.

Although workers clearly do not need to wait for an initiative from us before building their own SAC's, the coming summit is an opportunity for us to discuss and prepare the basis for SAC's nation-wide.

How will the SAC's be built?

A. In every locality unions should convene, preferably jointly, mass meetings where worker delegates can be elected (for example, one delegate for every fifty workers or for every organised work-place with less than fifty workers) to the local SAC.

B. Retrenched workers should also have their representatives on the local SAC, preferably in an even greater proportion than employed workers given the difficulty delegates will have to report back to other retrenched workers and the critical importance of unemployment for the whole working class.

C. Official leadership should be represented on the SAC's in an advisory capacity only without being allowed to vote on any action or resolution that is decided by the SAC.

D. As in any other genuine democratic organisation, the majority vote among the worker delegates will determine the course of action to be followed jointly by the workers that the SAC represents.

E. These local SAC's, meeting regularly and reporting back constantly to the workers they represent, must exchange minutes, resolutions, report-backs and experiences with one another, and so build up a firm basis for regional and national co-ordination; for building up the unity in action of workers throughout the country.

F. Inevitably, this broader field of united worker action will begin to necessitate broader SAC's, responsible to the local SAC's and their base, to help co-ordinate activity on a regional and national scale.

It is not difficult to imagine what a giant step forward the struggle for genuine trade union unity would take if local SAC's, firmly and democratically rooted in the working class and uniting together workers from all trade unions and workplaces, were to emerge in every single area where workers were already organised. It is the way in which a massive recruitment drive can be launched collectively by all the unions together.

Can any other proposal provide a stronger basis for trade union unity than one which seeks to actively unite all workers together in struggle for their common needs?

Can any other proposal more democratically lay the basis for a united trade union movement than one which demands that workers jointly decide on united action — locally, regionally and nationally?

In certain areas, the embryos of genuine SAC's already exist. The East Rand shop stewards council, for example, and the independant workers committees in the Cape and East London could, if opened up to delegates from all organised workers in those areas in the manner already described, function effectively as genuine worker-based SAC's.

In any event, the emergence and consolidation nation-wide of SAC's as independent fighting organisations of workers from all trade unions and work-places is the soundest possible basis for calling a National Conference of Worker Delegates to determine the form which a single united trade union movement should take. Such a conference of worker delegates would probably only formalise a unity which, through the struggles of the SAC's nation-wide, was already in reality a fact.

Any attempt by leadership to formally unite (sections of) the trade union movement will, as the blatant disregard for joint resolutions passed at previous summits has already demonstrated, be a farce if workers themselves are not already jointly building their unity in action. The first real pressure — whether from the side of the workers or the bosses and the state — will split this united movement apart like the empty shell it will be.

We are still a small union at the moment. More than most unions, the OVGWU knows that if we are to defend ourselves against the bosses current offensive we need the widest possible support and solidarity of the organised labour movement. Our struggle, our needs, are inseparable from the struggle and needs of the working class as a whole. Any initiative which builds the strength of workers in general builds our strength. We need, like all other workers whether organised or unorganised, to unite together with our class brothers and sisters in joint action through the SAC's if we are to provide a genuine workers defence against the bosses

and build a united trade union movement.

We urge all other unions, at a national, regional and local level, to put our proposals — or let us put our proposals — for unity to mass meetings of the organised workers and let the workers themselves, in a spirit of genuine worker democracy and control, decide on our and any other proposals for the way forward for trade union unity.

And let the coming summit be a place where the issues around, and the method with which, we build our united trade union movement be discussed and prepared. Then, through workers action and ongoing discussion and co-ordination, the path can be solidly laid for a united and triumphant trade union movement.

The OVGWU proposes:

Solidarity Action Committees in every locality as the united fighting base of the trade union movement.

United action against high prices and low wages
retrenchments and unemployment
victimisations and state repression
influx control and the new constitutional
proposals

(February 1983)

DEMOCRACY IN TRADE UNION WORK

An internal circular of the Food and Canning and African Food and Canning Workers' Union, early 1983.

A trade union is, by its character and origin, a mass democratic organisation. It is precisely here that the word democracy must fully correspond to the character of the organisation. A trade union would not be able to carry out its tasks successfully if it were not a mass organisation and if this organisation were not democratic.

The trade unions are great schools for the working class. They awaken the class consciousness of the workers, they help them to acquire their first experience of organised struggle, in defence of their interests, and they prepare the leading cadres of the working class. A well-organised mass trade union represents a tremendous force with which employers and capitalist governments must reckon.

It is not surprising, therefore, that the enemies of the working class

strive by every means to prevent trade union organisations being set up. In those countries where the workers, after a long and difficult struggle, have successfully set up trade unions, their enemies employ every means to injure and weaken the unions, to change their character and aims, to transform the trade union movement set up to protect the workers' interests into bodies serving employers and reactionary governments. All kinds of politicians worm themselves into trade union organisations, seeking to use them to further their careers.

The surest and most effective way of combating such degeneration of the trade union is to support and develop real trade union democracy. It can even be said that wherever the principles of democracy are observed and applied in the activity of the trade unions, the organisation is solid and in a position to protect the workers' interests.

A trade union is not a temporary but a permanent organisation, called upon to protect the workers' interests, to organise, to unite, to clarify, and to assist the workers in their daily struggle to satisfy their needs. That is why it is important for ordinary members of a trade union to show a continual interest in their organisation, and not only during disputes. Trade union members must be able to call on their organisation for help in the solution of many vital questions which confront them, and it is the duty of the organisation to provide this help.

Mass participation in real trade union activity does not take place by itself, it requires constant and systematic work on the part of the leading trade union bodies. To ensure the participation of the mass of these workers in the activity of trade union organisations requires, at least:

- a. that all the important questions concerning the life and activity of trade union organisation be widely discussed at general meetings of the members, that the advice and proposals of ordinary trade union members be taken into consideration and fully examined, that the executive bodies of the trade union organisation keep their members regularly informed of the work carried out and of the application of the workers' proposals,
- b. that regular reports be given to members by their elected representatives, those in leading positions must not fear criticism and self-criticism, but on the contrary develop it,
- c. that the members systematically participate in the daily work of the trade union organisations. Depending upon the problems which the workers have to solve, commissions, or groups, should be set up on a voluntary basis aimed at achieving the demands of the mass of the workers,
- d. that liaison between the trade union and the mass of trade union members and non-members as well, be systematically organised at the place of work.

It is there on the job, that the close link between the trade union and

the mass of the workers is forged. It is there, through meetings on the job, in conversation from machine to machine, department to department, between workers and the ordinary trade union activist, dues collectors, shop stewards, committee members etc. that the demands of the workers are revealed, that unity is brought about, and that the struggles which the trade union must lead are waged. It is there through the experience which the mass of the workers themselves acquire, when the trade union is their faithful interpreter and unfaltering guide; that trade union recruitment is carried on, that is, the organisation of ever wider masses for increasingly decisive struggles.

e. that systematic work be carried on to promote and educate militants from among the trade union membership. They must be helped to improve their knowledge, experience required in the work be passed on to them and regular meeting of activists must be held on the various aspects of trade union activity,

f. that continuous mass education work be undertaken to raise the cultural political and occupational knowledge of trade unionists, without neglecting even the big or the small tasks. No 'detail' should be neglected if that detail concerns the workers interests. The carrying out of these elementary and long established roles will ensure the membership's constant participation in the trade union's activities. The workers will clearly see that the life of the trade union is closely linked with the life of the mass of the workers, that the organisation works for the masses and that the masses are carrying out the trade union's most important functions. Such methods of work will at the same time ensure a democratic solution to all questions.

TRADE UNION ELECTIONS

Methods of electing the leading trade union bodies and their officials are a further indication of prime importance of the democratic character of their organisation. No organisation which violates the rules of democracy and its procedure for electing its leading bodies can be democratic.

The constitution of trade unions should stipulate that all leading bodies of the trade union, as well as delegates to trade union conferences and congresses, are elected by secret ballot. In the election of the trade union bodies, members of the trade unions have the right to nominate candidates, to recall and to criticise any of them.

It must be stipulated that all members of a trade union have the right to participate in elections and to be elected to any trade union position, to trade union conferences and congresses, that they have the right to put forward to trade union organisations questions and proposals concerning the improvement of the trade union work, to criticise the activity of the

local and higher trade union bodies and their activists in meetings, in trade union conferences and congresses, to submit questions, requests and complaints to all leading trade union bodies, that they have the right to demand their personal participation each time a decision has to be taken by the trade union organisations on the activity or running of the organisation.

Democracy cannot exist where trade union meetings are not held, where the voice of the membership is not heard, where the workers are cut off from any participation in the life of their organisations, where they are arbitrarily expelled from the trade union if they criticise its activity.

Union members must and can bring about real trade union democracy in the workshops, to impose in the workshops a real organisation of the working class led by it and for it.

This will result in forming a broad policy of unity to fight for their demands and to systematically denounce the anti-democratic policy of the leaders.

SHOP STEWARDS

- a. In mines, factories or any workplace where there are members employed, shop stewards shall be elected by the members employed in such a place at a meeting convened by the Branch Secretary. The shop stewards shall request all members to produce their membership cards for inspection and shall request all new employees to apply for membership of the union, seven days after commencing work. Upon receipt of the application for membership and the payment of an entrance fee and subscription fee, a membership card shall be issued to the new employee.
- b. He shall pay over to the branch secretary all monies collected not later than 4 days after each collection and shall see that the shop stewards book signed off and an official receipt issued to him for the amount and signed by the Secretary or such a person authorised.
- c. The shop steward shall collect subscriptions from all members in his establishment, and enter same into a shop stewards book, provided for that purpose.
- d. The shop steward shall immediately notify the secretary in the event of any dispute arising in the department or factory.
- e. The shop steward shall furnish the secretary regularly with a list of all members in his establishment showing full names, rates of pay applicable to each member, whether adult or juvenile, and residential address.
- f. A shop steward shall hold office for one year and thereafter until his successor is appointed, but shall be eligible for re-election, and his post shall become vacant on the decision of the branch executive committee or by resolution of two thirds majority of the members in such establishment and if the post becomes vacant the branch secretary shall im-

mediately arrange the election of a shop steward in his place.

A continuous effort must be made in trade unions to ensure that this broad democracy holds sway among the rank and file. Continuous criticism and self criticism should be carried on and encouraged to ensure that the economic, social and political demands put forward by the trade union, from the most general to the most particular, are really the demands of the workers.

The most modern trade union cadres learn under the fire of criticism that demands are not just imagined, that the good trade union leader is one who knows how to guide the workers struggle in the factories because he knows how to learn from them and to be attentive to their needs including the very smallest. The good trade union leader is attentive to their desire for unity and educates himself by starting the manifold initiatives of the workers in the course of their struggles. This is why such trade unions and their activists are real organisations and militants of the working class.

TRADE UNION FINANCES

A primary question in determining the degree of democracy of trade union organisations is that of the source of their funds, methods of collecting dues, control of expenditure and the use to which the expenditure is put. The question of finance in trade unions is a political and not a technical question. No trade union can be considered democratic unless it gives a regular accounting of its expenditure to its members.

Practice shows that abuses in the administration of trade union funds are numerous. Elementary democratic rights, such as the voluntary payment of dues, are the financial basis of the trade union. The financial resources should come from the monthly contributions and from the income from cultural or sports events. The payment of dues is voluntary and the collection is made by shop stewards and members who are made responsible for this job by the trade union organisations themselves.

Elected trade union bodies have the right to use the financial resources and the property of the trade unions, and they have the legal responsibility to safeguard them and to control expenditure, a control commission should be elected by secret ballot at the time of elections of trade union leaders by general meetings or conferences of the members of the trade union.

These are truly democratic methods as far as the financial activities are concerned. They guarantee fully the principle of voluntary dues payment as well as the control of the expenditure by the members. The rate of trade union contributions is fixed by the members themselves. Their funds are administered and controlled by them through their elected representatives. The funds are used to support struggles, to maintain the

trade union offices (i.e. rent, telephone and payment for elected union officials as well as for various social work and activities for the members). The permanent officials should have a wage equal to that of a skilled worker in the industry.

Trade union democracy does not rest exclusively on the three principles given above, but these principles are none the less the most important and characteristic, to a large degree, of the true status of a trade union. Regular and systematic participation of the members in the activities of their organisation, their complete freedom to elect and replace the responsible leaders and functionaries, the absolutely voluntary character of dues payments, the control of expenditure by the membership, such are the conditions to be fulfilled in order that trade union democracy be not an empty word.

The observation of the rules given above will ensure the support of the members for all measures taken by the trade union and will guarantee as a consequence their healthy and vigorous development.

FOSATU on Unity

An editorial from Fosatu Worker News, March 1983 (No 19)

On the 9th and 10th April FOSATU will send a worker delegation consisting of representatives from all the federation's regions and affiliates to a meeting in Cape Town to once again discuss trade union unity. There is no doubt that this meeting of unions will be crucial for workers in South Africa.

Unity is at the very heart of the workers' struggle as it is only if they can achieve unity of organisation and political direction that they can build a society of equality and justice for all.

Workers understand this well and ever since the rebirth of independent non-racial trade unions in the early 1970's there have been moves to build a wider trade union unity. In 1979 FOSATU was formed and CUSA shortly after that. However, outside of these two federations there remained other independent unions and new unions began to emerge.

It was clear that the task of building a wider unity had to continue. Faced by new labour laws an important step towards unity was taken by the independent union movement at the Langa meeting in Cape Town in August 1981. This was followed by further meetings in April and July the

following year held in Johannesburg and Port Elizabeth.

But, so far no wider unity has been achieved and in fact at the Port Elizabeth meeting talks deadlocked when seven unions attempted to set down seven non-negotiable principles which they wanted to apply to any new federation.

However, all has not been in vain. Since the talks there has been a great deal of rank and file discussion on the question of unity in many unions. And in many cases a better understanding has grown between the unions.

In building trade union unity, FOSATU believes there are two basic principles which should guide our actions and between which we have to reach a workable and acceptable position.

Experience has taught us that on the one hand trade union unity will only truly benefit the worker movement if it is based on **UNITY of PURPOSE and POLITICAL DIRECTION**. We need an organisational structure which will allow us to take effective common action at all levels — local, regional and national. We also need a common political direction since all trade union activity is political and wide differences prevent common worker action.

On the other hand, FOSATU knows that to achieve these things we have to deal with the histories and problems of the unions involved. It is impossible to build unity if any one union or group of unions insists on dictating the terms of unity.

Within FOSATU there has been detailed discussion on how to balance these two basic principles in a way which will acceptably advance unity.

However, FOSATU believes there are two crucial policies which we can never sacrifice if we are to remain true to the worker movement — **WORKER CONTROL** and **NON-RACIALISM**. It is our belief that both should be carried out in word and deed.

FOSATU has other important policies but we accept that they will have to be fully debated with other unions committed to unity. It is our strong hope that out of this we will achieve a unity truly beneficial to the worker movement.

FOSATU remains committed to the building of such unity — a task which daily becomes more urgent and cannot be neglected by those committed to the worker struggle. We need unity to face the anti-union attack of employers and the State and it is needed to deal with the new challenges created by increasing international interest in South African workers.

ALL TALK AND NO ACTION IS A DANGEROUS GAME!

Chamber of Mines — Policy Guidelines

From Chamber of Mines News, 9th December 1982.

1. In 1980 the Chamber of Mines, recognizing that in the not too distant future new unions representing black, asian and coloured mining industry employees would emerge, drafted a set of policy guidelines for dealing with the unionization of blacks, asians and coloureds.
2. This document, called 'The Criteria for the Recognition of Trade Unions', laid down fairly stringent guidelines.
3. It was, however, realized at the time that industrial relations in South Africa in general and in the mining industry in particular, would be very dynamic in the future and that these policy guidelines would without a doubt have to be amended from time to time to reflect the changing circumstances and changing perceptions.
4. In the short space of two years these guidelines have already been amended on three occasions and are now to be amended again.
5. For several months now the Chamber has been investigating intensively the pivotal role that the formal registration of a trade union by the Industrial Registrar, Department of Manpower, plays in the Chamber's policy on the recognition of trade unions.
6. The Executive Committee of the Chamber yesterday considered recommendations which had previously been submitted to it and agreed that registration of a trade union need no longer be a criterion for the Chamber to formally recognize the trade union as a partner in the collective bargaining process, capable of negotiating binding agreements with the Chamber.
7. This policy decision will now make it possible to simplify the procedures leading to the full recognition of trade unions considerably.
8. Stated very briefly, the criteria for the full recognition of a trade union will be as follows:
 - (a) The union will be required to submit to the Chamber an acceptable constitution which indicates that the union intends recruiting members in the whole mining industry;
 - (b) The union can prove that it has recruited a significant proportion of employees in the class or classes (occupations, not race) which it seeks to represent, on one or more mines, members of the Chamber;

(c) The union agrees to enter into a formal recognition agreement which defines the categories of employees to be represented and the mine or mines on which these employees are employed and which also defines the procedural rules for the regulation of the relationship between the union, the mine or mines concerned and the Chamber;

(d) The union agrees that if another union also becomes significantly representative of the same class or classes of employees it purports to represent and this other union is formally recognized by the Chamber, the union will approach the Chamber jointly with the other union when wages and other conditions of employment of the class or classes of employees are negotiated.

(e) Should the membership of a union recognized by the Chamber decline to the point where it is no longer regarded as being significantly representative, the Chamber reserves the right to withdraw recognition.

Some background information

1. Currently, mines, members of the Chamber, employ 480,559 black employees, 915 coloured employees and 423 asian employees.

2. There are at present five new unions recruiting black, asian and coloured mine employees as members, namely:

(a) The Black Allied Workers Union

(b) The Black Mining and Construction Workers' Union

(c) The Black Mine Workers Union

(d) The National Union of Mine Workers; and

(e) The Federated Mining Explosives and Chemical Employees' Union.

3. Three of these five unions have had discussions with the Chamber, namely, those mentioned in 2(c), (d) and (e) above. All three have been granted access to recruit members on mine property. In addition, the Federated Mining, Explosives and Chemical Employees' Union has been granted formal recognition to represent the following categories of employees on the following mines:

**Hartebeesfontein Gold Mining
Company, Limited:**

1. Vehicle Drivers
(Light, Heavy and
Extra Heavy Duty)

**Vaal Reefs Exploration and
Mining Company, Limited:**

1. Painters
2. Handymen

CUSA - a look at its past

An article from the first issue of CUSA NEWS, February 1983.

Introduction

More than 400 people from all over South Africa met in Johannesburg three years ago to form a new federation of trade unions. Today that federation is one of the country's giants in the labour field with more than 100,000 members.

This article attempts to put into historical perspective the reason why that federation - today known as the Council of Unions of South Africa (Cusa) - was formed.

Historical Background

The Consultative Committee of Black unions was formed in 1973. The following unions were involved:

- Engineering and Allied Workers' Union;
- National Union of Clothing Workers;
- Laundry, Dry Cleaning and Dyeing Workers' Union;
- South African Chemical Workers' Union;
- Textile Workers' Union (Tvl);
- Transport and Allied Workers' Union;
- Tobacco Workers' Union;
- Union of Bank Employees.

It should be noted that the purpose of the Committee was for consultation on worker problems which affected the members of these unions.

No constitution existed binding these unions as a body, and because of this, the activities of the Consultative were not effectively carried out by the members. The unions became aware of this position.

Furthermore, the Consultative was geared to maintain its black identity and to meet any workers' organisation or federation on an equal basis to avoid domination by other race groups.

An Attempt To Form a National Body of Black Trade Unions

In March 1977, after a mutual agreement between TUACC (Trade Union Advisory and Co-ordinating Council), the National Union of Motor Assembly Workers and the Consultative Committee, a meeting was called. *The National Union of Clothing Workers and the Textile Union (Tvl)* were represented at this meeting. The Western Cape Province Advice Bureau declined to attend.

The purpose of the meeting was to explore the possibilities of forming a

federation. Although the Consultative was in favour of such a motion, it nevertheless had a number of reservations which were tabled at the meeting as resolutions -

- that strong unions were needed in order to have a strong federation.
- that the TUACC unions (then based in Durban) should stop forming duplicate unions in Johannesburg and around the Reef.
- that organisations like the Urban Training Project, the Industrial Aid Society and the Institute of Industrial Education, being service organisations, should not be part of the federation.
- that the Consultative Committee strongly objected to the manner in which the advancement of black leadership was being stifled.

Assurance was then given by the TUACC unions that they would try to abide by the resolutions, and that meanwhile the Consultative Committee, TUACC and the National Union of Motor Assembly Workers should agree to the establishment of a Feasibility Committee. Since the National Union of Clothing Workers and the Textile Union were already affiliated to TUCSA, they did not participate in this committee.

A few months later it became apparent that TUACC had deliberately broken the Consultative Committee's resolutions because it established on the Reef the -

- i. Metal and Allied Workers' Union (MAWU),
- ii. Chemical Industrial Union.

(These unions eventually formed the Federation of South African Trade Unions (Fosatu) in 1979.)

It was for these reasons that in 1978 the Consultative Committee decided to withdraw from the Feasibility Committee. The Committee had agreed that it would look into the differences and create a concrete platform where unions would work harmoniously together.

Formation of Council of Unions of South Africa

In September and October 1979, meetings were held to explore ways in which the Consultative could be strengthened. An Ad-hoc Committee was formed. Three members each from the following unions were the representative.

1. Building and Construction Workers' Union;
2. Commercial, Catering and Allied Workers' Union;
3. Engineering and Allied Workers' Union (which became Steel, Engineering and Allied Workers' Union);
4. Laundry, Dry Cleaning and Dyeing Workers' Union;
5. Food, Beverage Workers' Union;
6. South African Chemical Workers' Union;
7. Transport and Allied Workers' Union;
8. United African Motor Workers' Union.

A new name, SABLATU, (South African and Allied Black Trade Unions) was mentioned as a possible substitute.

It is now history that the Council of Unions of South Africa was launched on the 14th September 1980.

The reason why Cusa unions did not find a home in TUCSA or Fosatu is stated in the preamble of our constitution.

It believes:

- that the establishment of a non-racial, non-exploitative democratic society depends on the development of blacks in leadership;
 - in meeting the aspirations of all workers;
 - in the workers uniting and developing themselves to control their own destiny;
 - in the development of a strong and responsible working force which is vital for the future of South Africa; and
 - in working together with individuals and organisations who support the principle of equal opportunities for all workers in South Africa.
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INTERVIEWS

SAAWU in the Transvaal

SAAWU, the South African Allied Workers Union, has been in the news lately following its presence at an Industrial Council session. In this interview by Jeremy Baskin, Herbert Barnabas, the national organiser, discusses this and SAAWU's organisation in the Transvaal.

How did SAAWU start in the Transvaal?

It started at the end of 1980 when I was still working for Hall and Pickles at Dunswart. Before that I was a member of African Food and Canning Workers' Union (AFCWU) under the late Dr Neil Aggett. I worked at Langeburg in Boksburg. I was in their committees.

Neil said AFCWU don't organise in steel. He recommended other unions but I wasn't happy with them. I was thinking of forming my own union. At Hall and Pickles there were problems with supervisors and I used to represent the workers, but as myself. Neil Aggett recommended to people like Kikine, that they had someone interested in starting up SAAWU.

Kikine and Gqweta came to me and I got a SAAWU constitution. I started organising at Hall and Pickles. Every Saturday I used to go to the offices of AFCWU in Johannesburg and they showed me how to fill out membership cards, write out receipt books and so on.

In March 1981, SAAWU was having a conference in Durban. By that time I had 137 members. I gave a financial report and a report of all that I'd done so far. The meeting decided it would be best to have someone in the Transvaal and they unanimously elected me. I was instructed to leave my job and work full-time. I gave notice and went to man the office in Lekton House where AFCWU had their office. We tried to get an office in Boksburg but couldn't, nor in Springs.

Later we were both (AFCWU and SAAWU) evicted from Lekton House so we set up here in Kempton Park until they found a place in Chester House, Johan-

nesburg.

By the end of 1981 I'd signed a recognition agreement with Oerlican Electrodes. In 1982 we signed another agreement here with Forte Lubricants, a chemical factory. We organised most of the factories round here, and with some we are recognised.

On 1st December 1982 we opened a new office in Pretoria. People find it's difficult to come here from Pretoria. Also there are the strategies used by management. For example at Ozalid, where we have 43 percent of the workers, they dismissed a worker. We went to represent him. But instead of reinstating him here they transferred him to Pretoria, thinking that we couldn't follow him. But we make good follow-ups. He became our mobilising factor in Pretoria.

There's only myself and one lady full-time in Kempton Park. But we have a lot of volunteers.

How does the volunteer system work?

Let's say you are out of work, for example, and you feel you don't want to remain idle, you can come and organise the workers. All we'll do is give you transport money and something to eat in the office. In SAAWU we don't use the system of payment. Whoever comes in does so for a trial period. We must find out if he really is for SAAWU or if he's simply come to get information.

What is SAAWU's Transvaal membership?

Membership is 5,000 plus, paid up. We have majority membership at Oerlican, Forte Lubricants, LTA Ground Engineering, LTA Conforce, Balbardie, Omega Barfel, Auto Executive, Hugh Meller, Blue Ribbon, Tools and Dies, Metal Pressings, Planbrin, Royal Hiring, Bawler Steel (Isando), Boart Tools, Robor, Bentley Belts and Vitreous Products (Isando).

How many recognition agreements do you have in the Transvaal?

Two signed agreements. There are another four committees that negotiate with management. SAAWU has long been blackmailed in the newspapers with irrelevant stories. I feel that we must give management at least six months negotiating before a formal agreement. Then if they sign they know who they're signing with.

Take Blue Ribbon, we're giving them enough time. That's why we don't rush to the papers. We don't believe in the emergency signing of recognition agreements for its own sake.

How do you organise?

We feel we must go to the workers for them to understand what we mean by 'active mass participation' or 'workers democracy'. The policy of SAAWU is that if a

worker comes, say from Krugersdorp, my organiser must find out from that worker the time when he goes on lunch. Shortly after, the organiser must go and meet with the workers to find out if they're interested in a trade union. What is the use of a worker joining a trade union alone before the others accept? If a worker is just by himself he might be a victim.

At least give me ten workers from any factory, then SAAWU is in! I shall hold a meeting with those ten workers, conscientise them fully and then I'll know I've organised that particular factory. These workers will recruit others. The next meeting there'll be twenty workers ... and so on.

We have started a new strategy of holding meetings almost every Sunday, right in the hostels. So if I hold a meeting in one hostel then automatically workers from a number of companies come and attend that meeting. Like yesterday, it was LTA Conforce's meeting in Tembisa, but we had workers from as far as Olifantsfontein who came to listen.

Over the weekend workers in the hostels have visitors from places like Springs. Now if a Springs worker joins — we have cards, receipt books etc. with us — his address is there and the following day my organiser will be there. That's how SAAWU spreads.

What makes us important is that we make sure the workers know what happens to their subscriptions. They must know that they are the people who pay for the rent of this office, the stationery, furniture, telephone. That's the only place we get money from, the workers. He should know that I am his employee. You give them more responsibility. That's why we in SAAWU don't believe in stop-order facilities. There is not a single company that deducts subscriptions for us. Even if they offer it, we refuse it. It's meaningless to say I represent 50 percent plus in a company if there are no paid-up subscriptions. It's the only way you can prove you've got a majority.

Our main principle is that the workers themselves must be conscientised. Our shop-stewards' committees must be in a position to represent the workers at factory-floor level. We say to them, 'Look, you've been elected as a shop-stewards committee, you are now the workers' attorney'. Anything that comes to us is something that has defeated our 'attorney'.

What are the major problems SAAWU faces?

Our big problem here is retrenchment. So far we have succeeded in representing our members. We have got a lot of reinstatement. The others have benefitted from notice pay, retrenchment pay etc.

At Vitreous Products, where we have a majority, we negotiated that the best was to have a four-day or three-day week. They agreed to that. In fact, to tell the truth, they are the ones who initiated that move. We got a number of workers reinstated there. Even with the hostel payments complaints, we wrote a letter, Mr Pienaar came here, we negotiated the issue and it was settled. The workers are

now happy.

We have problems where we don't have majority membership. In these cases you need legal advice. I've told one such company that we do have majority membership because there are workers from other companies who'll support the ones there. So they've agreed to negotiate some things with us. For example, they agreed to stop making UIF deductions for Transkeian workers (since it's illegal) and to repay the workers.

There have been criticisms that SAAWU lacks structure. What is the structure of the union?

It's as follows: I organise workers in a particular factory. I'll fight until I get over 50 percent. We then make a point that workers must elect a shop-stewards' committee comprising five people, who are known as the 'central executive committee'. They'll negotiate with management. In addition there are workers known only to the workforce and the union, and not to management. We've got shop-stewards in each department. The shop-stewards report to the executive committee who take it to management.

Once we are recognised by management and have a signed agreement then we call the executive committee and dissolve it and replace it with a 'negotiating committee'. If they still want the same people that's OK. It's up to them. They must negotiate working conditions and wage agreements with management, unless things have reached a deadlock.

Now if we have a minimum of four such committees, they get together and elect a 'branch committee'. To avoid having hundreds of people on the branch committee we say that the chairman and secretary of each factory together with two alternates come onto the branch committee and decide how things are to go.

Do they control you?

In my case I'm a national organiser so they must refer it to the conference. But with the others, like that lady here, they discuss it and get me to take it to the national council.

The money for the Pretoria office is also from here. When those people get viable then they must pay back the money. Before I sent the money I got the branch to approve. I'm also controlling the office in Estcourt by helping with rent and electricity. But my branch must give me the green light. In Estcourt they report to me, then I report back to the workers.

What structures exist beyond branch level?

At present we send the branch committees to 'national council'. But let's say we have more branches, say in Springs, Krugersdorp, then those people will have to come together to form a 'regional committee'. So I wonder what they mean when

they say there's no structure.

Now I've started something new, never done before. Besides the committees I've told you of I've got other committees known as township committees. If it goes my way, by June this year everybody in Tembisa will be saying SAAWU. We won't be organising in the factories, we'll be organising in the townships.

But is SAAWU a community organisation or a trade union?

It's a trade union but we align ourselves. We believe in SAAWU that you cannot differentiate a worker from the community aspect.

He works in the factory and gets paid. But what does the worker do with this money? He pays for the rent in the hostel, in the township. He supports his family in the township. How does he get there? He uses transport - trains, buses, taxis. He goes to church. To go to church you must have a ticket. How? With the money you get from work. Can't you say a church-person is a worker?

So does SAAWU then recruit people who are not workers — not working in a factory?

No. But the point is that some unions say 'we're only concerned about a worker when he's at work'. But I ask, what happens to a worker who's out of work? In SAAWU if we give you a trade union card then you're a member even when you're discharged. You won't pay during the months you're out of work. And when you get another job again you'll start paying and you'll be our organiser.

There have been reports recently that you participated in an Industrial Council negotiation, despite SAAWU's well-known opposition to these bodies. What actually happened at the AECI Industrial Council negotiations?

Many people have been asking me that question, even people in the union. There've been claims that SAAWU has joined the Industrial Council.

AECI has four branches — Modderfontein, Somerset West, Midlands and Umbogintwini. We have majority membership at Umbogintwini in Natal, but none at the others. When I came here, Modderfontein AECI had been organised by the CUSA-affiliated SA Chemical Workers Union (SACWU).

AECI are members of the Industrial Council but they have their own one, as a company. There came a stage where wages had to be negotiated. Before the workers joined trade unions there was what is known as the CCC (Central Consultative Committee) where the liaison committees were negotiating wages with management. During that time there were these white trade unions that were just delegating the message to the black workers, to their liaison committees.

So the first thing we fought for was to destroy the liaison committees. SACWU dissolved them here. We in SAAWU believe that an employer is responsible for the conditions in that company or branch. But when it came to AECI we found

that wages were negotiated nationally. We had therefore to let all the branches meet to negotiate wages.

So we went there to negotiate as trade unions — SACWU and SAAWU — and all the white unions were there. We were made by the company to meet with the white unions. The white unions had their demands, and SAAWU and SACWU had their demands from the workers. So we had to negotiate this with these white unions and then thereafter we met with management.

I'm not quite clear. You say you were at the Industrial Council and you say you weren't at the Industrial Council?

No! Let me tell you. Let's say there's a big river you can't cross on foot. Now there are two people on the other side — Jesus and the Devil. Now I want to cross the river with a skip to meet with Jesus. But Jesus has no skip. Only the Devil has one. I must get into the Devil's skip and cross over. When I get there I'll push the Devil aside and say, 'I don't want to see you, I want to meet with Jesus Christ'.

We found it feasible for us to go and negotiate with management at national level. You mustn't take it that sitting with the Industrial Council of AECL can be assimilated to sitting with the Industrial Council of SEIFSA. The unions there did not regard themselves as an Industrial Council, they regarded themselves as representatives of their people. This was not an Industrial Council.

We sat in on the negotiations. But we didn't sign the agreement. We sat there because we were negotiating wages, and nothing else. In the agreement it is stated that there is management with the white unions in the Industrial Council, and SACWU and SAAWU 'hereinafter known as the trade union of the other party'. Neither we nor SACWU were in the Industrial Council. The white unions were.

We gained a lot. The company wanted to give us about 11 percent but we got R322.28 for a lowly-paid person, from R280 previously. And they're getting another increment this July through our pressure.

At AECL they are paid at a national level not by the local management. You must talk to the employer of your members. AECL is the employer, not Modderfontein or Umbogintwini. If you call that an Industrial Council then I don't know what you mean. We were talking to the employer. You must forget this idea of Industrial Councils until such time as the membership of SAAWU tells us to join.

Do you think the present barriers to trade union unity are barriers of principle or practical differences?

As I see it we have not achieved unity in the full sense. There are unions still fighting for unorganised membership. There are also unions who'll say they have membership, meaning membership that is unorganised.

In August 1981 there was a meeting, and then one at Wilgespruit where there was talk of forming one federation of trade unions in South Africa. We see this as premature because of the lack of unity.

There is the argument, as progressive trade unionists, that we don't want registration or industrial councils. But there are those unions who regard themselves as progressive who still believe in registration. They will tell you there's worker control when there isn't. Every worker in SAAWU is told what his money does. We don't believe all the unions do that, for fear of losing their positions. This is power-mongering.

And there are also unions who say *black* worker control. This is foolish. We believe we are a non-racial group. If it's worker controlled, it doesn't matter who controls it, as long as it's a worker. Never mind if they're black, pink, yellow, white.

Once we attain unity, all that will happen is this — if you are GAWU, I'm SAAWU, he's MACWUSA — we say we talk the same language. Therefore a worker who's joined you in GAWU will have no interest in joining SAAWU. But as long as we don't talk the same language we won't be able to form lines of demarcation.

We have also held meetings to say we must hold solidarity meetings in all the regions. We have started in the Transvaal, to clarify this point of unity. We feel we must keep on holding solidarity meetings and meet together to form solidarity committees so that if there is a strike, these workers are there to support each other. Then after that we can decide on forming a federation should that be necessary.

Lack of unity is created by some unions not wanting to understand what we are trying to do. They're still defending some bureaucracy, while we want democracy. Or they are camouflaging the ideologies. There's not enough unity to form a federation. It will open up loopholes for the enemy.

(Kempton Park — 28/2/83)

Cyril Ramaphosa - NUM

CUSA passed a resolution at its annual congress in August 1982 to form a trade union for black mineworkers. Since then the National Union of Mineworkers (NUM) has recruited 18,000 mineworkers. In this interview from CUSA NEWS (Feb 83) general secretary Cyril Ramaphosa talks about the background of the union, its aims, its progress and the problems it has faced.

How was the union started and why was it formed?

Towards the end of 1980 and throughout 1981, mineworkers persistently came to CUSA and asked us to organise workers in their industry. These requests became even more persistent last year.

Because of the harsh treatment mineworkers received from mine bosses, and because they were not organised, CUSA subsequently passed a resolution at its national congress in July last year, mandating the CUSA secretariat to launch a union for black mineworkers.

What was the next step towards launching the union?

A decision was then taken at Hammanskraal in August 1982 to launch the National Union of Mineworkers (NUM). In December it held its first annual congress in Klerksdorp. Thirteen mines from the Transvaal and the Orange Free State were represented by about 1,800 mineworkers.

What are the aims of NUM?

Its aims are (1) to recruit and unite into a single organisation all workers employed in the mining industry in order to improve their economic and social welfare, and (2) to improve the wages and working conditions as well as the social benefits of members.

What progress has NUM made so far towards achieving these aims?

So far we have recruited 18,000 mineworkers into the union. We are also now in the process of applying for recognition agreements. We want to get involved in the collective bargaining process with the Chamber of Mines to improve the wages and working conditions of our members.

At which mines have you applied for recognition so far?

At the Western Holdings' Welkom Division, the Elandsrand Mine, the President Brand Mine and the Saaiplaas Mine. Applications to the Kloof and Vaal Reefs West Mines are also in the pipeline.

What problems has the union come across since it was launched?

Management is intimidating workers in an attempt to discourage them from joining our union. They are also refusing to allow us to organise workers as we see fit, putting a lot of restraints on our organising activities.

NUM also has a problem of consolidating our membership. We want to gain maximum loyalty to our union. To achieve this, we are presently working on having shaft steward committees elected as well as regional committees.

What is the potential membership of NUM?

Our potential membership could well be over 100,000. Our target for this year is 50,000. At this rate we will be able to manage and service 50,000 workers by the end of this year.

We have 15 full-time organisers based on the mines at the moment. Next year we will need more staff.

Why do you think NUM has been growing so rapidly?

Mainly because of our organising strategies. We are proud to say that our organising strategies have been well-g geared for the workers on the mines.

Another reason why NUM is growing so fast is because black mineworkers have not been represented by a union for all these years. Suddenly they see that representation is possible through a union.

A third reason is because we strongly believe in worker control and worker participation in all activities of the union. This is reflected in the structure of NUM (shaft steward committees, regional committees, etc).

Does NUM have a working relationship with other black mineworkers' unions?

We have an open-door policy. We would very much like to co-operate with other

black mineworkers' unions. So far, however, other unions have not seen reason to co-operate with us. But discussions are taking place to see if there is any basis for co-operation.

What is NUM's attitude towards the new Confederation of Associations and Mining Unions?

Our members decided not to attend the Confederation's inaugural conference. It was set up as a white, racist collective bargaining front which is seeking to frustrate the interests of the black workers.

What is NUM's attitude towards registration?

Our members rejected registration because they feel it is a method that the government uses to control unions and stifle their development. We feel we are fully capable of running our union without government interference. We won't register until registration procedures have changed.

And the union's attitude towards industrial councils?

We are opposed to the formation of an industrial council in the mining industry. Industrial councils are usually too bureaucratic to serve any useful purpose to workers. The industrial council in the mining industry would in any case be dominated by white unions who would seek to frustrate the interests of our black members.

What do you regard as the root cause of labour unrest on the mines?

The root cause has been management's lack of communication with the workers. They are very paternalistic and treat workers as though they were tools and not human beings. The workers have often had to react in frustration against management.

What is unique about NUM? What makes it different from other mineworkers' unions?

We operate on democratic lines. We want to try to ensure that our shaft steward committees run the day-to-day affairs of the union at shaft level.

REVIEW

**Robert A Jones: Collective Bargaining in South Africa
Macmillan 1982, 89 pages**

This is a short but useful introduction for commerce students to collective bargaining in South Africa.

Dr Jones introduces his subject through a four-fold typology of trade unions — craft, general, industrial and white-collar. This introduction would, however, have benefitted by an outline of the different approaches to trade unions — in particular Alan Fox's well-known distinction between the unitary and pluralist frame of reference. Furthermore, it is a pity Dr Jones confines himself to examples from Britain when dealing with multi-unionism, as there are important lessons to be drawn from the American system of exclusive plant bargaining.

Dr Jones sets himself a difficult task in the second half of the book when he focusses on contemporary collective bargaining in South Africa. Events are moving so rapidly that information is soon dated. For example, the South African Boilermakers (SABS) do not have 26,000 members (p.63) but 53,000; FOSATU does not refuse to sit on industrial councils (p.50); unregistered unions are no longer excluded from the conciliation

machinery (p.63).

Dr Jones has moved quickly to fill a gap in the academic market. By launching the first in a series on industrial relations, Macmillan have made a timely and no doubt profitable intervention into an area in which reliable information remains limited.

E. Webster

University of the Witwatersrand

Obituary

Stephen Maseko

Stephen Maseko was killed in a car accident in Pretoria in the early hours of 6th March 1983. He was thirty-four years old.

Over 1,000 people attended his funeral in Mamelodi on 19th March. Workers from Brits, Mabopane, Garankuwa, Mamelodi and the entire Reef came to pay their last respects to a man who had helped build their organisation since 1978.

As part of his work in the National Automobile and Allied workers union (NAAWU), Stephen had special responsibility for Firestone and Autoplastic factories. Both these factories are well organised, having over 70 percent membership and well entrenched shop steward and negotiating rights. Their strength will be his legacy to the union.

The funeral organised to bury Stephen was also a tribute to his work. It was quite clearly an occasion where organised workers came to mourn a deceased comrade. In evidence were union banners and T-shirts, the singing of songs of worker struggle and messages of solidarity from other FOSATU and non-FOSATU affiliates. In speeches by the family, union spokesmen, friends and the officiating clergy, reference was made again and again to the workers' struggle and Stephen's role in it.

Stephen Maseko helped to build the disciplined mass organisation that came to bury him. His contribution in bringing unionism to Pretoria will not be forgotten.

(Martin Ndaba)