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The South African Labour Bulletin

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Contents

volume 13 number 1, November 1987

	page
briefings	
D Cooper	Premier strike 1
J Matiko	Albany strike 2
F Kruger	Mercedes Benz strike 8
J Matiko	Cadac strike 13
C Markham	POTWA 16
D Cooper	Spekenham dispute 21
<hr/>	
reports	
J Matiko	SACWU/SASOL dispute 23
C Markham	Textile/Clothing merger 33
<hr/>	
document	
OCAWUSA	Parental rights 56
<hr/>	
reports/articles	
C Markham and M Mothibeli	Mineworkers strike 58
P Benjamin and H Cheadle	New labour legislation 76
W Werner	Namibia update 94
C Markham and J Matiko	Union survey 102
<hr/>	
Labour Research Service	Economic notes 121

Premier Workers – Victory for The Living Wage Campaign

After a national strike on 18th and 19th August involving approximately 4500 workers in 19 factories owned by the Premier group, workers have won a 33% increase in their minimum wage.

The factories hit by the 2-day strike were, Epic Oil, S.A. Milling and Epol in the Western Cape, Eastern Cape, Natal and Transvaal. The minimum wage for workers prior to the increases was R120 a week. Workers won a total increase of R40 a week - R37.50 a week backdated to 1 July and a further R2.50 a week from 1 October. This brings the new minimum wage up to R160 a week.

The workers involved in the strike all belong to the Food and Allied Workers Union (FAWU). FAWU negotiates wages nationally for the milling and baking sections of the Premier group.

FAWU's other demands were around working hours and public holidays. May Day and June 16th were won as public holidays.

FAWU reported, "When COSATU launched the Living Wage Campaign this year, the milling and baking workers met to discuss ways and means of taking up the living wage campaign ..." It said of the wages of the workers, "The present wages are making workers modern slaves. The wages workers are getting are only keeping them at work every day. There is very little money for food. Today the families of working people are dying of malnutrition. Their relatives are filling the hospitals getting all these diseases because of the food and housing conditions." FAWU contrasted workers wages with those of their employers. It stated that where many workers earned R736.10 a month (R170 a week), many directors were earning R9000 a month.

Of its living wage campaign FAWU said, "Workers are demanding a living wage, by a living wage we mean that workers must get enough to house, feed and clothe their families. As workers we want to live decent lives. We also want put away some money for unforeseen problems. Today the old milling and baking comrades and the young lions in the milling and baking industry decided to fight against exploitation shoulder to shoulder. They demand a living wage and a say in the distribution of wealth.

- Premier strike -

FAWU is extremely well organised in the Premier group. It is organised at 23 Premier-owned factories and has more than 4500 members. This is no doubt one of the major reasons why FAWU has managed to flex its muscle and win such a major wage increase.

As COSATU's living wage campaign takes off within the unions, companies can expect to be involved in increasingly tougher wage negotiations. Settlements will be hard to achieve, unless companies become willing to give much larger increases.

D Cooper, November 1987.

Albany Bakery Strike

" The bosses are exploiting us to the extent that our labour is given to pigs if it suits the management. "This was the denunciation of Albany Bakery management by workers when they were returning to work after a four week strike over wages, better working conditions. During the strike workers had proposed to the management to donate bread to relief organisations and the mine workers who were also on strike, but the management refused and instead dumped the bread in refuse bins. Albany Bakery is a subsidiary of Tiger Oats which is in turn owned by Barlow Rand. A total of 350 workers, the majority at Albany, who downed on the 21 August 1987 are members of the COSATU's food industrial union, the Food and Allied Workers Union (FAWU). Workers were demanding R16 per week across the board increase and a minimum of R180 per week and the management offered only R11 per week increase across the board. Workers imposed an overtime boycott in an attempts to pressurize management to meet their demands. This however resulted in a strike as the management started refusing to negotiate further with the union unless workers lift the overtime ban.

Build up to the strike

Prior to the strike several meetings between management and FAWU officials including shop stewards took place. However these meet-

ings failed to resolve the wage dispute between the two parties. According to Eddie Zwane; the FAWU organizer, attitudes hardened when management claimed workers demands were unreasonable and staged a walk out of the meeting. Workers frustrations over management attitude towards the meeting was reflected by a decision to ban overtime. Management's response was marked by an inflexible approach to industrial relations. The management applied for a court interdict to prevent workers from continuing the overtime ban, and the union together with shop stewards from inciting, promoting or instigating workers in furthering the overtime ban. An interim court order was granted.

Management tactics

At the meeting held on the 3 August 1987 workers proposed that management withdraw the court application and give an undertaking to negotiate workers demands in "good faith". This was an attempt by workers to have grounds for lifting the overtime ban. However management refused to withdraw the court application. Consequently the wage dispute intensified when the company simultaneously applied for a postponement of the court hearing and held a meeting with FAWU representatives whereby management offered to negotiate the overtime ban and not improve the wage offer. Workers refused to negotiate the overtime ban on the basis that the overtime issue was now prejudicial as it was already referred to the court by the management rather than discussed it with workers legitimate representatives. "We were restricted by the court-order to discuss freely our viewpoints and understanding on the overtime issue" said Eddie Zwane. The spontaneous strike took place after management addressed workers on their wage demands and overtime ban. The management inflexible approach towards wage and working conditions negotiations, attempts to stop the overtime ban by using the legal terrain and undermining of shop stewards by personally addressing workers on the wage dispute induced the spontaneous strike.

Attempts to resolve the strike

Immediately after the strike the union presented the following proposals to the management:

- that the overtime ban continue to be referred to the court.
- that both parties negotiate further wages and working conditions.

- Bakery workers victory -

- that workers will resume their normal duties as soon as practically possible.

Despite the fact that workers were preparing to return to work, management still refused to consider the proposals. According to Eddie Zwane; the FAWU organiser "the management inflexible attitude was again reflected as management walked out of the meeting. They said should we be in a position to propose any terms of lifting the overtime ban, they will be prepared to listen".

Management dumps bread

One of the proposals presented to management during the strike was that the bread which was not delivered to customers be donated to relief organisations like Operation Hunger and the striking mineworkers. According to the workers the donated bread would have alleviated the short-term starvation problems faced by their comrades in the mines affected by the strike. Management rejected the proposal and instead dumped the bread in refuse bins. According to the union organizer 120 000 loaves of bread were dumped. " This was an attempt by Albany Bakery to buy public sympathy by presenting the non-delivery of bread as unreasonable attempts by workers to force the company to pay higher wages".

Threats to dismiss

Management began threatening to dismiss workers on the 24 August. The company telexed FAWU offices and gave an ultimatum to dismiss the strikers should they continue with their "illegal strike". On this day the union presented to the management new proposals endeavouring to resolve the strike. The union proposed that workers resume work at 0600 hours on the 24 August and that there be no victimisation from either side in relation to the strike. The union also stated that workers were prepared to work planned overtime with prior notice being given to the shop stewards and that management should guarantee transport to workers who works overtime until late.

Management's response

Management's response to the union was negative. A telex summing up management's position read as follows; "your members have undertaken illegal industrial action in contravention of the recognition agreement and the Labour Relations Act, and have caused the

company losses in excess of R500 000. As a result the company has had to review its structures, work processes and manning levels. The company concluded by stating that it could not entertain reinstating all dismissed workers. However management claimed it was prepared to consider settlement on the basis that people who apply for employment will be required to agree to work overtime "as and when required" and that it was a condition of employment. In the categories of workers that management had phased out shop stewards were included. Infact at the meeting held on the 25 between the company and the union, management's position was that shop stewards were already dismissed as they were suppose to have been at work. Subsequently management also infered that all workers have been dismissed and that management will re-employ on merits. On the 26 August all workers were locked out of the company premises.

Union bashing

Without any doubt management's counter-proposals were aimed at bashing FAWU and its members. After the final meeting on the 25 August the balance of forces was such that workers had to organize and intensify their struggle to get reinstated and also maintain their union in Albany Bakery. To continue the struggle in Albany Bakery workers opted for various strategies and rallied support from different interests groups in the Germiston®Katlehong local area. On the other hand management also marshalled its forces to counteract workers pressure. Management's first move was to pursue the court application against overtime ban even though workers were already dismissed. The court application however resulted in management's first defeat. The court dismissed the company's application with cost. During this period workers were picketing the company gates preventing scabbing. All general meetings were also held at the company gates. This kept workers together and boosted their morale.

Support for the strike

The strikers developed working links with the Katlehong community to rally support for the strike. Practical support was given by the Katlehong Unemployed Workers Co-ordinating Committee. This committee prevented workers from scabbing, and also took part in the pickets. Attempts by management to replace workers with local scabs, and to use the Pritchard Security and Fedics employees - who are contracted in Albany Bakery - to do some of the tasks pre-

- Bakery workers victory -

viously done by dismissed workers also failed. According to Eddie Zwane this group of workers - organized by the Transport and General Workers Union and the Commercial, Catering and Allied Workers Union, both affiliates of COSATU - joined the strike after reporting to the dismissed workers how management was attempting to use them in breaking the strike by taking over their jobs.

The Barlow Rand Shop steward council comprising of shop stewards from most Barlow Rand factories organized by COSATU affiliates also telexed the Albany Bakery management expressing their concern about the dismissal of Albany Bakery workers. Shop stewards from nearby factories organized by NUMSA and CWIU addressed dismissed workers during their lunch time. Financial support was also given by this factories. The Katlehong COSATU local contacted shopkeepers and traders who are known to be sympathetic to the workers views in the Katlehong local area. According to Eddie Zwane most of the traders telephoned the company and explained to management about the condition that would prevail in the township if the dismissal of Albany workers was not addressed.

Outcome of the strike

The four week old strike was resolved after an intense struggle by workers who have resolved not to go back to work until their demands were addressed by management. During the strike the demand to create more job opportunities also surfaced. This strengthened links between the dismissed workers and the unemployed. The outcome of the strike was victory for workers. " Management never thought the strike would last four weeks given its spontaneous nature. The presence of police nearby the factory never intimidated the dismissed workers," said Eddie Zwane. Management finally agreed to negotiate with the union. The settlement reached between the company and the union was as follows:

- All workers will be reinstated on conditions not less favourable to those which existed prior to the strike.
- Shifts will be restructured and will be subject to negotiations with workers.
- Night shift allowance will be increased to 50%.
- Five months maternity leave paid at 33.33%.
- R20 across-the-board increase.
- Minimum wage of R130.
- The company will in future employ more workers.

Conclusion

The Albany strike once again confirmed the importance of unions developing working relations with community organisations. The problem of scabbing was prevented by the presence of the Katlehong Unemployed Co-ordinating Committee. The demand made by workers that Albany Bakery management create more job opportunities instead of forcing overtime is a principle that should be promoted. Unemployed workers should not only play a supportive role during strikes but their interest should also be considered especially when overtime is in fact being denounced by workers. One of the methods used by management to extract more profits out of workers is by introducing overtime.

The workers' proposal that management donate bread to Operation Hunger and striking mineworkers also exposed the other method used by bosses in solving problems related to produced commodities in the food industry. Instead of giving bread to people who need it most bosses preferred to destroy it. According to Albany Bakery workers the bread was in fact given to a farmer who usually collects it to give it to his pigs. It should be understood why management would not agree firstly to not donate bread to the striking mineworkers. Obviously it is not in the interest of bosses anywhere in the world to support or uplift workers interests. Mineworkers who were on strike are class brothers to Albany Bakery workers but enemies to the entire employer class be it Anglo American or Barlow Rand.

It is also interesting to note that management would also not donate the bread to a relief organisation like Operation Hunger, a liberal organisation dealing with symptoms that are the resultant product of our present economic system which only accommodates the interests of the employer class. One would have thought that donating bread to Operation Hunger is in line with Barlow Rand's liberal image, (i.e. social responsibility towards the 'poor'). According to Eddie Zwane, bosses destroyed bread in an attempt to win the "public's" sympathy by presenting the general view where strikes are seen as disruptive denying people of bread. For instance the shortage of bread to communities emanating from the dumping of bread could be presented as being the result of the strike action by workers.

Mercedes Benz Strike

International solidarity and unity among the workers brought the National Union of Metalworkers (NUMSA) what it regards as a major victory at the Mercedes Benz plant in East London with the end last month of a nine-week wage strike.

On October 7, workers returned to work with a minimum wage increase of R1 an hour, and without any loss of benefits. The dispute had begun on August 3 and workers were demanding a minimum wage of R5 an hour, and full compensation for a cut in working hours.

At that stage, the minimum wage was R3.50 an hour. In the settlement, workers accepted compensation for the cut in time and increases that brought the minimum wage to R3.50 an hour. They forfeited pay for the time they had been on strike, but were taken back without loss of seniority or benefits.

Part of the settlement also laid down wage rates until June next year, and the union agreed to maintain industrial peace until the end of this year.

NUMSA has hailed the settlement as an unequivocal victory. NUMSA spokesman Viwe Gxarisa said: "People have been fighting for a living wage, but Mercedes Benz workers are amongst those who can claim victory". If we look at the railways, the mines, nobody won a victory like Mercedes Benz workers", said Gxarisa.

Brian Federicks, seconded from NUMSA to serve as secretary of the International Metalworker's Federation, said: "The actual increases represent about 32 per cent of the former wage and that adequately covers inflation for the past year, which has been running at 18 to 19 per cent and represents some real improvement".

Gxarisa paid tribute to support the strikers received from the giant West German metalworkers union, IG Metall, among others, but said the most important factor in resolving the dispute was the unity of the workers: "The unfaltering unity of the workers of Mercedes Benz in East London and the determination of their leadership in searching for an acceptable settlement finally brought the matter to an acceptable solution."

Resolution of the dispute did not come easily, with the negotiations taking place in fits and starts. The course of the strike seems to bear out union criticism that the firm's response consisted of a series of strong arm tactics that almost invariably backfired.

Mercedes management set no less than four ultimatums and deadlines in an attempt to force an end to the strike. All were ignored, but in each case negotiations were resumed in the end. For its part, management has accused the union of prolonging the strike by its intransigence on the R5 an hour demand.

Indicative of management approaches was the extraordinary hiccup which delayed the workers return to the plant by two days.

The agreement to end the strike had been reached on Friday, 2 October, and workers arrived at the factory gates on Monday to take up their jobs.

However, they were confronted with "service contracts" which they allege contained several violations of the agreement.

Gxarisa said about half of the 2 800 strikers had been demoted to job categories lower than those they had held before the strike began.

In addition, the contracts made provision for a probation period of three months, and workers were told arrangements for the payment of end-of-year bonuses were being changed.

The workers refused to sign the contracts, and convened a meeting at "Geneva", the place outside the trimline plant where they customarily held meetings during the strike.

Negotiations between NUMSA and management were resumed, and according to union sources the company backed down on all issues late that same evening; workers would be taken back at their previous grades, there would be no more probationary period and bonuses would be paid as usual. By Wednesday morning, all workers were back at the plant, and production lines were finally being started up again.

Commenting on the episode, Gxarisa said the company had been trying to pull a fast one, "The company thought workers were

- Mercedes strike -

starved enough, and thought they wouldn't fight". Mercedes had been trying to save money by taking workers at lower levels, Gxarisa said. He also accused management of wanting to penalise the foremen who had stood with the strikers.

The company did not at first comment on the union's allegations. On Tuesday evening, a short statement was released in which it said, "As previously agreed, the job grades of workers returning to work will be restored to the same grades held by them at the commencement of the strike."

It also said the union had confirmed "that the workers have agreed to sign the necessary documentation." In response to a request for a more direct response to the union's allegations that workers were demoted, a company spokesperson, Mrs Delene MacFralane explained the demotions in terms of a need for an "ongoing audit of employees' job grades," which demanded that workers be transferred.

The changes had, however, caused "confusion" when workers returned, and the company had agreed to restoring workers' job grades, "in order to avoid any further confusion because of the misinterpretations." The firm did not believe it violated the agreement, Mrs MacFarlane said.

A key factor in maintaining worker unity were the daily meetings held by the strikers. At first, these were held at "Geneva", but after the firm dismissed them, the meeting was moved to the lawns in front of the main administration block.

Management quickly put up a fence around the block, but workers were able to find a third place; an open parking lot in front of the entrance to the personnel department. The space was on company premises, and so the workers had the grudging protection of the firm who was unwilling to call in the police.

At the same time, the daily meeting just where the firm hires new workers must have served as a strong discouragement to anyone wanting to heed the company's call for scabs.

Throughout the strike, international interest was great. The West German Daimler Benz concern has since 1985 had majority shareholding in Mercedes Benz. Daimler has long been under pressure in Germany because of its involvement in South Africa, and there are in-

dications pressure was put on local management for a settlement.

IG Metall took an early interest, and a West German Parliamentarian, Mr Willi Hoss of the Greens Party, paid a solidarity visit to East London and addressed workers.

The dispute began on 3 August, when workers of the body and chassis section walked out in protest against a cut in working hours. Management had refused to delay implementation pending talks with NUMSA on compensation.

The demand for a minimum hourly wage of R5 was also placed on the table at this stage, but the firm said it was not prepared to discuss an increase beyond the amounts agreed on at the Industrial Council for the motor industry.

The next day, the rest of the workforce joined the strike, and the plant was closed. Management approached the Industrial Court, and obtained an interdict restraining the union from participating in the strike.

A week into the strike, it announced the interdict, that it had fired 188 workers regarded as responsible for the strike, and appealed to the others to return to work.

However, the interdict was not confirmed on the return date, because of a technical problem with the gazetting of the Industrial Council agreement. As a result, the company opened talks with NUMSA for the first time.

After only a few days of talks, the company made what it called its "final offer"; it would re-instate the 188 dismissed workers, and raise the minimum wage from R3.50 an hour to R4 an hour, including partial compensation for the cut in hours.

The union rejected the offer, and talks ground to a halt. For almost two weeks, there was no contact between union and management, and then Mercedes issued an ultimatum that workers should accept the final offer, or it would be withdrawn.

NUMSA did not accept, and the offer was duly withdrawn, except for the reinstatement of the 188 dismissed workers. A few days later, the company issued another ultimatum; the workers would be fired if they did not return to work.

- Mercedes strike -

Intensive negotiations were resumed, and it became clear that both sides wanted a settlement. The firm upped its offer to R4.04 an hour, which fully compensated for the cut in hours, but refused a union request to extend the deadline so that talks could continue.

On September 9, the entire workforce of 2800 were fired, a move which increased international pressure on the company.

Mr Hoss arrived on the day the dismissals were announced, and sharply criticised the company's move. He addressed worker meetings, but the company refused to see him. Mercedes stood its ground, and said it would begin a re-recruitment programme. It set another deadline; for two weeks, it would give preference to its own workers, who were invited to re-apply for their jobs.

In a massive recruitment drive, newspaper adverts were taken out, pamphlets were scattered from a light aircraft over East London townships and letters were written to former employees. However, hardly anyone applied. The daily meeting of the strikers which had moved to a parking lot in front of the recruitment office probably also helped to dissuade scabs.

The company once again resumed talks with NUMSA, and these finally led to the settlement.

Mercedes Benz has consistently refused to quantify the losses it has suffered through the dispute. Calculating from the daily production loss of some 130 vehicles, some reports put the cost of the strike at R150 million after only four weeks.

If the calculations are correct, then losses must now amount to about R350 million.

Franz Kruger, 29 October 1987.

Cadac Strike

The five-week old strike over wages ended when agreement was reached through mediation between the National Union of Metalworkers and S.A. Boilermakers' Society and Cadac. The battle between the company and the two unions was over the union's demand for a R4 an hour wage increase. A settlement was reached when Cadac offered workers a guaranteed hourly minimum of R3,50 plus a production bonus of 45 cents an hour. However the production allowance will be paid out to workers if standard production levels are met. The company has in addition granted a 75 cents across-the-board increase backdated to July 20. June 16 and May Day will be paid holidays.

The company - Cadac

Cadac (Pty) Ltd is a subsidiary of the Shell Petroleum Group, a Dutch multinational. The company manufactures mainly domestic gas cylinders and primus stoves. They are the leading producer in this particular market. The company employs five hundred workers and according to the union approximately four hundred workers are unionised.

There are two metal unions represented at Cadac. The National Union of Metalworkers of South Africa (NUMSA) and the South African Boilermakers Society (SABS). NUMSA has majority membership of approximately 325 members. Both unions signed a Procedural Agreement during 1986. This agreement allowed for joint substantive negotiations with both unions.

In June 1987 the two unions submitted jointly the following demands to Cadac management:

- R6 per hour minimum rate
- R1 per hour across the board increase
- June 16, May Day, March 21 to be paid holidays
- Six months maternity leave
- One month paternity leave
- Long service increments
- Reduction from 45 hour to 40 hour working week without loss of pay.
- Overtime to be paid at double time for weekdays and triple time for weekends

- Cadac strike -

Negotiations between the company and the two unions extended over July and August. A deadlock was reached in August and the matter was referred to mediation. However mediation was unable to resolve the dispute, but the gap between the unions and the company narrowed. The unions reviewed demands were R4 minimum hourly wage and 75 cents across-the-board hourly increase. The company was offering R3.30 minimum hourly wage and 70 cents increase. The company also agreed to recognize June 16 and May Day as paid holidays, six months maternity leave with two weeks leave paid by the company and job guaranteed, and two days paternity leave. The Industrial Council increase for every year of service shall be paid out after third year of service as long service bonus. Nonetheless the dispute was referred to the metal Industrial Council. After the Industrial Council dispute hearing failed to resolve the dispute, workers prepared themselves for legal strike action. A strike ballot was conducted on 24 September at which 80% of the workforce voted in favour of the strike. Workers finally downed tools on 5 October 1987.

The strike

Approximately four hundred workers went on strike. This included both members of the National Union of Metalworkers of South Africa and the South African Boilermakers' Society. During the strike workers met in the canteen and discussed the mechanics of the strike. On 14 October the union was reported saying there was no direct police intervention but one of the shop stewards was questioned at his house on 8 October at approximately 1 a.m. by security police who also conducted a house search.

Community organisations and their role

The problem of scab labour was central in the strategic planning of the strike. The danger that scab labour presented to the strike prompted the strike planning committee to meet as many community organisations as possible. A broad support committee, consisting of affiliates from UDF as well as adherents of the Azanian Manifesto, and Church Organisations was established. The main support initially was to publicise the strike in the so-called coloured townships. This was done in the light of the fact that bosses have in the past recruited scab labour from these townships.

Significance of Cadac strike

For the first time in the metal industry workers from so-called rival unions acted together against management. So-called coloured workers from the S A Boilermakers' Society have shown a heightened militancy. The strike has indicated that unity can be achieved at times when it seems impossible, if a correct strategy is employed. Both unions encouraged their members to see themselves as "Cadac" workers. According to Allister Smith, a NUMSA organiser, their members were encouraged to first build unity with the other organised workers at Cadac, and to put this task above other tasks demanded from them as NUMSA members. The S A Boilermakers' Society were not pressurised into joining NUMSA but rather the importance of unity at shop floor level was stressed as more urgent than union affiliation.

Once again the negative attitude of liberal employers towards working class problems was exposed by the reluctance of Shell to intervene in the dispute when requested by the unions. Mr. Smith said NUMSA had contacted Cadac's holding company, Shell SA (Pty) Ltd to attempt to discuss the strike, but Shell refused to meet with the union. In Facts and Report Shell's position against disinvestment is summed up as follows " what would be lost is the influence of a company determined in opposing apartheid and working for change, that is committed to improving wages and working conditions, encouraging trade unions, helping the black community and above all, committed to a free and equal society". Shell is famous for spending thousands of rands publicising its liberal position, which is opposing the policies of the present S.A government. But when workers demand a share of their wasted labour power Shell was quick to abandon its liberal image and be hostile to worker's demands. In fact NUMSA was reported as saying when they approached Shell about union organisation of petrol attendants at Shell petrol stations, the company refused to meet with union officials.

Postal Strikes – Need for Unity

The month long national strike which ended recently in the postal sector has raised important lessons for all unions organising in the public sector. This is the view of the Postal and Telecommunications Workers Association (POTWA) which has led four major strikes in the crisis ridden postal sector this year. These included a strike at Meisies Halt in December 1986, the Wits region strike in April, the East London strike in April, and the two national strikes in July and August 1987. The most recent strike started on August 3 and continued until an agreement to end the strike on September 5. Close to 21 000 workers supported the strike in all areas of the country.

According to POTWA, whilst each strike arose for a specific reason all stemmed from the same problem: the history of racial discrimination, the issue of parity in wages and work status, and the lack of meaningful structures of communication in the post office.

These features are common to the public sector as a whole, "it is unthinkable for the government to say that strikes in the sector are illegal, whilst failing to create a climate which is conducive to industrial peace. We find that trade unions are not allowed, that the sector is filled with sweetheart organisations, that many workers are labelled 'unskilled' when they are in fact doing technically complex jobs, that many black workers are employed on a temporary basis irrespective of the length of service, and that the pay is very low". POTWA also says that management intransigence in spite of their talking relations with POTWA will continue to contribute to unrest within the postal sector.

On the central issue of parity, the union has come to realise the need for unity with all other unions organising in the public sector. "It will not serve POTWA well to say we want parity when there is no parity in the teaching profession, in the nursing profession, and in all the other component parts of the public sector. We will clearly have to formulate this kind of demand together with our sister organisations in the sector. We are dealing not only with one Minister on this issue but all the other departments. In some ways issues like this go beyond our immediate workplace and have implications for the structures which entrench racism throughout the public sector".

The strike have also shown the need to create links with other worker organisations, and to co-ordinate action with all community groups affected by their strikes. "We have learnt that our strenght depends on making alliances with other worker organisations and with the community to prevent scabbing and facilitate an understanding of our demands". In the recent strike railway pensioners were not able to collect their money, also the community had to be told why they were not receving their post. "We simply have to consult with such affected people", says POTWA. The need to create alliances with other worker organisations and have close links with the community was particularly highlighted in the Eastern Cape strike. In this area POTWA's bargaining power was weakened by the high number of scabs.

"There were differences between the East London strike and the strike in the Wits region earlier this year. For one there was a higher number of scabs - the region is faced with a critical unemployment problem and there were a number of other strikes in the area, for example the Mercedes Benz dispute, which places an additional burden on the community as a whole. The other difference is that the East London plant consists of a relatively higher number of unskilled black workers whose position is more insecure. We also had a problem with the "coloured" scabs who were willing to take the jobs of those workers on strike. Finally the black workforce is much smaller so that they do not command as much bargaining power. These factors contributed to management's attitude which was much harsher than in the Wits strike".

National strikes

Management's attitude in the Eastern Cape sparked the two national strikes as they refused to take back all the workers and embarked on selective re-employment tactics. "We hoped that by embarking on national action on the 28/29 July that the pressure on management at a national level would lead them to pressurise the local E London management. The campaign was tremendously successful, our membership stood at 15 000 at the time but above 20 000 supported the strike. The post office also applied for a court interdict against POTWA and our President to prevent us from calling the national strike".

Due to delays in the court procedure the union was able to embark on the national action planned for July 28 and 29. The notice to

postal dispute -

appear was served on the union on the 28, one day into the strike POTWA subsequently won the court application on the grounds that the applicants case, the Minister of Communications, relied on hearsay and could not establish grounds for a permanent interdict Union postal and telecommunications representatives, (P&T's) in the Wits region explain the feeling among workers at this stage:

" At the time we held discussions with workers in our region. We found ourselves having to clarify and explain the situation in the E Cape. The feelings of the workers was very supportive. In fact many wanted to embark on indefinite national action".

Barely a week later workers came out again, this time indefinitely. The reason was that parity in wages and working conditions, which had been promised for the end of July, had not been implemented. "The strike which broke out again on August 3 focussed more on the issue of parity, however workers were also concerned about the impending court action which, if it had succeeded, would have prevented us from calling any further strikes. Support for the strike was once again good, by the 5th all the regions had come out, representing about 21 000 workers at that stage".

Management responded in an even harsher way. Many of the gains made during the Wits strike earlier this year were overturned. The strike saw more than 5 000 workers dismissed, management refusal to agree to their unconditional reinstatement and their unwillingness to enter into negotiations to end the dispute.

International support played a crucial role in eventually resolving the dispute. The post office agreed to negotiations after the Postal, Telegraph and Telephone International (PTTI) threatened to disrupt South Africa's communication links if settlement with POTWA was not reached.

When negotiations to end the strike finally started POTWA was warned by Post Office officials not to demand more than their bargaining power allowed. This was said after the union cited the agreement between the South African Transport Services (SATS) and railway workers. Management also alluded to the recent settlement with the mineworkers union (NUM).

The agreement

Agreement to end the strike came on September 3 after more than 50 hours of hard bargaining between POTWA and the deputy Postmaster General, Mr J H de Villiers (representing the Minister of Home Affairs and Telecommunications). The agreement stipulates that workers will receive no salary for the period on strike, and that all dismissed workers be allowed to apply for re-employment. All applications for employment should be submitted within seven days after the signing of the agreement, also that the department would respond to such applications within a period of five days. POTWA gave an undertaking that workers would return to work on Monday September 7, failing which workers would return by September 14 provided a "reasonable explanation for their failure to return to work earlier could be given". Members detained during the course of the strike would be allowed to re-apply for employment on their release, unless convicted for a criminal offence for which they would be liable for dismissal. The post office also agreed to raise the minimum wages for unskilled workers from R310 per month to R375 per month and R375 to R450 per month for general assistants between grades 1 and 11 on October 1. This is in line with the post office commitment to uplift the unskilled workforce. The union and management agreed to the establishment of a board of review to look into the question of parity. Progress by the board will be jointly reviewed in April 1988. The department also assured that workers returning to work would not be harassed.

Victimisation

In the wake of the strike management has nevertheless resorted to a campaign of harassment and victimisation in spite of the agreement. Workers returning to work on September 7 found that gates were locked. Management then began to re-employ only the skilled workers. Events such as those at the Bryanston plant occurred at virtually all the plants.

On the Monday workers at Bryanston reported for duty in accordance with the agreement. When they arrived a certain Mr Bowman ordered that the gates be locked. The names of all the qualified staff were then read out, and they were let into the premises. All the remaining workers were not given application forms to re-apply for work and everybody was simply told that they had been dismissed. When P&T committee members tried to discuss this with MR Bowman he told them that they were no longer recognised. He then told them

postal dispute -

to leave the premises. Workers subsequently gathered at the union head-office to discuss management's attitude. It was decided that they would once again report for work on the Friday September 11 to show their bona fides. Once again the gates were locked, workers were then called individually into Mr Bowman's office and then permitted to sign application forms. Thereafter they were told to come to work on September 15. On the 15 certain names were called and the rest of the workforce told that no further vacancies existed.

To date only 1 400 of the 3 000 dismissed workers have been re-employed. The wake of the strike has also seen detentions, the entire P&T committee (equivalent of shop stewards) at the Randburg engineering depot were detained. The same occurred to the union national organiser. The union head-office has been raided twice, active members have been transferred whilst there are also rumours of attempts to form a rival organisation.

POTWA has since started a number of legal cases against management for breaching the agreement entered into on September 3. In Natal the union managed to get two workers re-employed after the post office agreed to an out of court settlement with the union. The settlement included paying the legal costs of the application. A similar application will go to the Eastern Cape courts.

In the Johannesburg area the union has started talks with the deputy Postmaster-General aimed at getting P&T stewards back to work. In this area management eventually re-employed the majority of the unskilled workers when skilled workers, who largely comprise the P&T members, refused to resume duty. Management is presently trying to threaten skilled workers by saying that they will forfeit their housing subsidies and other loans. The union has warned however that attempts to evict workers will merely open up another confrontation.

Consolidation

In the short space of time since the launch of the union in September 1986 POTWA has gained tremendous support among postal workers. This growth needs to be consolidated. During the strike P&T stewards realised the tremendous need for education within the union. "In the future we hope to embark on common projects with other unions which affect the public sector as a whole. We also hope to consolidate our membership across the colour line, incor-

porating the associations for "coloured" and "Indian" workers is part of this. Then we can begin to challenge the present racial outlook on negotiations in the post office in favour of majority bargaining. Finally we have to enter into links with other worker organisations in order to increase our bargaining strength".

* The above article is based on discussions with Vusi Khumalo, president of the Postal Workers Association and P&T committee members from Soweto, PowerPark, Bryanston, and Bramley.

(Coletane Markham)

Strike at Spekenham

About 600 workers at Spekenham in Cape Town have been on strike since 5 August. The workers are all members of the Food and Allied Workers Union (FAWU), which has been organised in the factory since 1986.

The workers went on strike over wages and management's refusal to negotiate wages with union officials. Management wanted to negotiate only with shopstewards on their own. Workers saw this as yet another stalling tactic on management's part.

An increase had been promised in June of this year. By July, negotiations had not yet begun. In January, minimum wages in the factory had been increased from R46 and R55 a week for women and men respectively to R70 a week. All other workers in the factory were given a R14 a week increase. Although workers were not happy with this increase, they decided to settle as management promised that negotiations would be re-opened and a further increase granted in June. The union's demands were R120 a week, minimum wage.

On the first day of the strike workers were told that if they did not report for work the following morning, they would be dismissed. Fearing they would be locked out they decided to sleep at

- Spekenham strike -

the factory. They were then told later that day that they were all dismissed. Following this, in the evening, police entered the factory on management's instructions. According to workers, without warning, police used teargas and batons to disperse workers from the company premises. Workers were forced to leave the factory, one by one, by gun wielding police.

According to reports from workers, a few workers have returned to work, but the majority continue to meet daily at a church in Bellville South. In the meantime, management has taken on new workers to replace those dismissed. However, workers say that management admits that production is not going as well as before.

Workers state that they want to work but that "management must make right what is wrong". They say the union wants the same increase for all workers and that the differing wage rates only serve to divide workers. Most of the strikers are women. They report that often they were required to work long hours of work (till 1 a.m. and even 4 a.m.) on such low wages.

Many workers have worked for 20 to 30 years at the factory. Workers see management's actions as a repeat of a previous strike which took place in 1957. Then too, management had dismissed workers, took on scabs and according to workers "killed the union". FAWU believes these recent dismissals are the beginning of yet another campaign by Vleissentraal to smash the union at all its factories.

However, workers are determined to win their strike for higher wages. They have enlisted the support of other trade unions and community organisations in their struggle.

D Cooper, November 1987.

Sasol Wage Dispute

The Sasol wage dispute opened up another confrontation between the parastatal -Sasol Limited- and organised labour. On October 1 South African Chemical Workers Union (SACWU) members went on a legal strike for higher wages. Two days after the strike Sasol management evicted workers from the company's hostels. The eviction of strikers later saw the local council police and vigilantes composed of mainly non-striking Sasol workers interfering violently in the dispute and this resulted in physical confrontation between the two groups.

The Sasol dispute also raises strategic problems posed by multi-unionism in the same company. The Chemical Workers Industrial Union (CWIU), a COSATU affiliate, is organised in four Sasol plants at Secunda (Sasol 2 and 3, Sasol Fertilizers, SMX and the mines supplying the Sasol plants in Secunda) and SACWU is organised in Sasol 1 at Sasolburg. Prior to the strike Sasol management had negotiated wages separately with both SACWU, a NACTU affiliate and the Chemical Workers Industrial Union (CWIU), a COSATU affiliate. Both unions had declared a dispute separately with Sasol Limited.

The CWIU eventually reached settlement with Sasol after the company improved its offer on working conditions at the conciliation board without changing its wage offer of R100 per month increase. According to Brian Moholo, a CWIU shop steward in Sasol 2 this was communicated to SACWU. SACWU declared a dispute which could not be resolved until workers opted for a legal strike in Sasol 1. The absence of any solidarity action from Sasol plants organized by CWIU to Sasol 1 workers organized by SACWU opened up debate as different interpretations on the question of unity of workers, particularly in Sasol, and generally in the chemical industry are held by both unions.

Wage Negotiations

Negotiations for wages at Sasol I and Natref started on 30 March 1987 between Sasol 1 and Natref management and the South African Chemical Workers Union (SACWU). According to SACWU the union has majority membership in both Sasol 1 and Natref plants. Sasol 1 and Natref have a total of approximately 3 500 workers. The proposals

- SASOL/SACWU dispute -

sent by the union to management were as follows:

1. Wage increase of R300 per month across the board.
2. Five months maternity leave with full pay.
3. All public holidays in the calendar including 16 June and 21 March should be paid holidays.
4. Demand for long service allowance of R10 per month for each year of service.
5. Workers be given a shift allowance of 35% of the basic salary.

Management's offer

Both Sasol 1 and Natref made similar offers against the workers' demands. After three meetings, held between 20 June and July 1987, management offered R100 per month across the board increases. At the first meeting R80 was offered, and this was improved to R85 at the second meeting. Management insisted that the offer of R100 across the board was final. Nonetheless workers rejected all the offers made by Sasol 1 and Natref.

Mediation hearing

A mediation meeting which took place on 28 August 1987 failed to resolve the dispute. This was despite the fact that the union had revised its wage demand from R300 per month across the board to R200 per month across the board. The conciliation board meeting which followed on 15 September 1987 also failed to resolve the dispute and the union approached management about balloting for a legal strike in terms of the provisions of the Labour Relations Act.

Company response

Both Sasol 1 and Natref were reluctant to allow balloting on their premises. The workers however balloted in the company hall which is in company hostels. The strike ballot results announced on 30 September 1987 were as follows: 2437 workers voted in favour of industrial action, and 600 workers voted against. According to SACWU, the significance of the ballots lay in its ability to draw in non-members to vote in favour of industrial action. "However the balloting was not a smooth affair workers were called in groups during the balloting and told by management not to put in their clock numbers." The union also claimed that shop stewards were dismissed for allegedly being instigators of the strike. " A

document was also circulated at Natref and Sasol 1, indicating that management had the prerogative and right to dismiss."

Workers go on strike

Workers began the strike on 1 October 1987. The first workers' meeting which was supposed to take place at Boiketlong hostel was disrupted. According to SACWU, police provocation featured on this occasion. Workers were asked for hostel permits, and those without these documents "were chased and baton charged". The union also claimed workers wearing South African Chemical Workers Union T-shirts were arrested. " One worker was put in the boot of a police car, taken to the veld, assaulted and then released. Union files were confiscated and are still at the police station."

The struggle continues

Despite police intimidation workers vowed to continue their wage dispute with Natref and Sasol 1. Difficulties with regard to getting access into the Boiketlong hostel initially posed problems with meeting venues. Later on nearby hostels belonging to the other companies not directly related to Sasol 1 or Natref, but also organised by SACWU, were used for meetings among the workers. The union explains this by reference to its dominant presence and therefore its influence in the Sasolburg area. According to the union spokesperson, most hostels with SACWU membership had hostel committees which were elected by workers. Hence it was not difficult for Sasol and Natref workers to find alternative venues for meeting purposes.

Threats to dismiss

Chances of stopping the dispute from escalating were dashed when the company telexed the union advising that failure to report for duty as from 15h00 on Friday 2 October would lead to dismissal. "This letter was ignored as workers regarded themselves as being on a legal strike", said Humphrey Ndaba, the union information officer. On 5 October the company sent another telex informing the union that the employees who failed to turn up on 5 October 1987 by 14h00 would be regarded as dismissed. In addition the company invited the union to represent these workers at an enquiry to be held on that particular day. However the company's main concern appears to have been the nature of its operation. The company's telex described its operation as a complex chemical process in

which the plant operated on a continuous basis. A sudden uncontrolled shut-down of processes was therefore inherently dangerous and could cause damage to property running into millions of rands. Nevertheless the company insisted that the R100 offer was final.

In addition the company offered six months maternity leave. "This means a worker will get one month pre-natal leave and five months post-natal leave. In the interim the company will assist with paying medical aid and pension fund. In regard to long service leave, workers with less than five years will be entitled to twenty-four calendar days leave. Those between five years and nine years will be entitled to an additional three days to their annual leave. Those between nine and ten years will be entitled to an additional five days. Those with 30 years upwards will be entitled to an additional 15 days. However the company's position was that it had already dismissed 1300 workers and that the negotiations were for those who were still on the payroll.

The company justifies its wage offer

Justification was tabled by Natref and Sasol 1 on their offers. The companies indicated that their R100 across-the-board was absolutely 'market related' and that it was above current inflation rates. Failure to offer the same wage paid at its competitors like AECI and Sentrachem was according to the management because of the "more unskilled workers" it had employed compared with its competitors. The company was further asked to clarify an anomaly in its wage offer, that is, at Sasol fuel marketing company and Tosas (Pty) Ltd where the minimum wage was R640 and workers were offered an increase of R114, and at Sasol 1 and Natref where they are offered R100 per month up to a minimum of R570. The company responded by saying that workers at those companies were daily commuters at their own expense and did not have housing subsidies. The union claim management threatened to dismiss workers when they argued that in Sasol 1 and Natref there were also workers from Parys and Sebokeng who did not have the company housing subsidy and were daily commuters.

***Vigilante assaults**

SACWU claimed its members were also physically attacked by the

*This paragraph has been censored in terms of the Emergency Regulations.

vigilantes. A statement given by an eye witness who is also a striker reads as follows, "The Sasol 1 and Natref workers who did not go on strike held a general meeting in the Boiketlong hall where a decision was taken to harass the strikers. At about 22h00 a group of workers who were seen patrolling the township arrived with pangas and knob-kieries prepared to harm or kill the strikers. This group of workers eventually surrounded Room 119 where they stoned windows...another group surrounded the hostel preventing anyone from escaping. I decided to run away in my car and could not be stopped as I drove at a high speed past the gate..... no one was brave enough to stand in my way. However when I arrived at the township I was stopped by the municipality police who asked me awkward questions and started assaulting me with knob-kieries. Minor damage was also done to my car. I reported the matter to the local police station. Another striker summed up the harassment as follows, "It was at about 23h00 when I was awakened by Hlongwane - a Sasol worker who is not on strike - accompanied by his colleagues. When all my hostel inmates came out they ran away, but later came back. They smashed up windows and teargas was used to keep everybody out of the hostel rooms. I was arrested by the local council police and detained at their charge office until the following morning."

The union sought legal assistance

SACWU attempts to protect it's members against the alleged police and vigilante attacks was reflected by a request made to Brigadier J Swart, divisional commissioner of Welkom to give an undertaking "that the South African police will not assault any of those union members or workers engaged in the dispute." This undertaking was given but without admission that the police were engaged in any unlawful action in respect of that dispute and a denial by the police that any such unlawful action took place.

Support for the strike

According to SACWU shop-stewards from most of its organised companies met and resolved to refer the dispute to their members for possible joint solidarity action. The outcome of this meeting saw SACWU members at Plascon and Vadek in the Cape demonstrating during lunch time in solidarity with the Sasol workers. Solidarity was also expressed by other the chemical unions. According to SACWU a meeting between the SACWU and CWIU shop-stewards took

- SASOL/SACWU dispute -

place in SACWU offices. However at this meeting CWIU shop-stewards indicated their inability to take industrial action. According to Brian Moholo, a shop steward in Sasol 2, major factors in these were:

The CWIU and Sasol Limited had reached settlement on wages and working conditions. The decision to settle was taken at a general meeting of the four Sasol plants in Secunda. After consideration by members of a number of factors:

- The stoppage by Sasol workers in protest at the unilateral implementation of the R100 increase were police and vigilantes attacked workers resulting in injury and in one case blindness.
- The aborted legal strike over May 1 and June 16 as paid holidays by Sasol plant workers and Sasol miners where mine workers were attacked by vigilantes resulting in injury and one death.
- The general climate in the Secunda mining area following the return to work of NUM members.

Given these circumstances CWIU shop stewards anticipated difficulties with members resolving to take industrial action. However both SACWU and CWIU shop-stewards agreed in principle that there should be maximum co-operation between the two unions on solidarity action. According to Brian Moholo, a Sasol 2 shop steward and executive member of CWIU, "a meeting held with workers to discuss the problem of Sasol 1 workers experienced difficulties with regard to taking a concrete decision about the Sasol 1 issue. Nonetheless workers gave shop stewards a mandate to request a meeting with management on the issue. Management refused to meet us. Unfortunately a communication breakdown between SACWU and CWIU followed. From then on we did not know what developments were taking place in Sasol 1 and SACWU never kept us informed.

Working relations between SACWU and CWIU

The majority of workers in the Secunda/Sasolburg industrial areas are organised by both SACWU and CWIU. According to the CWIU report released in June 1987 CWIU has approximately 16 500 members in three Sasol plants and SACWU has an approximate figure of 3500 members in one Sasol plant. However there are no working relations between the two unions. CWIU correctly sums up this problem as follows, "The factories submit different demands, negotiate separately, compromise on different things. Often the same Person-

nel Manager is going around the country conducting these negotiations. Management has all the information - workers have none".

Co-operation or Merger

The Sasol dispute once again raised the necessity of unity in action between CWIU and SACWU. However the form of this unity is still problematic for both unions. According to SACWU's information officer, Humphrey Ndaba, "we can still achieve worker unity with both SACWU and CWIU operating separately. Practical alliances on common issues can be created. From our point of view mergers are still premature in the chemical industry, but it is an ideal we should work toward". On the contrary the CWIU re-affirmed the adoption of the principle of one union one industry at its second National Congress. The union resolved "to continue to strive for one union per industry as the best means of promoting the struggle for a just, democratic and undivided South Africa". Practical resolutions were taken to "make efforts to arrange a joint CWIU®SACWU shop-stewards congress, and that CWIU locals should set up industry area locals with SACWU members. Entering into joint negotiation with SACWU on the basis of agreed guidelines in forums such as Industrial Council and national company negotiation, with the aim of developing a working relationship on bread and butter issues". Attempts to implement some of the resolutions have been unsuccessful thus far. Brian Moholo, a shop steward in Sasol 2 sums up the problem as follows "A shop-steward congress between SACWU and CWIU initiated by CWIU failed after there was no response from SACWU on the matter".

Attempts to merge

Attempts to build unity between independent unions stretches back to 1977 when a meeting among 25 unions including SACWU and CWIU took place. Out of these meetings which took a period of approximately two years FOSATU was born, but unfortunately SACWU and the majority of the Consultative Committee of Black Trade Unions withdrew and did not affiliate. The end of the 1985 unity talks also saw most unions which were affiliated to CUSA not affiliating to COSATU.

Obstacles to merger

The major obstacle were in the principles that were accepted by the COSATU unions. These were:

- SASOL/SACWU dispute -

- Worker Control
- Industrial Union
- Democratic Internal Representation
- Non-Racialism
- National Co-operation between unions

SACWU and most CUSA affiliates did not accept non-racialism while CWIU accepted all the principles and declared an intention to disband and form one industrial union. Beside the differences in principle CWIU sums up the immediate obstacles as follows: "There seems to be a hardening of attitudes taking place. This can be seen in the more recent outbreaks of violence between members of the two unions. This is a serious obstacle. Violence is the easy way out of solving difficult problems - you don't have to sit down and talk and work out solutions." On the contrary SACWU holds a different view about immediate obstacles towards merger. According to Humphrey Ndaba, the union information officer, "the other problem stifling attempts to merge is "the rife divisions within CWIU. There is a group of populists and workerists who are struggling to have influence in the running of CWIU. It appears the workerists want to join hands with SACWU to neutralise the populists, but they cover themselves with the concept of worker unity. Worker unity should not only be seen in terms of one union one industry. You can have one big union, but if there are different factions towing different lines, then you can't speak about workers control in that union".

Discussion at rank and file level

At the Second National Congress of CWIU, the union made a call to all chemical workers to start discussions on the question of unity. CWIU posed three important questions to initiate discussion and these are:

1. How can we go forward?
2. Can we get to a future workers controlled society if we allow division to harden at this stage of the struggle?
3. Should we put political preferences before worker unity?
4. What practical things can be done to built unity?

Discussion is also taking place within SACWU, but on different questions not related specifically to the questions raised by CWIU. Humphrey Ndaba, the SACWU information officer pointed out that attempts that have been made in SACWU to involve the rank and

file in the question of mergers are taking the form of an educational programme where workers are educated about the principles of SACWU and NACTU. " We believe this type of information will enable workers to take decisions on the question of mergers" concludes Humphrey.

The way forward

Worker organisation in the chemical industry is presently dominated by SACWU and CWIU. The two unions are organised in almost all strategic chemical companies like Sasol, AECI, Sentrachem and Petroleum Refineries. This positive growth however is also marked by organisational weaknesses that need urgent attention. The prevailing differences between SACWU and CWIU are mainly ideological but the main obstacles in worker unity and progress in the chemical industry. To cite but one example; almost all Sasol workers are presently organised in trade unions. Workers in this company have developed organisational structures to defend themselves against the bosses. However this structures are not co-ordinated across the Sasol plants. SACWU's main concern is Sasol 1 and CWIU deals mainly with Sasol 2 and 3 including Sasol Fertilizers and other Sasol subsidiaries. The absence of joint National negotiations between SACWU and CWIU has posed problems for unity in action in the Sasol group. The inability of Sasol plants organised by CWIU to take concrete industrial action in solidarity with their class brothers in Sasol 1 is a reflection of the weak position workers find themselves in given the absence of National negotiations and joint co-operation between unions, especially between SACWU and CWIU. It is unfortunate that this situations leads to misinterpretations of the situation workers find themselves in as is indicated by the comment made by a Sasol 1 (SACWU) shop steward who said; " CWIU shop stewards were not interested in our problem. Even if though they expressed concern about the Sasol 1 issue they ended up explaining the difficulties they anticipate from their members with regard to taking action".

Co-operation

Co-operation instead of worker disunity should be encouraged as Brian Moholo, the Sasol 2 shop steward puts it - " CWIU wanted to organise all Sasol plants, but Sasol 1 was left out after we found that it was being organised by SACWU". The organising efforts that led to the organising of all Sasol workers should be praised. However this should not be an end, but should be viewed as a means

- SASOL/SACWU dispute -

to implement worker unity in Sasol Limited. The S.A Boilermakers Society and NUMSA struggle against Cadac bosses for a living wage has taught us a lesson that workers across the unions can unite against bosses but only if worker unity is prioritised and the immediate enemy is clearly identified. Worker unity and co-operation should always be thought of and not only in times of attack by bosses.

The sensitivity of the differences between CWIU and SACWU should not be a major obstacle. It appears both CWIU and SACWU agree with the above position as reflected by their political statements. CWIU warned that "Politically workers sympathies can go in many directions, some towards Inkatha, some towards ANC or AZAPO... some are only committed to Moroko Swallows or Kaizer Chiefs. But they all end up working for the same company". SACWU information officer commented as follows: "Workers primarily see themselves as workers and not UDF or AZAPO. This is as a result of the same conditions of exploitation they face in factories, in trains after work etc". Both SACWU and CWIU have a common primary objective which is to defend their members against bosses. Workers also know this hence they join unions. SACWU and CWIU also accept the principle of one union per industry, they want all chemical workers to be organised and in addition they are internationally affiliated to the International Chemical and Explosives Federation. Given this situation the question raises itself as to what influence in both organisations prioritise the differences of political principles. Is this a deliberate attempt to expose workers to the attacks of bosses in favour of political preferences?

The chemical industry is very important for the South African economy. Most industrial sectors - from metal, food to transport - need chemical energy. Chemical bosses understand the importance of the industry and have therefore united and centralized their activities. The chemical industry is presently dominated by three companies, that is Sasol, AECI and Sentrachem. These companies are also supported by foreign companies that are linked to them through licencing agreements, technology agreements, etc. However the present state of worker organisation is characterised by disunity among the organised workers. The question of unity between the two unions is a matter to be taken seriously. Efforts to involve the rank and file in this debate should be made. Union leadership should clarify the issues involved and let workers decide the political future of their new found power.

ACTWUSA Launch

A powerful new union in the textile, garment and clothing industry was launched on the weekend of 7/8 November at Clarewood, Durban. The new union, called the Amalgamated Clothing and Textile Workers Union of South Africa (ACTWUSA), will bring an additional 40 000 members into the Congress of South African Trade Union's (COSATU) textile and clothing sector.

The launching congress was attended by 398 delegates and 8 observers representing the total paid-up membership of 68 046 in the new union. ACTWUSA comprises a merger of the old COSATU affiliate, the National Union of Textile Workers (NUTW), with 33 034 members, and two ex-Trade Union Council of South Africa (TUCSA) affiliates. These are the National Union of Garment Workers (NUGW) with 18 670 members, and the Textile Workers Industrial Union (TWIU) with 16 342 members.

Until recently the textile, clothing, and leather industry has been dominated by unions affiliated to the now defunct TUCSA. Together the ex-TUCSA affiliates accounted for roughly 170 000 of the estimated 250 000 workers in the industry. Many of the unorganised workers are concentrated in the areas which have traditionally been difficult to organise, namely; Kwazulu, Ciskei, and other decentralized areas. The industry has historically been well organised, but until now the majority of workers have remained confined to a tradition of unionism which became relatively passive, and had little emphasis on shop-floor strength.

The formation of ACTWUSA marks a new phase of worker militancy and unity, encapsulated in the slogan 'one union one industry,' which will bring added vigour and determination to worker struggles in the textile and clothing sector. This spirit of unity was present at the congress, which was marked by a high level of consensus on many issues among all the unions present. Voting for positions on the National Executive was very close, with delegates often having to vote two or three times to establish the required majority. Not surprisingly the greatest debate revolved around what the new colours, name and logo of the union should be. The launch was officially opened by Siphon Nene, the ex-NUGW President, who announced that he was proud to preside for a short while over an historic occasion for the union movement in South Africa.



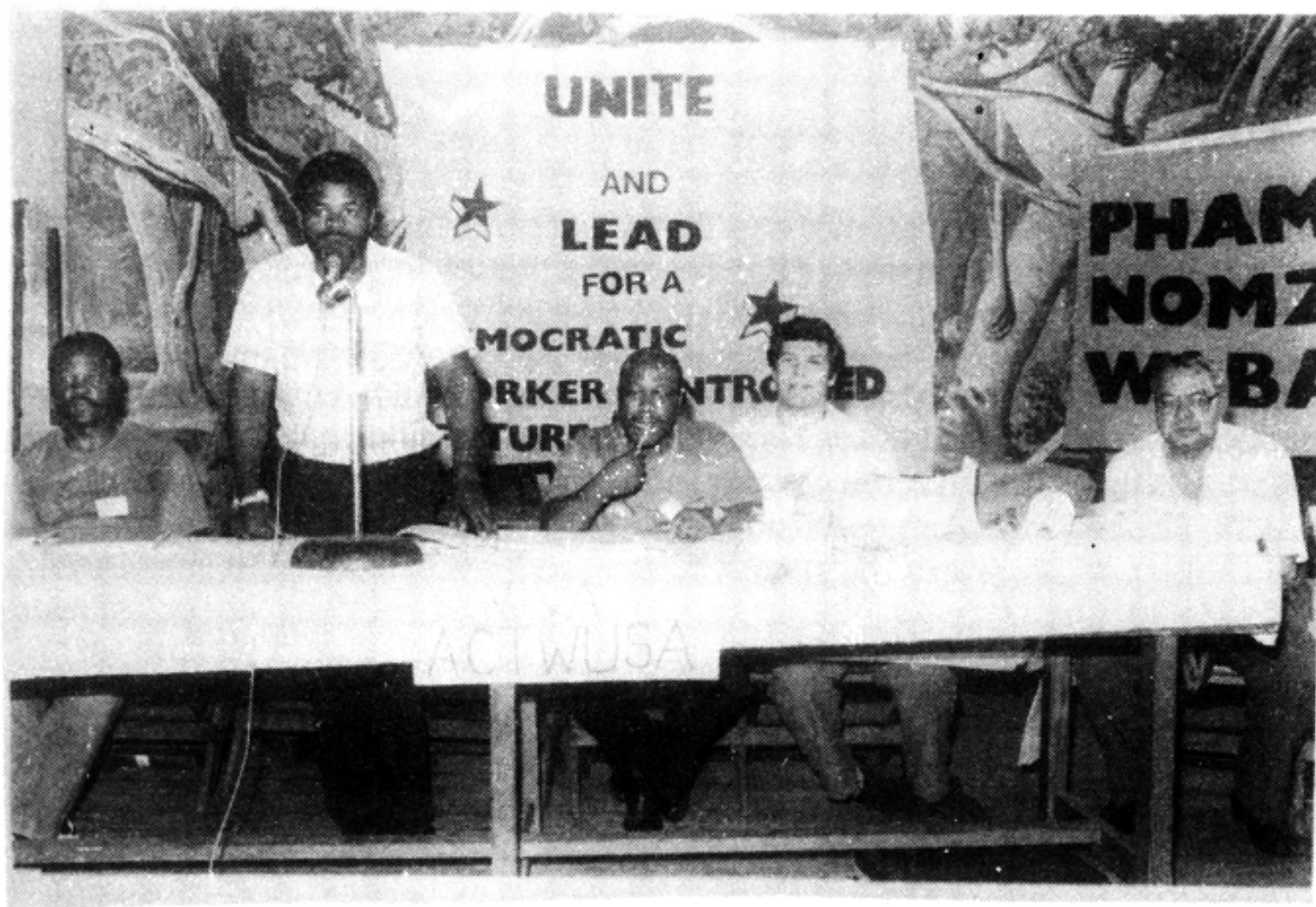
Photo: A show of unity, the launch of ACTWUSA. (Billy Paddock)

A Number of messages of support were read out, these included a message from the South African Federation of Textile, Garment and Leather Workers Unions (SAFTGLWU), which read "We salute you in leading the way towards national unity", and expressed the hope that the new union would lead the way in the final consolidation of unions in the federation. SAFTGLWU was formed in September 1986 with the objective of greater unity and joint co-operation between all the unions organising in the industry. A message of support also came from the Garment Workers Industrial Union (GWIU) of Natal, and from the Commercial Catering and Allied Workers Union (CCAWUSA).

The credentials report was followed by a brief history of the three unions. (see documents following this article) The constitution was then proposed, discussed and accepted. The constitution provides for a centralised financial system, and a high degree of central control over the operation and functioning of union branches. The new union will have 15 branches in three established regions. These include the Transvaal with 5 branches, The Western

Province 3 and Natal 4 branches. Port Elizabeth/Uitenhage, East London and the Orange Free State are to form branches not yet included in any region. The term of office at each level of the union will be two years. Members will also have the right to overrule decisions taken at any level of the union through mechanisms provided for in the constitution. These include petitions and secret ballots by the required membership.

The New Office Bearers



(Courtesy, Billy Paddock)

Photo: The new NEC: L to R, Tom Mashinini, ex-NUGW general secretary (National Organiser), Amon Ntuli ex-NUTW president (President), Siphonene, ex-NUGW president (Vice-President), John Copelyn, ex-NUTW organiser (General-Secretary) Norman Daniels, ex-TWIU general secretary (Assistant General Secretary).

Not included in the photo is Barney Mbamane, ex-TWIU acting president (Treasurer).

Resolutions

Congress resolved to affiliate to COSATU and the International Textile, Garment and Leather Workers Federation. A number of resolutions on branch structures and the operation and functioning of the new head-office were adopted. On political policy ACTWUSA noted that:

* the union is committed to a just and democratic South African where workers control their own lives.

* reaching this goal requires that workers through their trade unions develop close co-operation among the widest range of unions, develop one union one federation for the country and develop worker leadership.

* that workers are presently politically divided and existing political organisations do not have the same commitment to the above goal.

* that attempts to draw unions into supporting all the calls of certain organisations are increasingly becoming counter-productive.

It was therefore resolved that the union not affiliate directly or indirectly to any political organisation or non-worker organisation and that the union remain independent. The union should also "insist that COSATU should not regard itself as bound to act only in alliance with other organisations and avoid committing itself to calls which have not been widely endorsed within union structures of its affiliates before such calls are made". Union officials and prominent leadership "should ensure that they do not prejudice the political independence of the union through personal involvements in other organisations, and should not speak on platforms without a clear mandate to do so through the national bodies of the union". The union resolved to concentrate its efforts on building links with other workers in the industry and to build worker leadership by creating democratic structures in the union at all levels.

Resolutions calling for the abolition of discrimination based on race, sex, or creed from all aspects of life, and for the abolition of the Tri-cameral parliament were also adopted. The union resolved to establish an educational programme at all levels to develop worker skills and leadership to negotiate and communicate with employers, to develop worker leadership in the liberation of our country and to develop and understanding among workers that their struggle is part of the world struggle against oppression.

ACTWUSA will provisionally take over the ex-NUGW newsletter, The Garment Worker/Saamtrek until a new name for a newsletter can be found.

Developments leading to the merger

Unity talks in the textile and clothing sectors have a long history, but one which has met with very little success. The ex-TUCSA unions, incorporating the NACTU affiliate in the textile industry established a 'consultative committee' some time ago. The point of the consultative had been to bring greater unity and joint co-operation between all the unions in the industry. At the time only ex-NUTW was excluded. The consultative existed in name only however, and unity between the unions remained improbable.

Tom Mashinini and Atholl Margolis, from NUGW explain that the committee never really functioned properly;

" Various committees to create co-operation between the TUCSA affiliates never really worked. Even the consultative - it was called a consultative, but we never really met before wage negotiations, there was never any cross pollination of ideas".

After the demise of TUCSA, largely due to the exodus of many of these unions, NUTW decided to enter the committee. The union however criticised its ineffectiveness and proposed the establishment of a 'federation' of unions in the industry. This federation, SAFTGLWU, functioned in a more structured manner. It created a head-office and regular meetings between the leaderships of all the unions were held. NUTW explains that their motivation to enter the federation came about because of the need for progress in a sector which was already well unionised. At the very least new areas of co-operation, rather than disunity, could be explored.

The SAFTGLWU brought the leadership of the unions closer together, in particular the NUTW could now initiate talks with unions like NUGW and the TWIU. Unions like the Garment Workers Union (Western Province) were more difficult to approach because of a very different tradition of unionism in that union. (see later) Talks towards a merger were more successful with the ex-NUGW who did not have a history of clashes with NUTW on anything like the same scale as that between TWIU and NUTW. By March 1987 unity between the unions became possible after NUTW wrote a letter proposing an amalgamation to NUGW. Representatives from both unions met on the 11 April to discuss the matter. Soon thereafter the NUGW executive

held a meeting at which they decided in favour of an amalgamation with NUTW in principle. On 20 June the NEC's of both unions met again, this time a constitutional sub-committee to draw up a draft constitution, and a feasibility committee to look into the practical aspects of a merger was established. By 25 July both unions had agreed to the amalgamation, the draft constitution had been discussed and accepted. Extensive talks to explain the merger to all members in the two unions were held throughout that period.

In the case of the TWIU, the union was aware of the proposed merger between NUTW and NUGW, but had approached the issue more cautiously. Talks were held at all levels with the membership and between the NEC's of NUTW and TWIU before the union's public decision to enter the merger on September 2.

Unionisation in the Industry

The industry traditionally consists of three main parts, these are the textile sector, the clothing/garment sector and the leather sector.

The first of these, the textile sector has a number of smaller divisions which include woolwashing, felt, blanket and cotton production, rope manufacture, worsted manufacture and so on. This section has been organised nationally, the two main unions being the ex-NUTW which was based primarily in the Durban-Pinetown-Pietermaritzburg complex, and the ex-TWIU which organised in the Western Cape, Eastern Cape, and Natal areas. The effect of the current amalgamation is to bring the two big textile unions into one. This would leave a number of smaller textile unions, such as South African Textile And Allied (SATAWU), Textile and Allied (TAWU) - a splinter from NUTW, and the NACTU affiliate Transvaal Textile Workers Union with minority membership. Each of these unions have less than 3 000 members.

The merger of the three unions in ACTWUSA is all the more remarkable because of the bitter history of feuding between the ex-NUTW and the ex-TWIU. John Copelyn the former organiser from NUTW explains that the clashes between the unions arose partly because of the high level of unionisation in the textile sector. "By and large growth for our union would have meant extending into the difficult areas to organise, areas like Kwazulu or Ciskei, and/or it meant poaching members from other unions". Extension by natural growth, recruitment in other areas therefore automatically

implied bitter feuding between unions in the textile sector. "There were clashes in the Frame group, the Romatex factories, clashes in the Cape Town area, and in the Transvaal. All these clashes were of the same nature, namely us recruiting members in factories where ex-TWIU had members". NUTW embarked on a number of legal battles for recognition, which left a legacy of bitterness at the factory floor and took up huge resources. (see history) This history of fighting hampered merger talks with TWIU, as both unions had to convince their workers to forget about the past. "We had to get the history of fighting behind our backs. We had to convince workers that in the interests of unity, and for the growth of our unions the animosity in the factories had to stop. This took some time, particularly in the Natal region", says Norman Daniels, former TWIU general secretary. TWIU came in the merger talks quite late because of the sensitivity of the issue.

The garment sector has traditionally been divided on a regional basis. There are about five different industrial councils in various areas. The three unions which organised this sector have also taken on a somewhat regional form. The National Union of Garment Workers, itself a merger between the old National Union of Clothing Workers (NUCW) and the Garment Workers Union of South Africa, was based primarily in the Transvaal and Orange Free State regions. The Garment Workers Industrial Union of Natal, and the Garment Workers Union (Western Province) the two other unions in this sector were centred in those provinces respectively. For the new union ACTWUSA this section is likely to cause continuing problems in the future. Together the GWIU (Natal) and the GWU (WP) account for roughly 90 000 members in an industry with a total of 180 000 workers. The two unions outside ACTWUSA are presently planning a merger of their own, due to be launched in Durban in December, which will set up a rival organisation in the garment sector bigger in size than ACTWUSA itself.

Responding to the planned merger between GWIU and GWU (WP), the new General-Secretary, John Copelyn says: "We believe that it will be very counter-productive if they go ahead with a merger. It is going to divide the industry into two big unions and it is going to draw the Natal workers into a clash with ACTWUSA. The reason I say this is because there have already been severe clashes between ACTWUSA and the GWU (WP) which we have succeeded in avoiding until now in Natal - instead of progressing towards a reconciliation in Natal the workers are going to end up making progress in the clothing industry dependant on what happens in Cape Town. We

believe it really will be a step backwards". Discussions towards unity with the GWU (WP) have failed for a number of reasons, these include the very different tradition of unionism which they have. According to Copelyn, the GWU(WP) has an obsession with beauty contests, and benefits such as provident and funeral benefit schemes which detracts from what a trade union is all about. A previous attempt to oust the GWU (WP) leadership in 1984, the establishment of the Clothing Workers Union in Cape Town (CLOWU) has met with limited success. (see SALB Vol 10 No 2).

The leather sector is also fairly well organised. This sector can also be divided into sub-sections, notably tanning, shoe manufacture, bag manufacture, and so on. There have been two unions in this sector, the National Union of Leatherworkers with 26 000 members and a smaller union in the Transvaal area. Together these unions account for about 30 000 organised workers in an industry of 35 000. These unions have not indicated which direction they will move to in the near future.

The establishment of ACTWUSA has significantly changed the map of unionisation in the textile and clothing industry. The union has not yet discussed what their merger means for the SAFTGLWU, which was established to bring greater unity and co-operation among the unions in the industry. All indications are that SAFTGLWU will become defunct and that two big unions may in future dominate the industry. Merger talks within the ambit of SAFTGLWU have been going on for years with limited success. COSATU has in the interim organised a meeting between the two unions, ACTWUSA and the COSATU leadership to try to dissuade GWIU, and GWU (WP) from going ahead with their merger and with the view towards unity among all parties.

The leatherworkers may well unite among themselves, and then move closer to one or the other of the new unions. The future of a number of smaller unions, such as CLOWU, TAWU and SATAWU is still unclear.

(Coletane Markham)

Textile Workers Industrial Union

- historical background

The TWIU (SA) was registered in March 1936, and the first meeting of its National Executive Committee was attended by 12 delegates with Mr Issy Wolfsohn as the General Secretary. Delegates at this meeting represented different unions namely the Transvaal, Natal and Harrismith unions with the Cape Town workers not yet being organised.

Amalgamation of the unions resulted from a strike involving the Transvaal workers which was over the undermining by the Durban workers who were manufacturing blankets for supply to the Transvaal during the strike. Despite tremendous support from the rest of the trade union movement at the time, the strike was lost.

One of the first decisions taken by the NEC was to affiliate to the Federation of Trade Unions, the South African Trades and Labour Council, and affiliation was on a membership of 800. The Constitution and the Certificate of Registration was completely open to all workers employed in the textile manufacturing industry, and the union had, as a symbol of unity a clenched fist on its badge which to this day has been our symbol.

The union became party to the National Industrial Council which negotiated wage agreements for workers in the blanket, rugs, flock and felt, canvas and duck and woolwashing sections of the textile industry, and it was also party to various Conciliation Board agreements.

When the National Party came to power in 1948 an attack was launched against unions with Black workers as members, and it was for this reason that the SAT&LC split on the question of Black workers belonging to registered trade unions. (It was subsequently disbanded).

Arising from the political issue of the day two separate trade union federations were born, one the Trade Union Council of South Africa (TUCSA) which excluded Black workers in its membership, and the other, the South African Congress of Trade Unions (SACTU) of which our union became a founder member with our previous General

- ACTWUSA -

Secretary (Piet Byleveldt) becoming its first President. In 1950 the TWIU (SA) was forced - through legislation - to form a separate union for its Black members and that was the birth of the African Textile Workers' Industrial Union (SA). In spite of this, two unions worked as one single unit having joint meetings, etc.

With the introduction of the Suppression of Communism Act the TWIU (SA) became one of the government's prime targets as all the persons holding the position of general secretary as well as other official positions were banned (and those not banned fled the country).

By 1953 the ATWIU (SA) almost ceased to exist and the TWIU (SA) had very few members, as it was extremely difficult to organise workers during that period. Union organisers and officials were followed by the Special Branch (of the police); home and offices were raided on a daily basis and union offices were closed.

It is worth recording that whilst a separate Black union was formed in 1952 our union had actually started as long ago as 1934 when Blacks in the knitting section of the industry went on strike for more money.

Our membership in 1950 was 1776 nationally. During this time the union was involved in strikes, the biggest being in 1958 when the workers of Amato (3000) went on strike and this strike lasted one week during which the police were called in and 40 workers were injured by police action. Leaders were endorsed out of the area under the Pass Laws.

Other strikes involving the union during the 50's were in 1949 in Ladysmith, Kingwilliamstown, Johannesburg and in 1954, at Hextex (Worcester). Our officials at the time Arnold Selby and Gladstone Tshume were banned. During the early sixties our union was extremely hard hit having lost three general secretaries in a row, branches closed in Port Elizabeth and Uitenhage, except for Cape Town and Durban. In Durban our branch was in turmoil with officials being accused of stealing monies. In the meanwhile employers took full advantage of the situation in the union and paid very low wages to their workers.

The union also took a decision - because of a new law introduced by the government - to amend its registration confining its membership to Coloured and Indian workers only. The slow process of

rebuilding the union had started.

The union was involved in many agreements; the Durban members falling, in the main, under the National Industrial Council; Uitenhage members covered by a Conciliation Board; Port Elizabeth members covered by in-house agreements; and in the Western Cape we were party to an Industrial Council for the worsted industry as well as in-house agreement for workers in the jute industry. At that time there was no legislation covering the cotton workers.

The National Industrial Council was used by the employers to try to reduce wages, and one of the suggestions put forward was that a guaranteed wage be scrapped and that workers be paid only for what they produced! Our own officials and the representation from our Durban branch at the time agreed to a wage cut for the weavers, but his move was vigorously opposed by the Cape Town delegates and they succeeded in blocking this move. Needless to say when the Durban branch was informed of the goings-on of their officials and delegates to the NIC the branch split and the officials and delegates were voted right out of office.

In the meanwhile the Frame Group had grown to become the biggest manufacturer of blankets throughout the world and the union therefore was directly involved with the company in the fight for better wages and improvements in conditions of employment for its members. However the union was at a disadvantage in that it was racially divided (Blacks could not belong to registered unions) and when negotiations took place, the union found itself weak without the power to strike. Instead it resorted to matters being referred to arbitration, not always with good results. On one occasion an arbitrator's award allowed employers to pay females a lower wage than that paid to males for the same work! On another occasion in spite of the excellent case and good presentation by union spokesmen the arbitrator at the outset of the hearing informed the union that it could not speak on behalf of the Black workers in the industry, and with this Mr. Phillip Frame (the employers' spokesman and Chairman of the NIC) asked that the hearings be ceased as the union's whole case was based on the Black worker.

The rebuilding of the union which started in the Western Cape was a slow process. Workers were being organised into the union at Wellington Industries and Berg River Textiles. As a result of a strike at Wellington Industries, the employers finally realised

that it was better to talk to the union and this in essence, led to the establishment of the Cotton Industrial Council in 1965. Employers at this IC adopted a very conservative wage policy but gradually this was improved and other funds such as a Provident and Sick Fund were also introduced.

When legislation was amended to include Blacks in registered unions our NEC decided that we should once again enrol our Black brothers and sisters into our TWIU (SA) as it had become very clear that unless our membership improved we would not be in a good position to negotiate fair and acceptable wages and conditions for the textile industry on a national basis.

In 1972 the NEC met in Port Elizabeth and officially took the decision to enrol Blacks. Our first organiser for Black workers was David Hemson with Halton Cheadle shortly after. As a direct result of Halton's efforts the first ever agreement entered into by a Black union was concluded and signed at Smith and Nephew, Pinetown with signatories being from both the TWIU (SA) and the NUTW.

During a strike at the Frame factories in New Germany, when workers struck for more money, the Kwa-Zulu Minister of Labour, Mr. Barney Dladla was asked to help workers. But the Frame Group was prepared to offer a miserable increase of only half-a-cent an hour. Needless to say the workers were very disappointed and frustrated when they heard this report. When Barney and Halton led workers away from the factory, the police were all over the show. However, during the 1973 strikes in Durban, when the TWIU (SA) was very much in the lead of the struggle, the police and the army did not get involved. In the old days, the Frame Group used to rely on the police, but in 1973 when the employers called for them the police did not come. This was when the employer finally realised that he could not hide behind the police - rather he was forced to negotiate with his workers.

At an urgent meeting of the NIC, Mr. Phillip Frame, said he was unaware of his workers' problems - in spite of all the strikes, all the stoppages at his own factories, and in spite of paying the lowest wages he did not know!

A series of worker meetings were held at the Bolton Hall until eventually Mr. Frame decided to give workers one day's wages as strike pay. This was a tremendous victory over the giant Phillip Frame!

During this period Halton Cheadle and others were banned, and were succeeded by John Copelyn and Chris Albertyn both of whom were also banned.

Relationships between the NUTW and TWIU (SA) became strained and the two unions drifted apart and in actual fact became hostile to each other. In spite of talks for unity held in Pinetown many years ago, it was clear that unity would not be achieved in the immediate future. This position has gone full circle and we are pleased to say that today we are on the threshold of a merger with the NUTW.

When the Wiehahn Commission's recommendations were accepted by the government, a new labour dispensation was introduced in 1979 recognising Blacks as "employees" which until that time denied them that classification.

The TWIU (SA) immediately (in 1979) amended its registration and its constitution to enable it once again to regain its fundamental principle of enrolling all workers into its ranks. In this stage there were at least four unions organising in the textile industry and instead of fighting the employers we found ourselves fighting each other throughout the country. Many court actions against the TWIU (SA) and by the TWIU (SA) were fought at great financial cost to both ourselves and the NUTW.

Many tentative proposals were made for the two unions to merge, but this was not successful until 2nd September 1987 when the TWIU (SA) finally took a decision to merge with any union affiliated to the South African Federation of Textile, Garment & Leather Workers's Unions, and this has brought us to the end of the proud and difficult history of the Textile Workers' Industrial Union (SA), because on the 7th November 1987 we will melt our identity into the merger with the National Union of Textile Workers, and the National Union of Gament Workers - the amalgamation of which will mean that the new union will be about 70 000 strong.

We go into the new union assured that this is what our founders and those before us strove for all their lives - unity of the workers!

TWIU (SA), October 1987.

The National Union of Garment Workers (SA)

- a historical background

Background

The history of the National Union of Garment Workers goes back almost seventy years. The union was formed in August 1985 and is the result of a merger between the Garment Workers Union of South Africa, GWU (SA) and the National Union of Clothing Workers of South Africa NUCW (SA).

The union has a history of fighting for unity and its development can be understood only in the context of the massive struggles which workers in the many unions in the industry waged over a period of nearly seventy years.

The union has a proud history of struggle; of many tough battles fought, many won and others lost. Among the victories of the union are the winning of the forty-hour week, the legal case which found a loophole in the labour laws and thus the right for African workers to join the early union, the Commission of Inquiry, the battle against decentralisation, the campaigns to build one union in the industry, the support and initiative of the union in the building of unions in other industries and much more, which the limits of time and space prevent this summary from detailing. However, here an outline is provided of the development of the union and of some of the most significant battles.

Early development

From the time of their inception, the unions fought for the principles of non-racialism and the unity of the working class. In these battles they were constantly hampered by laws which restricted workers to separate "racial" unions and thus sought to inhibit the development of working class solidarity. The roots of the NUGW go back to before the 1920's when a union made up of white male tailors was formed. However, many Afrikaans-speaking women from families impoverished by first the Anglo-Boer war and later the Depression of 1929, were forced to seek work in the garment industry. Consequently, and for the protection of these workers, a "factory section" was formed in 1924. The Garment

Workers Union of South Africa grew out of the need to organise this exploited section of workers.

Solly Sachs became General Secretary of the union in 1928. Amongst the most prominent and militant of worker leaders in South African labour history, Sachs constantly hit out at the system of racial domination and economic exploitation. Largely through his efforts women began to play more active and forceful roles in the union. The union made militant and strong demands which the workers backed by action that forced the bosses to accede. Between 1926 and 1936 the workers were involved in over one hundred strikes. During the Second World War the struggles intensified as "coloured" workers came into the industry and as some white workers sought better wages in the ammunition factories. Demands for wages and better working conditions were gradually met as workers' demands and organisation grew stronger. Sachs, banned in 1952, left the country for England where he died in 1976. He, together with Joanna Cornelius, who became General Secretary after Sachs's banning, will always be remembered for the fierce battles which they led against the capitalists, the Afrikaner Nationalists and the State.

The union saw from the early years that workers education was of fundamental importance. Workers had to learn of the trade union movement and that as a class they held massive power which they could use politically to fight the injustices of the system. One channel for this education was the union's newsletter, the Garment Worker (Klerewerker) or Saamtrek. To this day the NUGW has bound and preserved each issue of the paper ever printed from 1936. One of the first editors of the paper was Hester Cornelius who was a national organiser for the union.

Growth

The union realised that the building of strength was essential if better gains were to be made. Thus the union, based in the Transvaal, began to organise clothing workers and to set up branches in other areas of the country. It must be mentioned that the members activities were not restricted to the clothing industry, they firmly believed that all workers needed unions. Thus they began to organise workers in other industries like tobacco, sweet, hat, and more recently, the wine and spirits, brushes and broom, food and canning, laundry, radio, and television and electronic unions. The union also provided great assistance and

support during the early years of the formation of CCAWUSA which is now amongst the strongest of the independent unions and the third largest affiliate of COSATU. The Textile Workers Union was organised by members of the Garment Union. They supported the Textile union for many years and rendered moral and financial assistance especially during its years of crisis, appointing Evelyn Seloro, a member of the NUCW then, as Secretary of the Textile Union and paying her wages for a number of years.

Meanwhile there were also African male workers in the industry who worked on the heavy machinery in the factories. They had no union then and were prevented from joining the GWU (SA) by South African labour laws. So, in 1928, under the leadership of Ghana Makabeni, these workers formed the South African Clothing Workers Union (SACWU). Makabeni was active in various committees and organisation which formed to protect workers and to fight the oppression and exploitation of particularly Black workers. Makabeni remained secretary until his death in 1955. Viola Hashe, who later became Vice-President of SACTU and was eventually banned, succeeded Makabeni and was one of few women, in these early years, who was active in the then all-male union.

The African women who were part of the GWU (SA) were forced to form their own union because of the laws which came into force at this time (The Native Labour Settlement of Disputes Act). They organised themselves into the Garment Workers Union of African Women. The first Secretary of this union was Lucy Mvubelo who served the union until her retirement this year. Sarah Chitja and Muriel Nongauza who were initially chair and vice-chair persons of the union also served the union until their retirements from the positions of branch secretaries of the union this year.

Finally, after many years of struggle as separate unions, the SACWU and the GWU of African Women united in 1963 to form the National Union of Clothing Workers of South Africa (NUCW) S.A. Now there were two unions in the industry based mainly in the Transvaal, namely the GWU (SA) and the NUCW (SA). Largely through the efforts of Johanna Du Plessis who was General Secretary of the Garment Workers Union and Tom Mashinini who is General Secretary of NUGW, the two unions, after years of striving separately for common goals, finally merged in August 1985 to form the National Union of Garment Workers (SA).

Some significant gains of the union

The struggle for the forty-hour week

Perhaps among the most significant gains for the union were the winning of the forty-hour week and a substantial wage increase through arbitration in 1948. The GWU (SA) was at this stage fighting for better wages and working conditions for all workers in the industry regardless of race; this was a tough task. During this period, union leaders worked around the clock to ensure the demands were met. Their victory was the winning of the forty hour week. It must be mentioned how the bosses reacted to this victory of the workers. At a meeting of the union, convened to explain and celebrate the victory, workers were violently attacked. They were beaten up and Sachs and Anna Scheepers (who was President of the union) narrowly missed being shot at.

Commission of inquiry

The union refused to be intimidated and took action against this violent act of intimidation. In a telegram to the Minister of Justice, Scheepers requested that a Commission be appointed to investigate the incident. The historic Commission was, from the start, biased against the union. It lasted nine months during which period every effort was made to discredit the union leaders. Evidence was led on communism and the attempt was made to tag this label on the union leaders, in particular Sachs and Scheepers. The Commission eventually found the union "not guilty" of any of the allegations which the government tried to pin on it. The union emerged with yet another victory.

The battle against decentralisation

The clothing industry was the first to become the guinea pig of the decentralisation process which started as early as 1953. Factories which moved to other areas in the Transvaal still could not escape the action that the union took. The union continued to organise workers in the "decentralised" areas in the Transvaal since the current Agreement covered all areas in the Transvaal at that time. Soon factories began to move out of the Transvaal. The union responded by requesting that the Minister of Labour conduct a Wage Board negotiation. The union was supported by the Consultative Committee of Garment Trade Unions. In 1956, the Wage Board negotiations, at which Scheepers represented the union, broke down.

The fight against job reservation and the Physical Planning and Utilisation of Resources Act

In terms of the Industrial Conciliation Act of 1956, provision was made for demarcation of industries and the reservation of jobs for certain race groups. Anna Scheepers, nominated by the Consultative Committee, to represent the workers on the Tribunal which was set up, was the only one on the same Tribunal who spoke out against job reservation, especially reservation on racial grounds. Nevertheless the Tribunal still recommended job reservation. In response the union called for a strike. The result was that all factories on the Reef closed for three days. While the union was successful in getting exemptions, the job reservation was not lifted. The union continued for a long period to challenge this.

Then came the Physical Planning Act which prohibited employers from employing more than one Black for every two-and-a-half whites. Again the union took action. Anna Scheepers fought on the Industrial Council for steps to be taken. In a battle that was to be drawn out for nine years every available means was attempted to combat this legislation. Employers were persuaded to submit a memorandum to the Minister of Environment and Planning. Finally the Act, as it applied to the clothing industry was cancelled.

Building solidarity

During the time of the Commission, tremendous effort and energy was put in by leaders to bring about unity with unions in the Cape and Natal. These efforts failed. The struggle was made even more intense because of the support that the Western Province Union had from the employers. Although the goal for a national union never materialised the unions still came together over important issues within the Garment Workers' Consultative Committee.

This constant striving for unity is evidenced in the number of mergers that have taken place over the years. The formation of the National Union of Garment Workers (SA) in August 1985, largely through the efforts of Johanna Du Plessis; then General Secretary of GWU (SA) and Tom Mashinini, General Secretary of NUGW (SA), must be seen as a culmination of the struggle over the years and another step towards victory of the working class.

Even before talks began between NUGW and NUTW on merging the union, both unions had worked together from the early 1980's on the Industrial Council for the Knitting Industry. It is in this

spirit of close co-operation and identification with the common struggle of all workers that the two unions, with the TWIU, come to this historic Congress.

TUCSA

The NUGW has been an affiliate of TUCSA but withdrew last year. The union criticised TUCSA and its leadership as being directionless and condemned its public statements as being unrepresentative of members. In its statement of withdrawal from TUCSA, the NUGW made specific reference to TUCSA's stand against the May Day commemorations and its lack of support for June 16. The NUGW's withdrawal from TUCSA was a major contribution to the disbanding of the Council.

Under TUCSA the union had gradually begun to lose its militancy of earlier years. However under the leadership of strong and progressive unionists, the union took a firm stand against attempts to soften or neutralise the struggle of the workers.

The union is now beginning to revive, to grow strong and militant again. The union, in merging with other strong and progressive unions, can be said to be completing a full circle, from earlier days of taking up issues which affected workers and other oppressed, it will again, under the banner of the new union take up matters which contribute to the ultimate victory of the working class in South Africa.

NUGW, November 1987.

National Union of Textile Workers

- a historical background

Founding of the Union

NUTW was inaugurated in September 1973 in Pinetown. The union was born out of the struggles of a new generation of textile workers who brought Durban to a standstill that year.

From its inception NUTW adopted a non-racial policy on admission of members. To do so at the time meant it could not be registered; had to collect its subscriptions by hand and had to face endless harassment from both employers and the government.

Its first secretary Comrade Halton Cheadle was house arrested within four months; its next secretaries, Comrades Junerose Nala and Obed Zuma spent seven months in detention and another holder of the post was banned. All this happened within the first three years of our history.

The union's first executive committee had eighteen members elected at the inaugural meeting. A mere 18 months later only three remained in their jobs. The balance had one way or another been worked out of their jobs.

Factory recognition

Despite the interference in its activity the union pressurised as best it could for union recognition. In 1974 it became the first of the current unregistered unions to sign a recognition agreement with a textile employer - Smith and Nephew. Partial recognition was won at S.A. Fabrics the following year but in general employers refused all dealings with the union.

Finding friends

The union worked closely with other established unions including our two sister unions here today and with whom we are finally at peace. By the end of 1976, however, our paths went in different ways. NUTW went on to be a founder member of FOSATU and was one of its largest affiliates having some 7000 members in 1978.

Becoming a national union

With the assistance of FOSATU affiliates NUTW began to expand its base beyond Natal. In 1980 it opened a branch in the Eastern Cape. From the start it operated as a centralised national union with all its monies in a central account controlled by its National Executive Committee. This national structure ensured it avoided problems of having "rich branches" and "poor branches".

Whatever surplus monies were saved were used to launch new organisation.

The union opened up offices in the Transvaal in 1981 and Cape Town in 1982. Organisation in Natal mushroomed and the Natal branch was soon split into a Midlands Branch as several thousand workers joined the union in Hammarsdale and a Coastal Branch centred around Pinetown.

The union takes on Frame

One of the toughest battles fought by the union from 1982 to 1985 was for recognition in the Frame Group. The union launched several legal cases against the Group in order to force it to recognise the union. This legal battle developed into a maze of 53 legal cases over a two year period. That is, one case started every two weeks for two years. The union paid out almost R250 000 in legal costs and the Frame Group threw over a million rands into the battle of the courts. At the end of every delaying tactic, however, the Group finally succumbed and signed its first recognition agreement with NUTW just over two years ago. That agreement turned out to be the beginning of the unionisation of the whole group by NUTW. Today almost 15 000 Frame workers out of the 20 000 they employ are members of NUTW and the union has expanded into a union with over 30 000 members around the country.

COSATU formed

In 1985 NUTW became a founding member of a new Federation - COSATU. This Federation was the biggest ever formed in South Africa. Its affiliates had over 600 000 members and today this has grown to over 750 000. This Federation adopted a number of key policy resolutions. NUTW proposed one such resolution, namely that there should be one union for each industry. Over the last two years we have worked very hard at implementing that policy and we

regard our current merger as a giant step forward in that policy.

NUTW splintered

The formation of COSATU and general developments in the country led to the rise of hopes by some comrades of a quick victory over both the state and employers if only the necessary sacrifices would be made. These hopes, however, were not shared by most of NUTW's leadership and it created a huge tension in the union. This in turn led to a split in the union where our Acting General Secretary, Com Ndlovu and five other union officials set up an opposition union TAWU last year.

Political policy clarified

The union learnt a lot through this clash within its leadership. One of the central issues was its political direction while the splinter group was firmly wedded to linking the union to popular political organisation others were equally determined the union be run on a basis where loyal NUTW members would feel comfortable within the union irrespective of their different political affiliations.

This independent path we believe is the only way to "one union one industry" instead of one union for each political party in the same industry.

The wisdom of that standpoint has been shown in several ways. One example however has been the fact that 95% of the members stayed with NUTW leaving TAWU as a tiny minority. Another is the fact that the Inkatha affiliated UWUSA has not made any headway whatsoever in a single NUTW factory despite the opposite being the experience of several other COSATU unions.

Establishment of National Congress

NUTW had from its inception placed great emphasis on building its shopsteward leadership. All its recognition agreements centred around shopsteward rights in the factories. In each branch shopsteward councils were formed.

By 1986 the union had over 400 shopstewards in factories when the union was recognised. For the first time it became financially feasible to draw most of this leadership together in a national

shopsteward congress. This structure rapidly took over as the unions guiding policy making body and we hope this tradition will find its place in our new union for it is the development of national worker leadership that really builds worker control of their own organisation and genuine democratic structuring of its national leadership.

National campaigns

In the last twelve months the union has through its new structures tried to promote national campaigns among its membership. The most important of these campaigns has been the merger effort itself. The second was the campaign for May Day to be a paid worker holiday. Another has been the promotion of provident funds and non-contributory funeral benefit schemes at all factories around the country. So far we have successfully negotiated virtually identical schemes among almost two thirds of the union's membership and we are pressing this campaign further in several other factories at present.

In the next year we hope our bigger organisation will allow us all to strengthen national campaigns such as the campaign for paid maternity leave, a living wage and June 16th.

Conclusion

Comrades, NUTW was a courageous union. It brought a spirit of hope and struggle to thousands of textile clothing and leather workers around the country. It carried its flag high and succeeded in helping its members both to improve their conditions at work and to understand the meaning of real brotherhood.

After 14 years of building this union we are proud to merge with organisations built by other clothing and textile workers that we may go forward stronger together.

Amandla!

NUTW - H.O, Durban, November 1987.

CCAWUSA Moves to Parental Rights



CCAWUSA has negotiated a number of Maternity Agreements, starting with the O K Bazaars Maternity Agreement in 1983. Recently, as a result of further investigations and research, the union has developed a broader approach and is now negotiating Parental Rights Agreements.

The idea of a Parental Rights Agreement is to look at the whole family and their needs. The aim is to provide for the welfare and rights of working parents and their families. An important aspect to these negotiations is to address the problem of gender discrimination, that is, the socially constructed differences between women and men that results in the oppression of women in our society. The union's proposals are geared towards stopping the "double shift" that women have to work and promoting the thinking that the responsibility of childcare and looking after the family must be shared by both parents.

The main principles involved in CCAWUSA's Parental Rights Agreements are the following:

- * discrimination based on sex and gender must be eliminated;
- * working parents must be able to fully exercise their parental responsibilities;
- * men and women have the right to hold a job, lead a normal family life, to work under healthy and safe conditions and to give their children the necessary care and attention;
- * the company profits from the labour of workers and must contribute directly towards the making of the next generation of workers;
- * women and men must have equal opportunity to combine gainful employment with family life.

CCAWUSA is presently carrying out a research project on Parental Rights with the involvement of a number of organisations.

(Issued by CCAWUSA, 54 Simmonds Street, Johannesburg)

AGENDA

A JOURNAL ABOUT WOMEN AND GENDER

No 1



AGENDA No1. will include
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AGENDA - aims to provide a forum for comment, discussion and debate on all aspects of womens' lives. Our specific concern is to attempt to understand the position of women within South African society. We believe that women in South Africa experience exploitation and oppression on the basis of their class, race and gender. In order to eradicate women's oppression we need to struggle on all of these fronts. Women also have to take up issues of their specific oppression as part of broader workplace, community and political struggles. This however requires an understanding of the ways in which class, race and gender shape women's lives - and also of women's struggles: past and present.

We hope that AGENDA will enable women to discuss, analyse and debate their position in society: their vision of a more hopeful future for women; and strategies for coping now as well as for organising towards that future.

Contributions of articles, interviews biographical stories, briefings poetry or photographs that will enhance an understanding of womens' position are welcome.

Articles are to conform to the following guidelines :-

They should be constructive and nonsectarian.

Articles are not to exceed 8 000 words

Debates, reviews, documents are not to exceed 3 000 words

Briefings are not to exceed 800 words.

Contributions must be in clear, understandable language.

All contributions must be typed and where applicable with proper footnoting and references.

The 1987 Mineworkers Strike

The massive 1987 mineworkers strike, the biggest and costliest wage dispute in the history of South Africa no doubt marks one of the highpoints in the development of militant progressive worker struggles here. Not only does the strike stand out for the large amount of workers mobilized to fight for a "living wage" and decent working conditions, 340 000 at its height, but because of the strategic economic and political importance of the mining industry in South Africa.

The gold mining industry brings in an average of R47 million a day in foreign revenue, accounting for about 50% of the total physical exports. In a country faced by a growing foreign debt, presently estimated at R43 billion, gold and coal output represents an important lifeline. In addition mining houses own or control substantial sections of the commercial, manufacturing and agricultural interests in the country. They are truly the bastion of South African capitalism and not suprisingly one of the crucial arena's in which the strength of the organised worker movement, their ability to contribute to the struggle to redistribute the country's wealth, is to be tested.

COSATU saw the highpoint of the "living wage" campaign in terms of the wage increases which could be won on the mines. On the other hand the Chamber of Mines decision to face the National Union of Mineworkers (NUM) head-on, signals a message from capital to the entire organised workers movement. In essence the message is that significant real wage increases will not be won without restructuring of the labour market and notable improvements in productivity. At the root of this lies the growing competition South Africa faces on the world market from the newly industrializing countries, and the declining status of coal exports.

"There is a perception in South Africa that the gold mining industry is fabulously wealthy. However people have to remember a number of things about the gold mines. The last important discovery of gold was in the 1940,s, developed in the 1950,s on the Orange Free State goldfields. Since then no reef has been discovered in South Africa ... (W)e are mining at very deep levels, 3 to 4 kilometres down ... The ventilation costs, the haulage costs, the support

systems of mining gold are very great. Also a lot of cheaper gold producers are coming on the market... in South America and the Soviet Union. We can pay people R1 000 minimum wage at some of our richest shafts, eg. Vaal Reefs but then other mines must close down. If production does not rise and wages rise, and if there is competition from outside - then in the end your company is going to contract or even go bust. This is what happened to the British coal mining industry." [1]

Increasing production on the gold mines is hampered by the limitations placed on mechanisation, the hard rock formations rules out high tech open pit mining for instance. The coal mines suffer a number of problems of their own, escalating capital costs in the face of a declining world market and the sanctions campaign. Increasingly these mines will move to mechanisation to deal with such problems.

Faced with what may be termed a productivity crisis for the employers, present long term plans include rationalising production and altering relationships at the workplace. The recent so-called scrapping of job reservation by race in favour of an emphasis on skills forms part of this. For the past decade the mining industry has slowly evolved a programme of stabilisation, so that more and more time is spent on the mines and less at home. By implication these processes will mean the eventual reduction of the number of foreign migrants on the mines. Recently a Chamber of Mines spokesperson confirmed ILO reports that gold mines now employ 200 000 less foreign workers than in the 1970's. Whilst mine bosses prefer to give external reasons, eg: withdrawal of Malawian labour in 1974 as the cause of this, it appears that present restructuring will reduce the migrant workforce by an estimated 25% in the next three years.[2] Reduction of the migrant component is also implied in the new housing policies presently promoted by the mining houses.

It is in the employers interest to increase mine wages in order to attract local labour and to bring mineworkers wages more in line with wages in other industries. A recent article indicated that 85% of black mineworkers earn wages at or below the poverty datum line, and that contrary to the trend in other countries black-mineworkers earn substantially less than their counterparts in manufacturing. [3] Employers concern to increase wages form part of the creation of 'career type' stable workers, but they wish to

- miner's strike -

grant increases at a rate which is consistent with long terms plans to maintain the size and viability of the South African mining industry. Employer responses to the initial demand for a 55% increase this year should be seen in this context.

A related point is what the strike signals for changes in future patterns of collective bargaining. As a recent editorial comment in Information Sheet, August 1987 noted;

"South African history has shown that miners strikes have been followed by important changes in the Industrial Relations legislation."

Taking this further the editor pointed out that although a number of people have viewed the current industrial relations system as being responsible for the escalation of strike action, and indeed the phenomenal growth of the National Union of Mineworkers (NUM), the Minister of Manpower and, it seems, the Chamber of Mines viewed the outcome of the strike as confirming the post-Wiehahn strategy of institutionalizing industrial conflict.

While there are no indications that employers are hoping to completely smash the NUM they do however wish to significantly curb the union's power. Essentially what they desire is to tip the balance of forces back into their favour so that plans to restructure the mining industry can proceed without too much disruption. Recent proposed amendments to the Labour Relations Act, in particular the outlawing of sympathy strike action and of spontaneous wildcat strikes, have grave implications for the future.

The sheer power of large number of mineworkers to disrupt an essential basis of the South African economy is viewed with deep concern. For the employers it has become imperative that the growing strength of the NUM be curbed. A look at developments since the founding of the union in 1982 shows that in the space of four and a half years the union has laid the foundations for strong organisation and musters tremendous support among workers. The stoppage on October 1 after the Kinross disaster last year was supported by 250 000 mineworkers with sympathy stoppages by a further 225 000 workers in related industries. The recent strike itself saw thousands more workers than those immediately affected by the dispute come out.

The political implications of the strike and its aftermath are also important. As is well known the Chamber of Mines together

with the state fashioned some of the hated features of Apartheid society which they now want to dismantle (migrant labour and the compound system). Anglo American has already announced plans to house 24 000 workers and their families in the next three years whilst the other groups are considering similar action. [4] Restructuring in this arena, whilst obviously facing a number of limitations which need to be explored, has the potential to change the entire geo-political and economic map of Southern Africa.

The Strike

During the negotiations with the NUM it became clear that this year the minebosses were not going to budge on the wage demands. In the initial stages employers offered increases ranging from 12% to 17% which were later increased by 0.5% for coal and 1% for gold mines. Negotiations deadlocked with the union demanding 55%. By the second conciliation board hearing the union had moved its demand down to 30% whilst the Chamber offered increases ranging from 17% to 23% on the gold and 15% to 23% on the coal mines. Three marginal gold mines made separate offers.

In past years strike action on the mines has been averted through last minute settlement offers. In 1985 negotiations resulted in a breaking of unity in the Chamber, and settlement was reached with Anglo. The union then went on a strike with much less impact at Goldfields and Gencor. In 1986 workers at Goldfields again went on strike after settlements with all the other houses. This time however workers at Kloof gold mine came out before the time needed to legalise the strike, resulting in mass dismissals and the loss of key branch committee members. In part these events explain why the 1987 strike was not as successful at Goldfields mines. (see later) This year however the distinctive feature of the Chamber negotiations was the clear stand on maintaining unity. A single package was offered, whilst the Chamber also went on to make it clear that it had no intentions of awarding any further increases.

According to the union the lowest wages in the industry were R230 per month on gold and R335 per month on coal mines. The 50% wage increase proposed at the final meeting was therefore not even viewed as a "living wage" but merely as a step in that direction. It was clear that the minebosses could easily afford to award the wage increases. Between 1975 and 1986 real profits had risen, due to a number of factors, by 44%. Increases in capital expenditure amounted to 106% whilst the state got 38% in taxation. The gold

- miner's strike -

mines in 1986 alone made R8 420 million, the highest profit in history. At the end of the strike the Chamber's cost (conservatively) was estimated at R250 million, much more than the wage demand actually represented. Outlining managements view on wages, Bobby Godsell explains;

"... we thought that this was not only a strike about this years wage but a strike about future bargaining patterns. We had lived for a couple of years with what I could call bargaining by brinkmanship. We thought we had to go through a strike experience at least once in order to indicate that the threat of a strike was not always going to move us where NUM wanted us to be. "

Events during the strike itself indicate that management was prepared to go to any lengths to preserve their stand.

The Chambers willingness to improve the fringe benefits rather than the wages generally falls into line with the stabilization programme presently being pursued. For increased death benefits, holiday leave and a retirement schemes will contribute to a more secure and settled labour force.

On the unions side the emphasis was on following predetermined channels to the letter. This was in part to avoid the experiences of 1985 and 1986. The advantage in ensuring the legality of the strike lay in the protection, albeit limited, which this offered for reinstatement in the event of mass dismissals. The disadvantage of ensuring the legality of the strike was that it allowed management time to build up stockpiles and prepare to engage the labour needed to enable the mines to endure the strike. It is not clear how many mines did have sufficient stockpiles. What is clear is that in a number of cases management used the period from the deadlock in July to the beginning of the strike in August to built up a climate of fear, through pamphleteering. The build up of vigilante forces also prevented workers from embarking on strike action. Workers at Doornfontein mine in Carletonville for example record this experience.

"Before workers could go on strike we had strike support speculation. The majority of our members were willing to join the strike. On the evening of August 9 Doornfontein workers became notoriously difficult to organise, this was due to the behaviour of a group of workers, especially Pondo's, who behaved in a manner that they managed to break the strike... this group of workers had panga's

knives, and knob-kierries in their possession. We were also secretly informed that they were given fire-arms to cause terrible faction fights when approached by us. Some workers were even offered incentives in the form of money as a motivation to help in the harassment of shaft stewards". [4]

Takeoff

Once the strike began on the 9 August it took off rapidly. By noon on Monday the Chamber of Mines has estimated that between 220 000 and 240 000 miners were on strike. At this stage the NUM claimed that 280 000 workers were on strike. Chamber figures never moved after that initial estimate. Until August 14 the strike continued to spread. Labour Monitoring Group (LMG) calculations on the August 11 were that 334 000 workers were out, whilst the union estimated 340 000. This figure represents about 66% of the workforce falling under the Chamber of Mines. It is important to note however that the dispute was not called at all Chamber mines (only 45 mines) and that the strike did not remain confined to Chamber mines. Rietspruit Colliery is one example of this. In addition some mineworkers not represented by the NUM, those above job category 8 and many non-members joined the strike.

In the first few days management resorted to all means of breaking the strike. Union officials were denied access to mines, workers were in most cases prevented from holding general meetings, threats about cutting food supplies and evicting workers from hostels were made. The mine security also provoked confrontation by going into hostels and firing teargas into rooms. In the Klerksdorp region fake pamphlets, allegedly signed by the NUM national executive committee and Vaal Reefs management were distributed informing workers that the strike had been called off.

A crucial intervention came on August 12 when the entire regional committee in the Klerksdorp region were arrested. Arrests on that day seem to indicate a co-ordinated blitz on all regions designed to remove strike leadership. Shaft stewards and strike committee members were detained or arrested by mine security and the South African Police (SAP) in Carltonville, Westonaria, Witbank, and the Orange Free State region.

On August 14 violence reached new heights when 700 singing workers were attacked at Western Deep Levels. More than 60 workers were

- miner's strike

seriously injured. Reports were also coming in that management at Vaal Reefs mine were cutting off power supplies and depriving workers of medical treatment. The TEBA cash banks were refusing to issue money, prompting the NUM Assistant general secretary to comment that NUM was seemingly facing a "triple alliance" of mine management, the state and corporate capital.

In the process of our research we have discovered that in spite of attempts to isolate workers from external contact, the refusal to hold general meetings on mine premises, and the detentions of key stewards workers achieved a strong communications network. This was done through the strike committees on the one hand and a system commonly known among workers as the E-plan. Through this complex structure word could spread quickly to every room should the need arise. Stewards also visited the regional offices on a daily basis in order to maintain contact with office bearers and hear news from other regions.

The Hostels

An all-or-nothing situation tended to prevail on the mines. This points to the crucial and contradictory role of the hostels in both containing and enforcing the strike. On the one hand the fact that large numbers of miners are housed in single sex hostels, enabled strikers to identify and subject non-strikers to moral persuasion. The result was that where a mine or shaft came out in support it would commonly involve all of the workers. On the other hand management resorted to their age-old strategy of trying to manipulate the hostel situation to isolate workers and subject them to untold harassment away from the eyes of the public. Mine security and the South African Police constantly paraded rooms, and taunted workers by throwing teargas into rooms and then charging people with arson as they lit papers to get rid of the fumes. In many cases workers running out of their rooms were then charged with whips and batons.

The swing in the balance of power in controlling the hostels and kitchens depended on management strategy prior to the strike. In cases where access to the hostels had been curtailed for months before the strike, and where a strongly authoritarian system of rule prevailed it was less likely that participation levels in the strike would be high. Those cases where management tried to re-assert control after the strike had already begun were likely to backfire and only encourage higher levels of strike participation.

- miner's strike -

Attempts like this either resulted in violence, and a subsequent mass exodus of the workforce, or saw workers responding by taking control of the hostels and kitchens. The latter response occurred on some mines in Secunda and in the Carletonville region. Workers sometimes pre-empted events by setting up their own defence committees. At Kriel colliery the defence committee managed to maintain control over the hostel and kitchen area until the mass dismissals on the 27 August. Even compound police could not enter these areas easily, so that when management wanted to issue ultimatums on the 26 they were forced to leave a pile of ultimatums at the kitchen, instead of taking it to the rooms.

Goldfields

One of the crucial areas of weakness to have emerged during the strike was the low level of participation on some mines, notably Goldfields, Anglo Vaal and Rand Mines. In some respects this reflects low levels of penetration by NUM organisers on these mines. The situation with Goldfields is quite different however as the union had strong structures on key mines in this group in 1985. In addition some of these mines, especially Kloof, and the two Driefontein mines are situated on rich gold reefs. Their participation in the strike would have made an impact on overall gold production levels. Explanations from workers for this low participation level vary from events on the night of August 9 to developments since 1985. At Deelkraal and Kloof workers interviewed stated that they were almost certain to join the strike as support for the strike on their mines was very high. Workers from the two mines had managed to meet informally to discuss their action. On the evening of August 9 these plans were interrupted by a campaign of terror on these mines. A large contingent of vigilantes, some taken from other mines, armed with sticks, knives and pangas visited workers and threatened anyone who took part in strike action. This created a climate of fear which was fed by workers experience of strikes over the past two years. [5] At the other mines in this group, Doornfontein, East and West Driefontein, workers told of the situation on their mines since 1985 and 1986. Union officials were not allowed access for months, management monitored all discussions and activities through a network of spies, and roadblocks were set up each time there was activity in the area.

The branch committee spokesperson at Doornfontein told how management had de-recognised the NUM on this mine after allegedly having

torn up at least 2 000 membership forms. Meetings to protest the situation were going on with management into the strike period. At East-Driefontein the NUM had suffered a major setback after 1985 when key militants were dismissed in the strike.

Notwithstanding the above no mining house was immune to the strike. Goldfields experienced limited strikes at their Venterspost and Libanon gold mines. A short lived strike also took place at Anglo Vaal's Lorraine gold mine. Workers were advised by NUM officials on this mine to go back as there was no recognition agreement. The NUM has identified the weaknesses in the Goldfields group and now promises to re-double efforts there.

By the second week participation in the strike dropped off slightly. This was largely due to the fact that workers on a number of unrecognised mines were advised to return to work. Lorraine and Buffelsfontein gold mines fell under this category. At Landau colliery workers returned after management threatened to shut down the mine. Shut downs were also threatened at Western Holdings No 1 shaft and Vaal Reefs No 6 shaft.

Lock-outs

As the strike entered the third week it became increasingly clear that both sides were looking forward to a settlement. For the NUM this was so because management went on a campaign of issuing ultimatums on a number of Anglo mines. Many of these ultimatums expired around the period of August 28. A total number of 22 000 workers were affected by ultimatums early that week, with numbers rising each day.

Clearly a mass dismissal could upset the unions foundations for months to come. In addition there were abundant supplies of scab labour from areas like Lesotho and Natal. Together with the threat of dismissal came the increasing use of the lock-out strategy, often accompanied by violence. The lock out was one way management had of forcefully breaking the strike in response to worker unity and their refusal to vacate the premises. At mines like Western Deeps, the Nuclear Fuel Plant, New Denmark and Springfield collieries, this had some effect. Continued violence had also seen workers on mines like Saaiplaas, Kinross, and Western Deeps leave for home. Thus a potential disruption of the communicative network loomed.



Photo: Randfontein, August 1987: Striking National Union of Mineworkers members who were fired being bussed home to the Transkei. (Afrapix)

On managements side there was every indication that the situation was even more critical. Bobby Godsell explains the sense of urgency and determination to proceed with dismissals and take the consequences on the part of Anglo's management:

" The decision to fire was made against the background of technical reports that were coming in from our deep-level stopes that you either had to get people back into those stopes, and it was almost proto-gangs which had to go in to re-open those stopes, or we had to just write off large parts of the mines - with a consequent permanent loss of jobs".

These observations were confirmed by workers who reported that when they got back to work after the strike the rockface was bad, there were hangings and cracks and production was hampered for weeks while supports had to be installed. Quarterly reports for a number of deep mines, notably Elandsrand, Western Deep Levels, and

- miner's strike -

Vaal Reefs show that full production would only be regained well into the fourth quarter. [6] Reports from AMCOAL also show that production losses due to the strike for the coal industry tended to be more serious at underground mines. [7]

Under these circumstances the Chamber offered on the August 24 to start "unconditional negotiations." There would still be no deviation from the wage offer. NUM replied with a telex expressing their desire to re-open talks.

On August 26 talks began with the Chamber making a revised offer on death benefits and holiday leave, an offer which added a mere 1.7% to the total wage bill. By Wednesday it was clear that workers overwhelmingly rejected the offer, so mass dismissals began.



Photo: Workers protest outside the Chamber building because of refusal of the 30% wage demand. (Afrapix)

On August 28 the parties met again with the NUM accepting essentially the same offer rejected previously. At a press conference thereafter the Chamber announced that "individual mining houses

will decide the fate of the 50 000 dismissed workers". Overall the strike saw 8 deaths, 500 injuries and more than 400 arrested.

The Aftermath of the Strike

"I stay at Qwa-Qwa - we heard on the radio that all workers who were on strike should come, the strike was over. When we arrived we found that we were not allowed into the hostel. We then came to the Regional Office. We stayed here for a week, then we were told we would have to go home to our respective TEBA offices to apply for employment. We were given money to go home. Two bus loads were re-employed by TEBA but there are still a lot of comrades at home waiting to be re-employed."

(Worker, Western Holding No 1)

"There are a lot of new workers, they have taken our comrades jobs."

(Worker, Western Holding No 2)

"We were escorted by armed mine security to the local football ground to collect our pay. We were then paid small amounts of money and told to go home and take up new contracts with our respective TEBA offices before 10 days expired. But when we go to TEBA for re-employment the clerks say there is no job for us. My home is Mafikeng. I have been sent by other workers at home to find out whats happening with our re-employment."

(Worker, Vaal Reefs No 2)

An estimated 60 000 have lost their jobs. For the union the aftermath of the strike has stretched resources. Regional office bearers were caught up in collecting details about dismissed workers, finding accomodation for those who have returned, and preparing legal documents to fight for their re-employment. Anglo gold mines recorded the highest number of dismissals, estimated by the union lawyer as roughly 45 367 workers. Since the strike Anglo management have undertaken a programme of theoretical restructuring of their mines, with the objective of taking back workers where jobs are available. The situation at present is that Vaal Reefs gold mine, where 15 500 have been dismissed has just begun to re-employ. At Western Deeps gold mine, 4 000 workers who en-

- miner's strike -

gaged in an underground sit-in before the end of the strike are dismissed. The Free Gold South mines, including President Brand, Saaiplaas, and President Steyn have indicated that 1 000 jobs may be lost. The Free Gold North mines, Freddie's, Western Holdings and OFS Geduld have indicated that 5 500 jobs have been lost.

At the collieries, New Denmark, Springfield, Bank and Kriel, indications are that 5 100 of the 5 600 dismissed workers will be re-employed. Randfontein Estates, a JCI mine, fired about 6 400 workers during the strike. On this mine management has said that all would be taken back except those "found guilty of misconduct during the strike" about 65 workers, and those who could not make the deadline to return, about 400 workers. 600 workers at Buffelsfontein gold mine who came out in sympathy also remain dismissed. The strike also saw the loss of union leadership at two Goldfields mines, Venterpost and Libanon, about 95 workers in total, and a further 150 workers, also mainly leadership, at Western Areas mine and West Rand Consolidated.

For those workers who have been re-employed the situation at work has changed. Mine managements have resorted to informal forms of de-recognition at the mines. This has taken the form of withdrawal of office facilities, a refusal to recognise shaft-stewards and the re-emergence of the largely defunct liason committee system on some mines.

This situation applies in virtually all of the regions. Shaft stewards report that management refuses to recognise them saying that re-employment means that they must be re-elected, also that workers have to collect new NUM membership forms and reapply for recognition. One branch committee chairperson stated that management have now imposed their own State of Emergency on the mines. Assaults, demotion, and dismissals take place daily, and shaft-stewards are finding that they can do little about it because management simply refuses to meet with them.

"Management is presently harassing and victimising us. We are given extra work, team leaders are being given a lasher's job; two drivers have already been demoted because something small is missing on the locomotive. Some of the white men are asking us now where is Ramaphosa, you are going to do any job I give you otherwise you will be discharged. A mine overseer said to me that we were the source of thousands

of workers now unemployed."

(Worker: Western Holdings No 3)

"Things have changed alot underground, if you ask for casual leave the shift bosses refuse, saying you must go and ask the NUM. Two workers have been assaulted so far by white workers, they take them far away from the other workers and assault them there. The other disturbing thing is that after the strike management fenced off the hostel. When we send our shaft-stewards they refused to meet them."

(Worker: Landau Colliery)

At Bracken, Leslie and Vaal Reefs workers report that they have been told about new Works Councils, and that members are asked to sign forms indicating that they no longer wish to belong to the NUM. The Works Council system, whilst never having been destroyed were ineffective since the arrival of the NUM. Now it appears that management wishes to revive the system.

The implication of these processes for the union wage battles in 1988 and beyond are very grave. After the strike the NUM announced that the 1987 strike should be viewed as a "dress rehearsal" for battles next year and beyond. It remains to be seen whether the union can recover in time from the present assault by management.

Conclusion

A number of weaknesses have emerged during the strike will have to be overcome if the NUM is to fare better in future wage battles. The power of the minebosses, the vast resources at their disposal have been highlighted during the strike. The NUM assistant-General Secretary, Marcel Golding, captured this power in his statement after the strike:

"We took on the commanding heights of the South African economy - we took on the big monopolies". [8]

Managements ability to dismiss thousands and rely on ample supplies of scab recruits is perhaps the most disturbing. In the aftermath of the strike COSATU general secretary, Jay Naidoo said,

"..the mines could recruit from neighbouring countries which allowed them to go ahead with their mass dis-

- miner's strike -

missals. This was another failure and we must address the problem through the Organisation of African Trade Union Unity and the South African Development and Co-ordinating Conference". [9]

The effectivity of such a strategy would however be limited given the overwhelming pressures on Mozambique, Malawi, Lesotho, and Botswana to maintain a migrant worker complement in South Africa. Whilst Mozambique was persuaded at the last minute to stop a train load of workers from coming to South Africa appeals to these governments cannot be sufficient. Developing links with the rural areas may well help in this regard but even here economic stagnation and starvation will ensure that TEBA lines will always be filled with scabs.

During the strike there were up to 1 000 new recruits a day waiting at TEBA offices, whilst attempts to picket recruiting stations were of limited success. The contradictions of management's strategy of relying on scabs has however not been tested. Even if replacements for all the dismissed workers could be found this does not in any way mean that production on the mines could be revived completely.



Photo: Scabs bussing to work. (Afrapix)

In many ways the answer to the problem of scabbing is long-term and political. The problem stems directly from the "Homelands system" which perpetuates the existence of migrant labour. An attack on the entire Homelands system is thus needed.

Ironically the balance of power may tip in the NUM's favour as a result of new housing policies pursued on the mines. These housing policies may eventually weaken the effectivity of the migrant labour system. For the minebosses this remains one of the key components of the bargaining patterns they would like to see developing with the NUM. For employers long term bargaining patterns with the NUM will include joint co-operation on a number of "shared interests" and a move away from power struggles. Such areas of shared interest, according to Godsell may include (1) getting rid of the migrant labour system, (2) working out a system where hostels will not only be done away with but where "we could produce organic, authentic, economically viable urban communities with forms of democratic self government which could become a model for black urban settlements in South Africa", and (3) negotiations around a retirement, pension or provident fund in the industry. [10]

Given the monopolistic nature of the economy it is also clear that in future co-ordinated action on all fronts must be waged against the minebosses. This would include international worker and local support action, in any number of forms. COSATU acknowledges the weakness to co-ordinate a joint response. This weakness is ascribed to "the breakdown in co-ordination of the living wage campaign in all sectors". The state assault on the Living Wage campaign played a major role in this regard. In addition other union's were overstretched by their own wage campaigns.

The union's ability to rely on other means of pressurising the Chamber other than a complete withdrawal of labour has not been sufficiently tested. In general the pattern until now has been for all efforts to be directed at a huge strike around the annual wage negotiations.

It appears that there was a lack of time spent on building up alternative resources, for example strike support committees in townships adjacent to the mines. During the strike itself the attempts to block foreign funding to the union, and the refusal of TEBA cash banks to issue money highlighted the need for additional support networks, such as collecting money from students and resi-

- miner's strike -

dents who supported the strike. The bosses ability to rely on stockpiles could also be challenged, workers refusing to work overtime in the months prior to the strike being one such means.

The call to leave the mines made at the very beginning of the strike may well have been a strategy to prolong the strike but the loss of active participation for workers involved in the strike would have prevented important lessons from being learnt in struggle. Fortunately this call was abandoned later on. Should the NUM have consciously persuaded workers to go back on the Wednesday and not held out until the Friday? What are the possibilities for separate bargaining on wages and working conditions in the future?

As much as the strike has highlighted certain weaknesses on the union's side it has also exposed the vulnerability of the mining houses to prolonged strike action. The strike has shown that management cannot hold out for longer than three weeks because of the serious technical problems which would arise in the deep stopes.

Employer attempts to undermine the union's support among workers has been and will in all likelihood continue to be a dismal failure. An instructive lesson in this regard came from Landau Colliery where scabs bussed in from Natal, and housed separately from the other workers, joined the union soon after the strike when they saw the benefits offered. The campaign to bring wives and girlfriends into the hostels was the attractive force in this instance. The mines continued reliance on a low wage structure is another. Whereas employers may well have won this years wage battle this is not likely to curb worker militancy in the long or short term. For the workers the failure to shift employers on the wage issue is seen as a defeat, and one may expect continued worker discontent with the outcome of the strike. Second to wages workers see safety as crucial. This is understandable in an industry notorious for its' high accident rates. An estimated 800 workers die every year, with up to 20 000 injured due to accidents on the mines. In 1986 alone 681 deaths were recorded, add to this the latest disaster at St Helena gold mine and worker feelings about the safety issue can be understood.

Much as employers have hailed the strike as a "victory for collective bargaining" a central lesson for the workers was the futility

of genuine attempts to maintain a legal strike in the face of employers ability to simply dismiss thousands. The strike has highlighted the weakness of the collective bargaining framework, one which affords no protection for workers making legitimate demands and engaged in legal strike action.

Attempts to restructure certain aspects of mine life on the part of the employers will also open up new and important areas of struggle.

Notes

- [1] Interview with B Godsell, Anglo-American Group Industrial Relations Department. (Gold Division)
- [2] Business Bay, 20/8/1987
- [3] Weekly Mail, 14-20/8/1987
- [4] Interview with Branch Committee member, Doornfontein gold mine.
- [5] Interview with shaft-stewards, Carletonville region
- [6] Business Day, 23/10/1987
- [7] Business Day, 28/10/1987
- [8] New Nation, 3-9/9/1987
- [9] ibid
- [10] Interview with B Godsell, ibid

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(Coletane Markham and Monyaola Mothibeli)

Proposed Amendments to the Labour Relations Act A Critical View

*P Benjamin and **H Cheadle

Since 1979, South Africa's Labour Relations Act has been amended by Parliament on six occasions, most recently in 1984. In December 1986 a draft Bill proposing wide-ranging changes to the Act was published for comment. In September 1987, this Bill was republished in a slightly changed form. The Bill has not yet been debated by Parliament, but the Parliamentary Standing Committee on Labour Relations is hearing representations by interested parties, who have included the Congress of South African Trade Unions (COSATU), other trade union groupings, employers, academics, and trade union support organisations.

The Bill has been severely criticised by the labour movement as well as labour law specialists representing both management and labour. It will, if enacted in anything like its present form, represent a major change of direction in state policy on labour relations and will undermine many developments since 1979. The Bill will severely reduce the powers of the Industrial Court, restrict the scope of the unfair labour practice, place further restrictions on the right to strike and dramatically increase the sanctions on trade unions whose members participate in unlawful strikes. It will also restrict the disputes that can be channelled through the conciliation procedures provided for in the Labour Relations Act and contains a number of provisions that attack the practice of majoritarian trade unionism.

This article will briefly examine the Bill in the context of changes to the labour relations system in South Africa since 1979. Thereafter the Bill's major features will be set out and discussed critically.

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Background To The Changes

South Africa's legislative framework for industrial conciliation has shown remarkable longevity. The two central institutions for negotiation and dispute resolution, the industrial council and the conciliation board, date back to the first Industrial Conciliation Act of 1924. By the late 1970's, this statutory system, which did not allow for participation by trade unions with African members was in crisis. The independent trade union movement had become a significant force in South African industrial relations, but its member unions could neither register nor use the official structures to resolve disputes. The only statutory channel for representation of black workers was the works and liaison committee system in the Black Labour Relations Regulation Act which gave no recognition to trade unions. Against this background the Wiehahn Commission was appointed in 1977 to investigate the possibilities of revitalising and restructuring the statutory system for industrial conciliation.

The strategy of the emerging trade unions in the 1970's had been to gain recognition by employers at plant-level in factories where they had majority membership. This strategy included the negotiation of collective agreements aimed at establishing the union's organisational presence at factory level. These organisational structures centred around shop-steward committees and the agreements contained procedures to resolve disputes and for bargaining on wages and other conditions of employment.

The Wiehahn Commission saw this growth of 'informal' collective bargaining as having the potential to undermine the statutory collective bargaining institutions. It feared that plant level bargaining would expand at the expense of industry-wide bargaining centred around industrial councils. The Commission's central recommendation, which became law in 1979, was to allow trade unions with African members to register in terms of the Act and to participate in the statutory conciliation system.

Once registered, these trade unions would be subject to the range of controls contained in the Labour Relations Act. These controls are chiefly administrative in nature and require the unions to maintain proper records of membership, office-bearers and subscription payments, keep accounts, prepare financial statements, and hold regular elections. The Commission assumed that the independent trade unions would apply to join industrial councils and

- labour legislation -

be absorbed into their activities.

The next three years revealed the flaws of the Commission's approach to changing the patterns of collective bargaining. The independent trade unions did not apply to join industrial councils and made little use of the councils or conciliation boards to resolve disputes.

A number of trade unions did register, but chiefly as a tactical device in battles to secure plant-level recognition. In 1981 the controls in the Act were increased and extended to unregistered unions. This was the furthest extent to which the State policy of imposing formal controls on trade unions could be taken. However, this policy had had little impact on the pattern of collective bargaining: the growth of extra-statutory bargaining at plant level had continued unabated and the controls in the Act had not hampered the activities or growth of the independent unions which kept their participation in the statutory framework to a minimum.

In 1982 the Labour Relations Act was amended to give the Industrial Court, which had been created in 1979, increased powers. After this amendment, the court took on a pivotal role in labour relations and the number of disputes referred to the courts increased dramatically. In this year the court was given its 'status quo' powers to undo unilateral actions in industrial disputes. Most crucially, the court was able to order the temporary reinstatement of dismissed employees while the dispute over their dismissal was processed through the statutory conciliation machinery. (The court can only order reinstatement if the dispute has been referred to either an industrial court or conciliation board for settlement.) These extensive powers to interfere with the exercise of management power made the court, for the first time, an attractive proposition for trade unions.

The 1982 amendment was a watershed in state attempts to regulate patterns of collective bargaining in South Africa. It was only after this amendment that independent trade unions began to make use of industrial councils and conciliation boards on a regular basis to resolve disputes. The incentive for using the statutory framework, was the industrial court's power to reverse managerial actions. Before 1982 the logic behind amendments to the Act had been that the imposition of formal controls upon trade unions and the introduction of the independent trade unions to the 'disciplines' contained in the Act would change the pattern of

trade unionism and collective bargaining. This strategy was a dismal failure and it is the lesson of that failure that the drafters of the present Amendment Bill do not appear to have learnt.

The underlying strategy behind the Bill is to impose a number of controls on trade unions and restrictions on conciliation procedures and by so doing to alter patterns of collective bargaining. The more likely consequence of this approach will be drive trade unions out of the statutory conciliation system and to ensure a vast increase in the level of unlawful strikes. The bill's most crucial provision will make it much easier for employers to sue trade unions for damages caused by unlawful strikes. The state's strategy appears to bank on the spectre of damages actions and contempt of court orders forcing trade unions to restrain their members from engaging in unlawful industrial action.

Strikes

The approach of law to strikes has been described as an attempt to 'limit industrial conflict where it can and to regulate it where it cannot'[1]. There are two primary methods of preventing industrial unrest. These are the promotion of collective bargaining and the provision of alternative methods to resolve labour disputes such as arbitration, mediation and the remedies of the industrial court. An effective system of industrial conciliation must both encourage collective bargaining by providing effective conciliation machinery and entrench the right to strike. The right to strike is indispensable to effective collective bargaining because it is the threat of possible industrial action that ensures that employers take the process of collective bargaining seriously and attempt to settle disputes.

There are three principal methods of regulating strikes. These are:

1. The use of the criminal law to prohibit unacceptable strikes by the prosecution of strikers;
2. The use of specialist labour courts to grant protection to participants in acceptable strikes from the employer's powers to dismiss striking workers;
3. The protection of unions from interdicts and claims for damages arising out of strikes.

Strikes that do not take place in terms of the procedures in the

- labour legislation -

Labour Relations Act are unlawful. Despite this there have been no prosecutions of illegal strikers for a number of years. In 1984 the state-appointed National Manpower Commission recommended that striking be de-criminalised. This is in keeping with modern industrial relations thought that criminal law is a clumsy and ineffective method of regulating strikes. Not only do the great numbers of workers involved make prosecutions difficult, but prosecutions have a detrimental effect on collective bargaining relations and the intervention of the police into labour disputes has disastrous consequences. Prosecutions tend to escalate disputes rather than resolve them.

As a result, the shift in modern labour law has been to offer protection to unions and employees who participate in strikes that are functional to collective bargaining. This trend is apparent in South African labour law. The industrial court has through its judgements such as those in the Marievale and Natal Die Castings cases made a start in this direction and granted a limited area of protection to legal strikers. Section 78 of the Labour Relations Act provides immunities for registered trade unions against interdicts and actions for damages arising out of lawful strikes. In contrast to this general trend the new bill not only retains but extends the criminal regulation of striking. At the moment sympathy or secondary strikes (strikes aimed at placing pressure on an employer other than the employer of the workers on strike) can be staged lawfully provided the conciliation procedures have been followed. Sympathy strikes will now be a criminal offence if the employer or employee involved in the strike is not "directly involved" in the dispute giving rise to the strike. The purpose is to limit sympathy or secondary strikes which can be legitimate form of industrial action and pressure. The increasing monopolisation of the South African economy means that employers faced by industrial action are more easily able to transfer production from one plant to another and undermine the impact of strike action. The inability to stage industrial action at the plants to which production has been relocated will tilt the balance of power in favour of employers.

The regulation of sympathy strikes should be left to the industrial court. Sympathy strikes have not been a major feature of industrial relations in South Africa and the industrial court has not been called upon to rule on the issue. Sympathy strikers, would, to win re-instatement, have to convince the industrial court that their participation in the strike was reasonable. This

could only be done where there was a close connection between the sympathy strikers, their employer and the primary dispute. The wording of the prohibition on sympathy strikes is unclear. When are workers "directly involved" in a dispute? Are the fellow employees of a dismissed worker directly involved in the dispute over the dismissal? The Bill is not clear on these points. If they are not they cannot stage lawful industrial action.

Secondly, a strike will be illegal if the dispute giving rise to it is "the same or virtually the same as any dispute between the same employer and employees which gave rise to a strike or lock-out in the last twelve months". This amendment could outlaw a wide variety of strikes including the "stop-start" strikes where employees return to work without abandoning their demand and threaten to come out on strike at a later stage if the dispute is not settled. The amendment will discourage employees from returning to work prior to the final resolution of a dispute. This happens where an employer agrees to enter into negotiations provided workers return to work, and allows for negotiations to take place in a less confrontational environment and without the loss of production. The amendment is likely to increase the length of strikes.

The poor drafting of these two new restriction and the ambiguity of key phrases, such as 'directly involved' and 'virtually the same' will increase uncertainty over whether a lawful strike can be staged. If workers have struck over an unfair dismissal, will another strike over a dismissal within a year be unlawful? The Bill gives no clear answer and this will give employers and their lawyers a field day to obtain interdicts aimed at frustrating strike action. It is crucial that a conciliation system offers certainty to participants. The proposed changes fail this test hopelessly. This uncertainty will destroy confidence in the role of statutory conciliation and engulf dispute resolution and industrial action in a welter of technical litigation.

Proposed changes to the conciliation procedures (i.e. the procedures for the resolution of disputes through conciliation boards and industrial councils) will place further restrictions on the right to strike. These amendments will limit the issues that can be channelled through the statutory procedures. It will not be possible to stage lawful industrial action over issues that cannot be referred to an Industrial Council or Conciliation Board. The Bill also proposes to add new technicalities to the conciliation

- labour legislation -

procedure which will create even more uncertainty as to whether strikes are lawful.

It will not be possible to refer a dispute to an industrial council if the council has dealt with a similar dispute between the same parties during the past fifteen months. In addition, no dispute may be referred to either an industrial council or a conciliation board if a wage regulating measure (wage determination or industrial council agreement) which has been operative for less than fifteen months is binding on the parties and deals with the subject matter of the dispute. One criticism of these provisions is that their meaning they will prevent some disputes from being referred to an industrial council or conciliation board, as well as blocking access to the industrial court and make any strike over the dispute unlawful. The effect is to prohibit strikes over certain issues and, simultaneously, prevent the dispute being resolved by any method other than a strike. The most obvious result will be an increase in unlawful industrial action.

A further change is that the time period which must elapse before a legal strike can be staged has been altered. Previously strike action could be taken 30 days after the application for a conciliation board or its establishment, or 30 days after the dispute has been referred to an industrial council. This period may now be extended by the chairman of the industrial council or, in the case of a conciliation board, by the Director General of Manpower at the request of either party. This could lead to a situation where the "cooling off period" is prolonged indefinitely at the request of one party, frustrating the commencement of lawful strike or lock-out. In addition, the ballot required for a lawful strike, may not be staged until the conciliation board or industrial council has failed to settle the dispute or the time period allowed for the settlement of the dispute has elapsed. At the moment a ballot can be held at any time during the period leading up to the strike and the ballot has served as a useful mechanism for mobilising support during the build-up to a strike.

The indemnity

The crucial indemnity against actions for damages or interdicts will be severely restricted. At present, no civil action (which includes both interdicts and claims for damages) may be instituted as a result of a lawful strike or lock-out. As re-worded in the bill, the indemnity will only protect a trade union against cer-

tain types of damages arising out of unlawful strikes, but not against interdicts. Employers will be able to interdict both lawful and unlawful strikes unless the union has negotiated the right for employees to strike in a collective agreement. The scenario that emerges is of employers interdicting unions and their officials from calling or participating in lawful strikes and having them jailed or fined for contempt of court if they proceed to call for or support the strike action. This will undermine the purpose of the indemnity.

In addition, the Bill will make it much easier for employers to succeed with interdicts or damages claims against unions. The Bill creates a presumption that a member, official or office bearer of a trade union or federation acts who causes damages has done so on behalf of the union or federation. The organisation will then have to prove that this was not the case. If this cannot be done, the union will be responsible for the damages caused. A union will be liable for the actions of any member who calls for an unlawful strike. The most common form of damages action will be for an employer to sue for the loss of production caused by an unlawful strike or work-stoppage. These damages can amount to huge sums of money.

The intention of this provision is to force unions to stop wildcat strikes because of the consequences of not doing so. Once a strike is unlawful (either because the statutory conciliation procedures have not been followed or because it is a sympathy strike or falls foul of any other prohibition in the Act) the union will be liable for the cost of damage caused by it. However, it is more likely that unions will distance themselves from these strikes fearing that an unsuccessful attempt to restrain them will result in their being liable for damages caused by the strike. The State wants to compel trade unions to act in a particular way because of the consequences of not doing so. This is the ultimate 'stick' in the Bill. No attempt is made to address the underlying problems which give rise to the high level of wildcat strikes in this country. It would have been more effective for the Bill to have created simplified conciliation procedures that would allow these disputes to be channelled through the Act.

The Unfair Labour Practice

The Industrial Court was created in 1979 as a result of the recommendations of the Wiehahn Commission. The Commission suggested

- labour legislation -

that the powers of the court should include the hearing of cases on alleged irregular and undesirable labour practices, unfair dismissals and unfair changes in employment conditions. The Commission envisaged that the court would, through its judgements, develop a body of case law which would serve as guidelines for fair employment practices.

Since 1982 the court evolved guidelines for employment practices. It has been most successful in the areas of individual dismissals and retrenchment and markedly unsuccessful on issues of collective bargaining. The present definition of an unfair labour practice is extremely wide and open-ended. This has given the court a discretion to lay down guidelines on employment practices. These guidelines have evolved to a point where, for instance, the procedural requirements for a fair retrenchment or dismissal are widely known and well publicised. The court's judgements are not binding precedents and their purpose is not to lay down fixed standards of conduct. An employer who fails to follow the court's guidelines by, for instance, not consulting with a representative trade union before retrenching or by not allowing employees a hearing before dismissal, will have to justify its deviation for accepted practice.

The Bill proposes to drastically change this position. The brief open-ended definition of an unfair labour practice will be replaced by a lengthy schedule setting out what is and what is not an unfair labour practice. The schedule in the Bill deals with unfair dismissals, unfair retrenchments as well as a number of aspects of conduct by trade unions and collective bargaining. The Minister of Manpower will have the power to add new unfair labour practices by notice in the Government Gazette. While the schedule does include the present definition of an unfair labour practice, the introduction of the schedule will seriously curtail the court's powers in this area.

Before examining the different parts of the schedule in detail it is necessary to debate whether the introduction of this type of definition is desirable. Sources close to the Department of manpower, have said that the schedule will 'codify' the courts' decisions and so create greater certainty as to what is an unfair labour practice. Anybody interested will be able to look at the definition and judge what is or is not an unfair labour practice. This will prevent unnecessary court cases and will assist smaller employers, particularly those in outlying areas, who are not able

to obtain expert legal or industrial relations advice. Many of the arguments in favour of a code are strong and there was a time when conflicting judgements of different members of the court did create uncertainty. However the primary purpose of the new definition is not to codify the unfair labour practice. It is to limit the power of the court. This is made clear by a number of aspects of the schedule:

1. The schedule deals both with issues on which the court's guidelines are clear (individual dismissal and retrenchment) and with issues on which the court has not yet ruled. In areas where the court's decisions are clear the schedule does not accurately reflect the court's approach and will undermine many worker rights established by the court. On both individual dismissal and retrenchment, the new definition will do away with many of the protections established by the court.
2. The new extended definition will limit the ability of the industrial court to respond to developments in the labour arena and curb its wide-ranging discretion to develop fair employment practices. It is possible to provide more certain employment guidelines without restricting the court's powers. This could be done either by providing that the industrial court should publish summaries of its judgements or by allowing for the development of a non-statutory and advisory code of conduct for employers such as exists in the United Kingdom.
3. There are types of conduct which should be defined as an unfair labour practice. Racial or sexual discrimination is one such case and is defined as an unfair labour practice in the schedule. One might also expect the failure by an employer to deal with a representative trade union to be an unfair labour practice but it is not included. However with many other types of conduct, it is difficult if not impossible, to anticipate whether it will or will not be an unfair labour practice in all situations. One part of the new definition provides that any attempt by a union to prevent an employer from dealing with employees who are not its members is an unfair labour practice. This provision will have major implications for majoritarian trade unionism which are discussed below. Its effect will be to brand this approach to collective bargaining as an unfair labour practice in all circumstances despite its widespread acceptance by major employers. This inclusion in the definition will remove from the court's scrutiny this cru-

- labour legislation -

cial issue which involves the play-off between the demands of majority groupings and the protection of minorities. The obvious implication is that the government does not trust the court to make the appropriate response.

4. It is undesirable that the Minister of Manpower should have power to determine what is or is not an unfair labour practice. This may not only lead to conflicts between the Minister and the court, but may allow the unfair labour practice to become a political football. As the Star pointed out in an editorial,[2] the Minister may be subject to political pressures, most likely from the right, which could lead him to use these powers for short-term political gains. The industrial court is the institution best placed to evolve unfair labour practice guidelines. It makes its decisions after hearing argument by both parties and the court procedure allows both parties an opportunity to make representations and to debate what the guidelines should be.

The new schedule is intended to create greater certainty and in so doing reduce the level of labour litigation. The complexity of its definitions is however likely to increase litigation as lawyers search for loopholes. The form of argument before the industrial court will be changed. At the moment, argument centres around the fairness of employer, employee or trade union conduct, and the parties are required to show whether it will be just for the court to rule in their favour. Under the new definition argument will be more technical concentrating on whether or not a particular action falls inside or outside of the definition.

What will be an unfair labour practice?

Dismissal

The present approach to the dismissal of employees of the industrial court contains two elements. A dismissal will be fair if it is for a good reason (i.e. in the case of misconduct, the misconduct must be sufficiently serious to justify dismissal as opposed to some other form of discipline), and, in addition, the dismissal must be procedurally fair - the worker must have had an opportunity to challenge his employer's reason for dismissing him at an inquiry. The new definition enacts this part of the court's approach accurately. A dismissal for disciplinary reasons will be unfair unless it is for a 'valid and fair reason' and is in com-

pliance with a fair procedure. However the definition contains a number of exceptions to this general rule which will severely undermine the general principle. These exceptions are:

1. The dismissal of an employee who has been employed for less than twelve months will not be unfair unless the dismissal is in any way unfair or not in accordance with a fair procedure. The purpose of this definition is to allow for a period of probation during which the normal rules of dismissal will not apply. However the effect of the exemption is far from clear. On a literal interpretation there appears to be no distinction between the situation of probationary employees and others although this is obviously not the Bill's intention. To set the probationary period at a year in all cases is entirely random. The appropriate period of probation during which an employee can be dismissed more easily than in other circumstances, will vary from job to job and should be left for the industrial court to evolve;
2. A dismissal without a hearing will not be unfair if the industrial court thereafter decides that the employer could not reasonably have been expected to hold an enquiry. This is in keeping with the present position which allows an employed to show why the holding of an inquiry would be impractical. Where, despite the absence of a hearing, the employee had a fair opportunity to state his case and the holding of a hearing would not have affected the dismissal it will not be unfair.
3. A dismissal that is in 'substantial compliance with an agreement' (including an industrial council agreement) containing provisions relevant to the dismissal will not be unfair. The implication is that in an industry such as the building industry where the industrial council agreement provides for one hour's notice, any dismissal on one hour's notice will be fair. If this is a correct reading of a badly-drafted and chronically ambiguous provision it will destroy the protections found in the court's doctrine of substantive and procedural fairness.
4. The selective re-employment of dismissed employees will not be unfair where it takes place in terms of fair criteria. This again is consistent with the decisions of the court although the court has, in addition, required employers to consult with

- labour legislation -

trade unions over selective re-employment.

Retrenchment

The definition lays down that for a retrenchment to be fair, an employer must give reasonable prior notice of the intended retrenchment and the reasons for it to the employees concerned. The employer need give a trade union notice only if he recognises the trade unions as representing affected employees. The employer must then consult with the employees, or the trade union where appropriate, over the intended retrenchment.

The definition is less extensive than the court's current approach to retrenchment in that it does not require the employer to take steps to avoid or minimise the retrenchment or to entertain proposals by employees on these aspects. The court has held that an employer should consult over retrenchment with a trade representing a majority of its workers regardless of whether it has recognised the union.

A retrenchment will be fair if the retrenched employees are selected according to 'reasonable criteria' which may include 'ability, capacity, productivity and conduct'. This part of the definition is in sharp contrast to the approach of the court which has stressed criteria based on seniority such as 'LIFO'. Factors such as conduct and ability are notoriously subjective and may allow employers once more to use retrenchments as an opportunity for 'weeding out' employees they do not want.

Other unfair labour practices

A number of other acts by an employer are made unfair labour practices. These include the unfair unilateral suspension of employees as well as the unfair unilateral amendment of terms of employment. A trade union will be guilty of an unfair labour practice if it or its officials or office bearers use misleading or unfair methods of recruiting members. Anyone who refuses or fails to comply with the provision of the Labour Relations Act or an agreement will be guilty of an unfair labour practice. This part of the definition will make any strike staged in contravention of the Act an unfair labour practice.

The extended definition of an unfair labour practice will hit at many of the solidarity actions staged in support of industrial

campaigns. Trade unions and trade union federations will not be able to call for boycotts. Any actions by them or their officials that lead people to support or participate in a boycott of any product or service will be an unfair labour practice. Boycotts are already hit by the Emergency Regulations. This will not only extend the prohibition beyond the current Emergency but will provide any employer whose business is boycotted with an easy recourse against the union involved. The employer will be able to have the union's role in calling or spreading the boycott declared an unfair labour practice and ask the industrial court to award damages against the union. A further unfair labour practice is that any act which has the effect of intimidating an employee or employer to agree or not to agree to anything relating to the employment relationship will also be an unfair labour practice.

The powers of the Industrial Court

A number of changes are proposed to the structure of the industrial court. Firstly the court's power to grant urgent interdicts and perform other functions of a normal court of law in respect of laws administered by the Department of Manpower has been removed. There will now be no urgent access to the court to interdict unlawful strikes, lock-outs or breaches of agreement. These functions will be performed exclusively by the Supreme Court. As the industrial court is designed as a specialist forum for labour law, it is preferable that matters of this nature should be dealt with by the court. Many of the representations made on behalf of trade unions proposed that the court's jurisdiction should be enlarged and it should have a general power to entertain urgent applications as well as being able to deal with all matters arising out of the employment relationship including contracts of employment and recognition agreements.

The inability to hear cases on anything approaching an urgent basis is undoubtedly the most serious gap in the court's powers. With the removal of the 'court of law' function, the court will deal in the main with two types of cases; applications for temporary reinstatement and unfair labour practices. Although it is for short-term relief, it is extremely difficult to have an application for temporary reinstatement heard quickly. In Johannesburg and Pretoria, the back-log of cases is so long, that these cases are often not heard until 4 or 5 months after the dismissal. Unfair labour practices which can only be heard after the dispute has been referred to an industrial council or conciliation board

- labour legislation -

take considerably longer. These delays ensure that many disputes are only of academic interest when they reach the court and prevent the court from playing a more active role in resolving industrial conflict.

The structure of the industrial court will be altered by the creation of a special labour court which will be staffed by Supreme Court judges. This will hear appeals from decisions of the industrial court. The creation of the special court may increase the status of the court but it will also increase legal costs as only advocates will be able to appear in it. The right of parties to appeal against decisions of the industrial court has been extended and any decision of the industrial court is now subject to an appeal to the Supreme Court. This will allow parties to lodge appeals on decisions of the industrial court on both temporary reinstatement orders and unfair labour practice determinations. With the current backlog in South Africa's legal system, appeals to the Appellate Division can take up to three years to be finalised.

The status quo application in terms of Section 43 of the Labour Relations Act has been the court's stock-in-trade. Some two-thirds of the cases before the court are instituted in terms of this provision. The Bill introduces a number of new tests that a party seeking a temporary reinstatement order must satisfy. A trade union seeking the reinstatement of dismissed members will have to prove that a reinstatement order will assist the parties in settling the dispute.

These new requirements will shackle the discretion of the industrial court and make it more difficult to get workers reinstated. It is virtually impossible to prove that a reinstatement order will help settle a dispute. This provision may also have the absurd result that the court will not be able to order reinstatement where an employer is uncooperative and says it will not settle a dispute under any circumstances.

At present when the industrial court temporarily reinstates a worker, the employer can pay the worker for the duration of the order and does not have to give the worker his job back or allow the workers to return to the company's premises. This provision does not apply to unfair labour practice determinations where a workers who is reinstated must be taken back into employment. This has now been altered and employers will never be obliged to take reinstated workers back into employment. They can, in all cir-

circumstances, comply with the order by paying the employee. This will open the way for employers to neutralise trade union leadership by dismissing them and then excluding them from their premises. Wealthy employers will be able to victimise trade union leadership at will.

The attack on majoritarian unionism

As has been pointed out earlier, workers who attempt to prevent their employers from dealing with fellow employees who are not members of their union will be guilty of an unfair labour practice. This will prevent majority unions demanding that employers grant them sole collective bargaining rights. This amendment will encourage the flourishing of minority unions and could involve employers having to duplicate negotiations with large numbers of unions in their plants. The revealing feature about this change is that the Act does not have an objection in principle to the curtailing of minority rights. Close shop agreements which make even greater incursions on the rights of employees who are not parties to the agreements can still be negotiated through the industrial council system. Because of the entrenched position of the older registered unions (generally white and conservative) on councils, closed shops often impose the will of the minority on the majority with the stamp of approval of the Department of Manpower. The object of the amendment is not to prohibit agreements that effect the position of employers who are not members of unions who entered into the agreement. Its attack is on the approach of the independent trade unions to collective bargaining and their demands for exclusive bargaining rights.

A number of other provisions in the Act, make it clear that the Bill proposes to bolster the position of minority unions. Newly established racially exclusive unions will be able to register without non-racial unions objecting to their registration. A change in the voting procedures of industrial councils will give unions representing small sectors of an industry's work-force and sitting on Industrial Councils greater power to prevent disputes on unfair labour practices being referred to the Industrial Court.

Conciliation procedures

The most significant improvement recommended by the Bill is the simplification of the procedure for the application for the estab-

lishment of a conciliation board. As the law stands, the grant of a conciliation board is within the discretion of the Minister of Manpower and as a result applications for the establishment of boards are frequently refused and take a considerable period of time. The Ministers' discretion has now been removed and the Department of Manpower is required to establish a board provided that a proper application has been made and a genuine dispute exists. The Act also introduces a procedure for the resolution of disputes to be used by industrial councils who do not have disputes procedures in their constitution or agreements. In both an application for a conciliation board and the referral of a dispute to the industrial council the dispute must be referred with twenty-one days of the dispute having arisen. This is yet another unnecessary limitation on the use of the conciliation procedures and will give rise to further uncertainty and intense disputes over the date when a dispute arose.

Unregistered trade unions

Unregistered trade unions are now subject to the administrative and other controls in the Act. They must supply the Industrial Registrar with a copy of their constitution and information concerning their operation, as is the case with registered unions. Unregistered unions now operate in much the same way as trade unions that have registered in terms of the Act and the distinction between these two types of unions have become so slight that Parliament would be well advised to do away with any differences. However the new Bill will place further restrictions on the operation of unregistered trade unions. To refer a dispute to an industrial council or conciliation board, they will have to obtain a certificate from the Industrial Registrar that they comply with certain provisions of the Act. In view of the short time periods involved in the new procedures, this restriction will place great pressures on these unions.

Conclusion

The lack of coherence in the draft amendments as well as their alarming ambiguity make it difficult to summarise their logic and purpose. The Bill's ill-considered proposals for changes to the statutory conciliation procedures are puzzling. As recently as the conclusion of the mineworkers' strike the Minister of Manpower hailed that strike as showing the 'adequacy' of South Africa's labour law. (Trade unions, of course, argued that the mass dis-

missals at the end of the strike showed the failure of labour law there to offer sufficient protection to employees who stage industrial action only after exhausting statutory conciliation.) The random tampering with the Act shows a state worried by the continued growth of independent trade unionism but unwilling and unable to respond to the wider political pressures that bear on trade unions and employers. This dynamic is well expressed in a top labour lawyer's stinging criticism of the Bill:

"If the primary function of labour legislation is to mediate the manner in which organised labour and capital exercise power, then the draft Labour Relations Amendment Bill, which is before Parliament, must belong to a contrary tradition... a close reading of its terms reveals some utterly perverse features. Some may see it as anti-union but it would be more accurate to describe it as subversive of a coherent and effective system of collective bargaining. It appears to be the product of myopic bureaucrats rather than of ideologues ... The Department of Manpower could do worse than to rethink the future of the Bill in the context of the original recommendations of the Wiehahn Commission." [3]

The trade union movement will do well to ensure that the Bill's proposals never become law.

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Namibia Update: Trade Unions and Labour Action

September – October 1987

Wolfgang Werner

Introduction

Following recent strike action and increasing labour mobilisation and organisation in Namibia, both employers and the State seem to recognise the importance of the emerging labour movement. This is evident in the recognition agreement having been signed by the multinational Rossing Uranium Ltd., and the Rossing Mineworkers' Union, as well as by the State having granted NAFAU its recognition certificate. Moreover, the State has responded to increasing labour action by appointing a commission of inquiry into labour matters in Namibia. On the other hand the state sought to dissipate labour organisation in Windhoek, by closing and imploding the workers compound in the township of Katutura.

The workers' compound in Katutura

Tension has been mounting over the intended dissolution of the workers' compound in Katutura township referred to in the previous 'Namibia Update'. It was generally felt that insufficient alternative accommodation was available in Katutura. At the end of September, the date for the final closure of the compound, only 199 houses provided by National Building and Investment Corporation (NASBOUKOR) had been completed. Officials ascribed this shortage of accommodation to failure to establish the exact number of people who were living in the compound. Estimates ranged between the official figure of 5 000 to an unofficial 10 000. NASBOUKOR seems to have backed down from its initial hardline on so-called illegal residents of the compound by announcing that it would not only provide houses for 'legals' but also for some 2 400 'illegals in employment'. Workers sources indicated that thousands of workers had found their own accommodation in Katutura, particularly in the single quarters which were said to be 'crammed way beyond capacity'. In addition about 2 000 workers had been ferried back to the north. [1]

The Cabinet of the so-called Transitional Government of National

Unity had decided to implode the dormitories of the compound on 9 October, since it regarded the conversion of the compound for other purposes as not economically feasible. Renovation of service elements before any conversions required vast capital inputs.[2]

As a result, residents of Katutura established the 'Committee for the Preservation and Renovation of the Katutura Hostel' in an attempt to save the building and facilities for community purposes. Acting Secretary for the Committee Ms. Ottilie Abrahams of the National Independence Party stated that the compound could provide accommodation for schools, creches, youth recreational facilities, libraries, old age homes, orphanages, sports clubs, offices for NGOs and small domestic industries. Plans for such conversion of the compound had existed since 1984 and were elaborated on ever since. The stubborn refusal by the Cabinet of the so-called Transitional Government of National Unity to heed the suggestions for such alterations was interpreted by some observers as deliberate attempt to destroy a powerful source of resistance and base for political organisation.

Attempts by the Committee to seek a court interdict against the Transitional Government to prevent it from imploding the dormitories of the compound had failed and the compound was imploded on 9 October.[3]

The NUNW, NAFAU, MUN and MANWU slammed the Transitional Government for the proposed demolition of the compound. In a joint statement they criticised the state for not having consulted workers over the closure of the compound, and for failing to provide them with adequate accommodation. "By getting rid of a symbol of oppression (they) are leaving people without houses." [4]

Trade union developments

NAFAU Congress

The Namibia Food and Allied Workers' Union held its second congress in Katutura on 19 and 20 September. NAFAU was established on 20 September 1986. Its membership has increased from 6 000 at its inception to about 11 000 a year later. Workers are organised in 74 worker committees countrywide resorting under four branches.

It was disclosed at the Congress that the union had received its registration certificate, after having had to wait since December

- Namibia update -

1986. Secretary General John Pandeni pointed out that registration was sought not in order to "cooperate with the system", but because registration would make it possible for the union to operate legally and establish structures within the union which would be to the advantage of its members.

Several resolutions were passed during the Congress. They included a call to unite all unions, also those at present not affiliated to NUNW, in one giant umbrella body; recognition of NAFAU by all food related industries in Namibia; fighting for a living wage, implementation of paid maternity leave and support for United Nations Security Council Resolution 435.

The Congress elected its Central Committee of 30 members and its National Executive Committee of 13 members. John Pandeni was re-elected General Secretary, with McDonald KaNtlabathi being elected to the newly established post of Assistant General Secretary. Another new post, that of Educational Coordinator, was filled by Immanuel Kavaa.[5]

Recognition agreement for Rossing Mineworkers' Union

On 28 August the multinational Rossing Uranium Ltd., signed a recognition agreement with the Rossing Mineworkers' Union, which is affiliated to the Mineworkers' Union of Namibia (MUN).

As a result of the recognition agreement - which explicitly recognises the Rossing Mineworkers' Union (RMWU) and not the MUN - misunderstandings as to the relationship between the RMWU and MUN arose in the press. These were cleared up by union leadership, which explained that the misunderstanding arose over the question of registration. At the time when the RMWU negotiated the recognition agreement with Rossing Uranium Ltd., it did so as a registered union, whereas the MUN was not registered. Management argued that "in order to meet legal requirements they would only deal with a registered union, whereas the MUN was registered, it would takeover the responsibilities of the RMWU. The agreement reached between RMWU and the company contained a clause stipulation "that once the union changed its legal status and name to become part of the MUN, any recognition agreement would have to be renegotiated". The secretary of the RMWU, Winston Groenewald, stated that Rossing workers wanted a national union for all miners.

Apart from the fact that many Rossing workers were card carrying members of MUN, several officials of the RMWU served on the executive of MUN. Thus the chairman of the RMWU, Asser Kapere, is also Deputy National Chairman of MUN and Winston Groenewald, secretary of RMWU, its treasurer.[6]

Recognition Agreement for Automobile and Metal Workers' Union

The Automobile and Metalworkers' Union, an affiliate of the Namibia Trade Union of Mr Alpha Kanguahi, signed a recognition agreement with South West Engineering (SWASTAHL). The agreement stipulated that the union had to represent at least 75% of the labour force on the shopfloor. The company would also recognise shop stewards elected by workers, provided they were on the hourly-rated payroll and had completed at least one year's continuous service with the company. Shop stewards would qualify for one hour of paid leave per month to attend to union matters, but would have to have the permission of their supervisors to be absent from work. In addition, the company would grant three days of paid leave per year to enable shop stewards to attend industrial relations training programmes.[7]

Conflict between NANAU and NNTU

The conflict between the two federations NANAU and NNTU referred to in the previous 'Namibia Update' flared up once again in early September. Employers of the firm Taueber & Corssen, who belong to the Namibian Wholesale and Retail Workers' Union (NWRWU) which is affiliated to the Namibia National Trade Union (NNTU), claimed that the Namibia National and Allied Workers Union (NANAU) of Theo Ngaujake was interfering in their affairs. Workers allege that Ngaujake had told management that employees of T & C no longer belonged to the NWRWU and that therefore the agreement signed with the union on 17 November 1986 was null and void. As a result management allegedly postponed wage increases of 10%. Ngaujake claimed that the NWRWU was an affiliate of NANAU and not NNTU.

A NNTU spokesman Mr. Veripi Kandenge, confirmed that Theo Ngaujake was legally expelled from the NNTU after allegations that he had received funds for the Security Police, and therefore had no right to change the name of the NNTU to NANAU. He challenged him to show at which firms he was representing workers.[8]

In response to an article in the The Namibian NANAU threatened

- Namibia update -

with civil action against both The Namibian and Veripi Kandenge of the NNTU because of allegations that NANAU was being financed by the police.[9]

The Wiehahn Commission

On 14 September the Cabinet of the so-called Transitional Government has announced the appointment of a commission of inquiry into labour matters in Namibia. Chaired by Prof. Nic Wiehahn, well-known to us all, its members are Charles Kauraisa, G Kirsten, F Muundjua, H Schoeman, Adv. J Schoeman, David Smuts, J van Rooyen and Aloisius Yon. According to the Administrator General, Louis Pienaar, the tasks of the Commission was to look into:

- "internal work committees that could give rise to participation in management according to the German system;
- strengthening internal workers representation to avoid over-dependence on external politicised unions;
- establishing a special labour court;
- extending the criminal sanctions against illegal strikes by exposing the offending trade unions or strike leaders to civil claims for damages;
- extending the law on unfair practices to expose likewise persons or organisations interfering in employer-employee relations to civil claims for damages;
- declaring sympathy strike illegal."

Special attention should be paid by the Commission to the Wage and Industrial Conciliation Act of 1952; the Apprenticeship Ordinance of 1938 and the National Labour Council Act of 1986.[10]

Wage increases for fishermen

Attempts to revive the dormant Luederitz Fisherman's Union by a member of the Coloured Labour Party had failed in the beginning of October, reportedly because most of the workers in the fishing industry in the town belong to NAFAU.[11]

In the meantime the Luederitz committee of NAFAU had negotiated with the combined management of three fishing companies; SWAFIL, Angra and LBC. The new contracts regulate wages for the 1987-88 season, and include the following wage increases:

- shipmates and boat drivers, up from R485 to R600 p.m. for 12

- months a year;
- cooks, up from R450 to R500 p.m.
 - "bakkie" and deckhands, with one year's experience, up from R19 a day to R22, without experience, up from R12 to R14 a day;
 - carriers now receive R350 p.m. for 12 months a year.[12]

Namibia Trade Union on politics

The President of the Namibia Trade Union, Alpha Kanguahi, said at a press conference that trade union should resist attempts by political parties to dominate them, since the interests of both are not identical. He also state that his union, while not affiliated to any political party, supported the progressive movement in Namibia, which he identified as SWAPO and SWNU (Left).

He further revealed that the union would bring out its own newsletter on a six-weekly basis. This would be funded by the Wilgespruit Fellowship Centre in Johannesburg. The union would also start a sewing project for unemployed workers, for which it would purchase R12 00 worth of sewing materials and 20 sewing machines.[13]

Aftermath of the TCL strike

A group of dismissed TCL workers accused the company of victimisation in an interview with The Namibian. They alleged that management used people in the Labour Control Office to identify members of the MUN in attempts not to re-employ MUN members. They estimated that only one third of the 3010 dismissed workers had been re-employed by the company. They further claimed that the mine recruited slightly older workers in the belief that they were less likely to strike, while simultaneously weeding out those workers approaching pensionable age and those injured on the job. With regard to working conditions and wages, the group alleged that wages for skilled and unskilled workers had dropped after the strike and that workers had to work 12 hour shifts without overtime pay.

Confronted with these allegations, mine management denied charges of MUN victimisation, that is sought to employ older workers, that shift times had been extended or wage rates changed. About allegations that the mine sought not to re-employ workers approaching pensionable age, management simply replied that all workers were employed on merit.[14]

Food and Allied Workers' Union established

A rival union to NAFU has made its appearance in Namibia. The chairman of the Food and Allied Workers' Union (FAWU), Stefan Berlakovitch, would not reveal, however, how strong his union was or in which industries or factories it has put up workers' committees. John Pandeni of NAFU has claimed that FAWU had embarked on a recruitment drive among SWAVLEIS workers and has accused it of sowing confusion in the ranks of SWAVLEIS workers with false promises. Berlakovitch stressed that his union did not aim to get involved in politics, but was prepared to work with any government.

Labour action

Strike at MKU Enterprises (Pty) Ltd

About 180 workers of MKU Enterprises (Pty) Ltd in Okabanda went on strike on 7 September demanding higher wages. Workers had returned to work the next day, after the Metal and Allied Namibian Workers' Union (MANWU) had decided to apply for a conciliation board. This is the first time the union has resorted to such action, and explained its decision by arguing that existing labour legislation was "not in the interest of workers" and that employers had "unlimited" power to "hire and fire".

Wages reported to have ranged between 85c and 95c an hour. According to workers' sources, management had threatened to dismiss striking workers and obtain a court order to evict them from the company hostel. It also refused to negotiate with the MANWU workers' committee.[15]

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State of the Unions

Coletane Markham and Jabu Matiko

Strength of unions

The inability to get responses from all the democratic trade unions created difficulties in arriving at a reliable figure for the total membership of the democratic trade union movement. Out of 51 unions only 29 responded to our survey. The figure of 29 is divided into 17 NACTU affiliates, 7 COSATU unions and 5 unions not affiliated to either COSATU or NACTU. The total paid up membership in our sample is 854 141. However the National Manpower Commission reported at the end of 1986, 2 067 157 members for both registered and unregistered trade unions.

Shop stewards and their committees have become a crucial development of the organisational structures of democratic trade unions. Some unions have undergone a process of structuring these committees and incorporating them in their constitution. There is an indication of the increase in number of shop stewards. In 1984 there were over 6 000 shop stewards in the emerging unions.[1] In our sample unions have 24 701 shop stewards. On average, there is one shop steward for every 34 paid up union members.

The democratic unions now have an organisational presence in almost all sectors of the economy. However most unions in our sample did not disclose or were uncertain about the number of workplaces organised. 38% of the unions which responded have 1 465 organised workplaces. Increase in membership also saw the growth in number of paid union officials. 72% of unions have 715 paid union officials. This number excludes the administrative staff. This is almost 2,5 times as much as in our 1985 survey.

The shift to industrial unionism is an attempt to more effectively challenge the highly centralised structure of capital. This is a significant development in the South African labour movement, particularly in COSATU at present. At its Inaugural Congress, COSATU had a total of 33 unions with a paid up membership of 449 679. The Federation pointed out that it will be unable to protect worker interests and advance their rights unless large broadly based industrial unions were built. At the Second National Congress, the

number of affiliates had decreased to 12 having an organising presence in the following sectors: food, construction, chemical, domestic, metal, health and education, commercial and catering, transport, mining, paper, textile and municipal. COSATU has also embarked on organising farm workers. Four full time organisers have been employed to focus on this sector.

Results of mergers in COSATU

Table 1

Sector	Union established	Unions that participated in mergers
Food	FAWU	FCWU, RAWU, SFAWU and part of GAWU
Construction	CAWU	MAWU, SAAWU, TGWU and part of GAWU
Chemical	CWIU	PAWU and CWIU
Domestic	SADWU	Four regionally based domestic worker associations
Metal	NUMSA	NAAWU, MICWU, MAWU, NISMAWU, MACWUSA, GAWU, UMMAWOSA and SAAWU
Health	NEHAWU	CAWU, HAWU and SAAWU
Paper	PWAWU	NUPAWU and PWAWU
Municipality	SAMWU	TGWU, MWUSA and CTMWA
Textile	ACTWUSA	NUTW, NUGW and TWIU

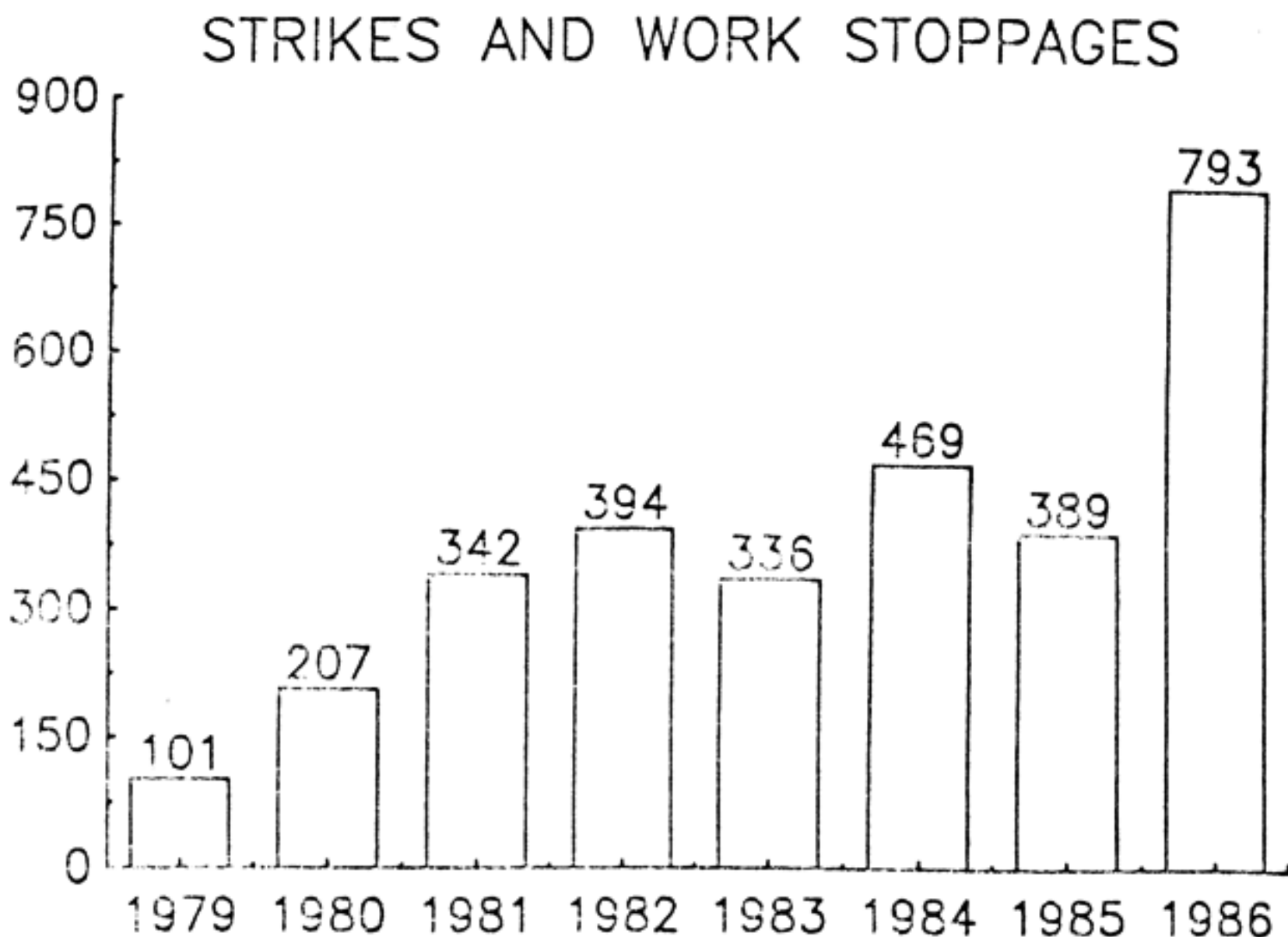
It must be pointed out that the process of merging in COSATU was not always without obstacles. There are still problems with regard to establishing an industrial union in the Commercial and Catering industry. However it is not the intention of this survey to deal with these problems. Merger talks are presently taking place between TGWU and SARHWU.

It is extremely difficult to reflect the situation presently prevailing in NACTU given the inability to get responses from most affiliates. However affiliates which responded indicated that

Strikes and Disputes

According to the National Manpower Commission (NMC) report the total number of strikes for the year ending 1986 was 643. An additional 150 workstoppages occurred, i.e., defined officially as a withdrawal of labour without any accompanying demands. Compared to previous years this shows a steady increase in strike activity, the figure for 1985 for example was 389 as compared to the total of 793 (strikes and work stoppages) for 1986. In general the period 1979 to 1986 has seen a steady increase in strike activity with two downturns in 1983 and 1985.

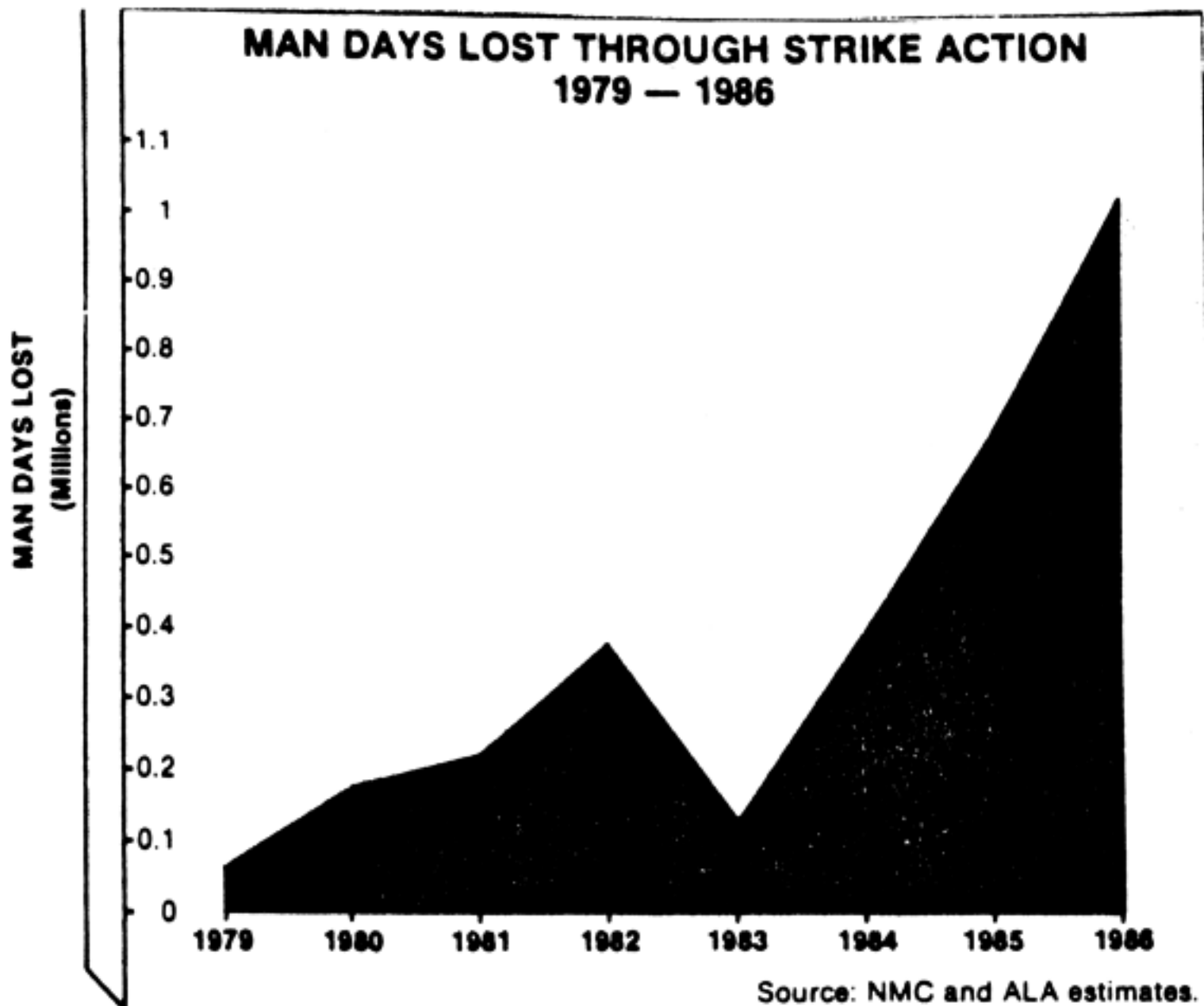
Table 2 : Strikes and workstoppages.



Source: NMC Report

The 1985 figure reflects a small number of strikes mobilising large amounts of workers in crucial sectors. In 1986 comparatively smaller numbers of workers were mobilised in numerous strikes with the retail sector accounting for most of these. The total number of workers involved in strike action has also steadily increased such that a record high of 424 390 workers were involved in strike action during 1986. On average the NMC reports that 3,08 work-days were lost per worker due to strike action as compared to 2,09 in 1985 and 2,8 in 1984.

Table 3 : Man-days lost through strike action.



Industrial relations consultants, Andrew Levy and Associates, estimate that close to 1.1 million man-days were lost due to strike action for the whole of 1986. These figures are conservative however as they do not reflect (1) the host of smaller, unreported and often "illegal" strikes which usually go by unnoticed, and (2) the figures in both cases exclude stayaways, such as May 1 or the

- state of the unions -

action by 250 000 mineworkers during October 1986 after the Kinross disaster. "If such events were included an additional 3,5 million man-days would have to be added to overall production losses for 1986". [2]

According to Levy and Associates the pattern of strike activity for the period 1979 - 1986 shows that a distinction can now be made between shorter, wildcat strikes which occur over an immediate dissatisfaction and the longer drawn out actions which tend to follow wage disputes.[3] In the latter category they argue that union demands are becoming more sophisticated and that resort to full-scale strike action does not always occur. The number of go-slows, overtime bans, and work-to-rule as a means of pressuring management during wage negotiations indicates this. In addition where strikes related to wage demands do occur after negotiations have already begun there is a tendency for longer action. The NMC figures show that 14% of the strikes which occurred lasted longer than 14 days, whilst 49% lasted one day or less. The year 1986 also saw an increase of 50% in the number of strikes involving more than 1 000 workers.

"In a year which saw a number of notable disputes, probably the most unique were the large-scale stoppages which occurred in the retail and chemical sectors as a result of the imposition of the State of Emergency in June".[4] Strike action, involving up to 7000 workers occurred at 70 major retail outlets on the Reef. These included Woolworths, Garlicks, Checkers, Pick N Pay, OK Bazaars, CNA and Frasers. The result of this rolling-strike wave was that a delegation of chief executives from these stores visited the government to demand the release of shop-stewards and a threatened withdrawal of Company Tax in order to pressurise the government. In the chemical sector the South African Chemical Workers Union (SACWU) also led a number of stoppages to protest the detention of several union officials. Commercial Catering and Allied Workers Union (CCAWUSA) topped the strike league with a six day national stoppage at Pick N Pay in support of wage demands and a six week strike at Foschini stores over retrenchments. Chemical Workers Industrial Union (CWIU) also accounted for a sizeable chunk of total man-days lost with a long dispute at Dunlop over the introduction of a revised shift system.

The launch by Metal and Allied Workers Union (MAWU) of a number of sleep-in, "siyalala" strikes in response to demands for plant-level wage bargaining were widely heralded as a direct challenge

to capitalist control of the factories. Sleep-ins also encouraged the development of strong community support networks, and were conducted at Haggie Rand, Asea, Argen Precious Metals, G B Engineering, and Pan African Shopfitters. Miners at Blyvooruitzicht soon followed with a sit-in underground by over 7000 workers.

The year also saw some of the longest disputes in the history of South Africa. The BTR Sarmcol dispute which started in late 1985 continued while two more marathon disputes, Clover and Nels Dairy started. All three disputes still continue. At the end of 1986 the National Automobile and Allied Workers Union (NAAWU) began a rather difficult, if optimistic dispute with General Motors over disinvestment. Demands raised during this strike raised the question of control over investments and worker participation in determining the character of investments regardless of the source. There was also a notable increase in sympathy strikes. The threatened national action in support of Nels workers, stoppages on the East Rand in support of Dunlop workers and sympathy action in the metal and paper sectors occurred.

Whilst strike figures for 1987 are not yet available it is clear that this year the production losses incurred will almost certainly surpass those of 1986. Statistics show that the strikes in the first half of 1987 alone exceeded the total for 1986. Many of the strike trends in 1986 carried over into 1987. The tendency towards protracted wage battles continued in the OK Bazaars, SA Breweries, Mercedes Benz, and NUM strikes. Tightened Emergency Regulations have made support strikes more difficult to organise however. The popularity of the demand for a Living Wage in 1987 has also seen unions go on the offensive once again with wage victories often above the inflation rate. A notable development this year was the rise of organisation in the hitherto uncharted public sector area. The dispute by railways workers with SATS, the postal disputes and a number of smaller disputes in the hospital and local authorities indicates growing militancy among public sector employees.

Causes of strike action

Comparing the 1985 and 1986 figures it appears that wages still rank high on the list of causes for strike action. The 1986 NMC findings indicate that wages accounted for 26,0% of strikes, with wages and other matters adding a further 5,3% to this figure. The category, "unknown", which is not defined in the official docu-

- state of the unions -

ments accounts for a high 34,5% of causes for strike action. Working conditions accounted for 16,4% of strikes while disciplinary measures accounted for 14,4% of strikes.

Since 1984 there has been a noticeable decline in disciplinary measures and 'trade union matters,' which we assume includes union recognition, as the cause of strike action. This is reflective of the consolidation of the union movement, increased bargaining strength and a more militant stance. Strikes are less and less a response to arbitrary actions of management and are assuming a more offensive and complex nature. At the heart of strike action in 1986 however still lies a defensive response to the effects of economic recession. According to J Maller the emphasis on wage related bargaining should be viewed against the backdrop of double-digit inflation and growing unemployment. This has forced employers to limit wage increases to below the rate of inflation. Research conducted by SALDRU shows that the average minimum wage expressed in real terms during 1986 was at its lowest point since 1981.[5] This has now been challenged in the 1987 Living Wage campaign.

Looking at our survey the emphasis on wage related disputes appears to be confirmed. A total of 29 unions were surveyed, with 24 responding to the question on major strikes and disputes this year and 16 responding to the question on causes of strikes.

Table 4 : Reasons for strikes and disputes

Wages	23
Dismissals	12
Disciplinary	-
Working Conditions	7
Trade Union	8
OTHER - includes rent, housing, discrimination, harassment	11

Second to wages, dismissals rank high on the list of causes of strike action. In the category "other" a number of unions cited race discrimination as the cause of strike action. Five of the

unions responding to this question noted race discrimination as the cause. Perhaps significant here is that four of these unions are from the recently organised public sector. Harassment of union organisers or shop stewards was cited in three cases under this category.

Stayaways

Stayaways which has re-emerged as a significant political tactic in 1984, were used frequently in 1985, 1986 and 1987. The frequency of stayaways has also increased as levels of unrest increased, from one in 1982 to 4 in 1984, 22 in 1985 and 25 in 1986. Once again these figures reflect only the known, reported stayaways and are probably an underestimate. In total, stayaways in 1986 accounted for 77,8% of the total man-days lost per worker, an additional 3.5 million man-days.

Some of the larger stayaways include, the stayaway on March 21st to commemorate the Uitenhage massacre. It was an almost total stayaway with 99% of the workers in COSATU-organised factories staying away from work in the PE/Uitenhage region. A stayaway on the East Rand to commemorate the 26th anniversary of Sharpeville. The May Day stayaway which saw approximately 1 500 000 workers come out in support. The June 16 stayaway which had the same support. In October up to 325 000 mineworkers supported the NUM call for a day of mourning following the Kinross disaster. A further 225 000 workers in other industries took action as well, usually involving one hour stoppages. Not so successful was the call by COSATU for a stayaway on July 14 to protest the detention of 226 trade unionists, and the call by MAWU for a stayaway on December 1 to protest killings after the union AGM.

Stayaways continued in 1987 although details are not complete. On May 1 an estimated 2-and-a-half million workers stayed away. A stayaway called for May 5 and 6th to protest the racially exclusive elections. Labour Monitoring Group (LMG) estimated a 99% stayaway in the PE/Uitenhage area, 57 to 70% stayaway in the Transvaal, 60 to 70% in Natal and 12 to 42 % in the Cape for the two days. On June 16 an estimated 82% of the black workforce stayed away. Stayaways were also called in Soweto and Tembisa.

- state of the unions -

Collective Bargaining and Industrial Relations

In the seven years since the Wiehahn Commission recommendations unions have responded creatively to state and employer attempts to draw worker demands into an institutionalised collective bargaining system.

"Up until about 1981 almost all of the emergent democratic unions rejected the industrial council system. They felt that industrial councils were dominated by minority white unions, that they had been set up without the consent of the majority of workers and essentially served the interests of skilled workers".[6] By 1985 many unions started to join industrial councils, realising the benefits which industry wide bargaining would bring. The unions have taken a more serious attitude to wage bargaining - often undertaking detailed research into profit rates and employing economists to help formulate demands.

At the same time unions have increasingly resorted to the industrial court to curb employers power to hire and fire as they liked. Between 1979 and 1986 the use of the industrial court rose from 20 to over 2 000 cases.[7] Strikes have also become a regular part of the collective bargaining system. In general, whereas unions have resorted to the industrial court and industrial councils to strengthen membership and consolidate gains made thus far, they have not allowed a situation to develop where worker demands remain confined to narrowly economic and defensive issues. Union demands have come to include broader political and socio-economic concerns.

The increased use of the institutionalised framework should also be viewed against the tremendous growth in the number of organised workers over the past few years, estimates put the number of workers presently belonging to trade unions at 20%, one of the highest in the world.

The NMC reports that by the end of 1986 the conditions of employment of an estimated 961 302 workers were regulated by published industrial council agreements. According to the NMC "a heartening feature is the increase in 15 industrial council agreements that provide for pension, provident fund, sick and holiday benefits". A total of 833 901 workers participate in pension and provident funds provided for in such agreements.[8] During 1986 a total of 1 983 disputes were referred to the industrial council in the

relevant industry or trade. In all 697 cases were settled at this level, with 399 cases going on to the industrial court, eight going to arbitration, and mediators appointed in 5 cases. At the end of the year a further 384 disputes had not yet been dealt with by the relevant industrial councils. [9]

In our survey 25 unions responded to the question on industrial councils. Of these 9 were not satisfied with the industrial councils and 2 were satisfied. The most common objection to industrial councils was their undemocratic nature, the perception that these bodies only serve the interests of employers. Some unions responded that the entire system still has a negative government stigma, whilst one responded that the industrial council never addressed critical issues. The union which was satisfied had no resort to any other body other than the industrial court since this union organised in the local authority sector. Their preference for the industrial council was therefore simply that it was the fastest way of resolving disputes in a sector where all strike action is forbidden by law.

Recently employers and the State have made a concerted effort to re-establish control over the industrial council system. The failure of the Metal and Allied Workers Union versus Hart case, did not prevent this union from campaigning vigorously for plant level bargaining in the 1986 wage negotiations. In response employers have tried to implement a new strategy - essentially pre-empting the negotiations at industrial council level by granting increases at the plant in order to buy off strike action. In other cases employers simply refused any plant level negotiations. The Paper Wood and Allied Workers Union (PWAU) walked out of the Paper Pulp Industrial Council in 1985 because of this. Since then PWAU has engaged in a concerted battle to reconstitute a national negotiating forum on the union's terms, notably majority unionism, minimum national negotiating rights, and plant level bargaining. Employers have also tried to undermine the system by threatening to withdraw from industrial councils.

The most serious threat to the industrial council system however was legislative. In September 1986 the Temporary Removal of Restrictions Act, an Act with serious implications for the entire industrial relations system, was passed. This Act gives the State President sole power to cancel health regulations at factories, reduce minimum wages, and lengthen working hours. The Act will be applied to give wage concessions to employers in decentralised

areas, to exclude certain areas completely from wage controls, to prescribe differential wages on an area basis, and to exclude employers from agreements with less than a certain amount of employees. The Act is part of the move towards small business and informal sector development in order to resolve the unemployment crisis. Already the Act has had tremendous implications for workers in the knitting industry.[10] Government interference in the collective bargaining system was also shown in the 1987 dispute between NUMSA and SEIFSA, when the Minister of Manpower unilaterally extended the previous years agreement thereby rendering a planned national strike illegal.

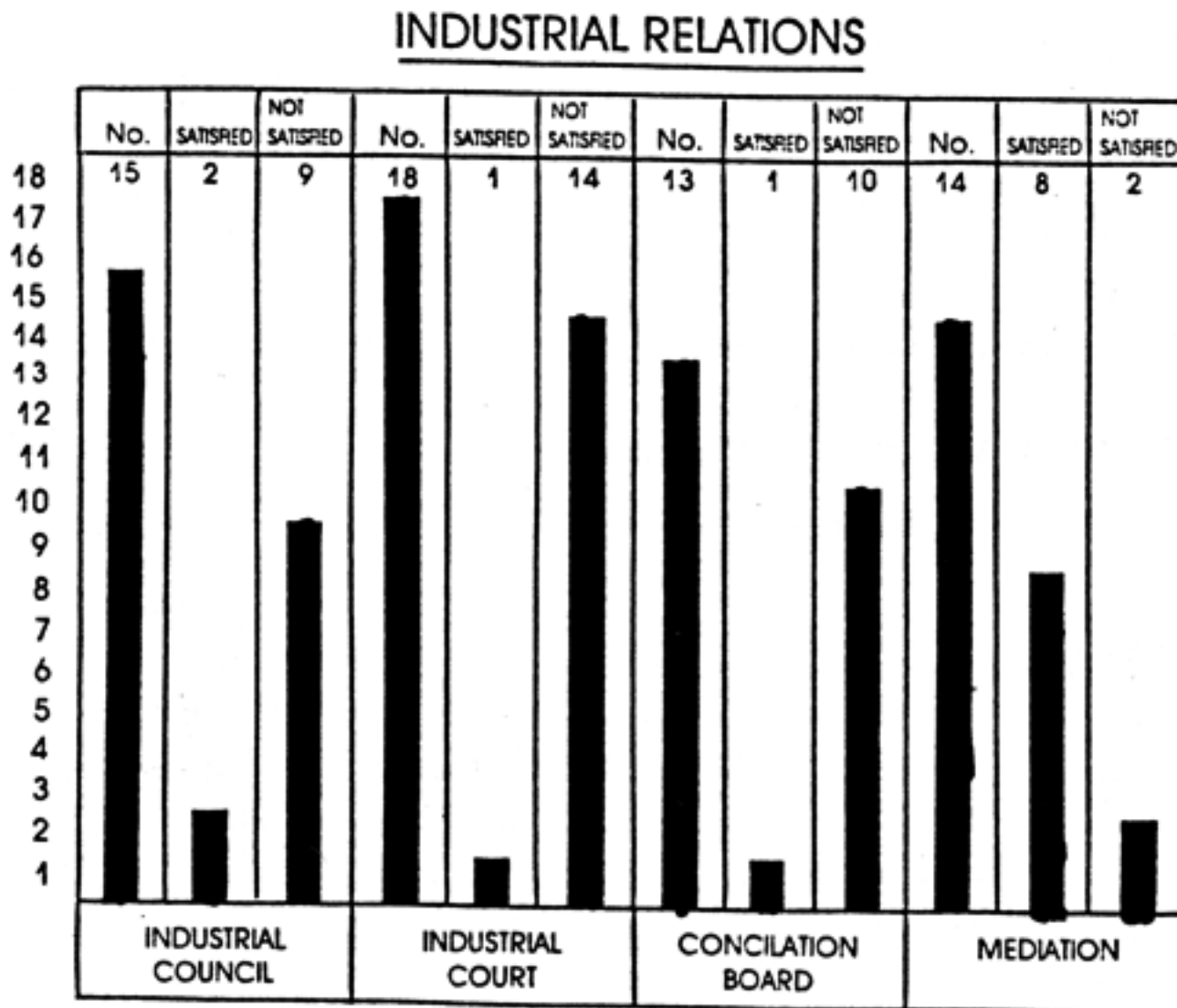
The number of applications for conciliation boards in those industries or sectors without an industrial council has also increased dramatically in 1986. These numbered 1 294 as compared to 514 in 1985 and 279 in 1984. Of the 1 294 applications however only 233 applications were approved, 143 were refused and 395 withdrawn before they could be submitted. By the end of 1986, 523 applications had not yet been submitted to the Minister for consideration.

Thirteen of the 29 unions in our survey had used a conciliation board over the past year. Of these 10 unions reported that they were not satisfied with the outcome with only one union reporting satisfaction at the outcome of proceedings. The most common reason for dissatisfaction was Ministerial interference, either by turning down applications, or in the case of one union, interfering with the terms of reference. One union commented that the conciliation board was nothing more than "a talk shop which eventually saw our dispute end up in the industrial court anyway". Unions also complained about the process of application being tedious and bureaucratic and a perceived lack of respect by employers for these boards.

The majority of unions continue to resort to the industrial court. Nonetheless more than two thirds of the unions responding to our question, 14 of a total of 18 unions were not satisfied. Reasons for their lack of satisfaction varied from perceived bias among the presidents of the court to the elaborate and bureaucratic procedure involved. One union noted that the court often appears to contradict its own decisions, another union reported hesitancy on the part of the court if the respondent is the State. Unions complained that the court has no way of enforcing its judgements.

The most favourable response from unions towards the various procedures for resolving disputes was to mediation. A total of 14 unions had resorted to mediation over the last year with 8 reporting satisfaction at the outcome. This was due to a perception that unions are able to maintain their independence and that sides are less likely to be taken. One union noted that the IMMSA panel is dominated by "liberals" who were at this point in time vying among each other to obtain credibility with the unions. Two unions were not satisfied, citing the fact that decisions are not binding on the parties and bias as reasons.

Table 5 : Industrial Relations



Source: SALB Survey 1987

In general unions indicate a great deal of dissatisfaction at the established collective bargaining system. The proposed new amendments to the Labour Relations Act, which drastically curtail legislative flexibility are likely to increase union disillusionment with this system.

- state of the unions -

Where trade unions organise

The rapid unionisation of 'black' workers also experienced entry by some trade unions into small towns, border areas and the bantustans. In our sample of 24 unions, 75% organise in small towns, 35,5% in border areas and 29% in bantustans. One of the organisational problems faced by the majority of these unions apart from racist practices in small towns and border areas, and police and homeland authorities intervention, is the lack of venues. It has been difficult to establish an office where a union will operate from, as a result transport and communication between unions and members is a major obstacle.

Table 6 : Problems faced by trade unions in small towns, border areas and homelands.

<u>Problems</u>	<u>Unions</u>
Lack of venues	8
Anti-union employers	8
Harassment by authorities	6
Lack of legal recognition	5
Police intervention	4
Dismissal and bad working conditions	4

Unions and Politics

Ever since the launch of a new super-federation, COSATU, in December 1985 it was clear that a new phase in the union movement, marked by more overt political involvement had begun. The union groupings which came together to form COSATU were marked on the one hand by an abstentionist position with regard to political involvement among FOSATU leadership and on the other hand the more political "UDF" general unions. At the launch almost all parties agreed on the need to engage actively with township struggles, whilst ensuring the leading role of the working class and protection of working class interests in the struggle. The basis for this agreement was not surprising given a number of pressures which had been building up, in particular a growing political and economic crisis which sparked unprecedented mass mobilisation and struggle in the "reproductive" arena. Workers on the ground were

pressured to become involved, either individually or as an organised force, in these struggles. This fed into the debate within union circles about the role of the union movement in the national liberation struggle, the relationship of this to the struggle for socialism, and the implications thereof for alliances, forms of organisation and content of practical activity.

On the other side the State had begun a massive clampdown on popular resistance, marked by a State of Emergency and waves of detentions throughout the country. A vacuum in organised political resistance thus opened, which it seemed natural the union movement would begin to fill. Notwithstanding an ideologically divided union movement COSATU has by 1987 managed to provide a broad framework of understanding within which some of these issues may be resolved. Essentially this has involved a growing alliance with the non-racial democratic tradition, the adoption of the Freedom Charter as a set of minimum working class demands, and continued emphasis on the leading role of the working class in all fronts of mass opposition.

Differences still remain however, these include continuing differences on the programmatic basis for unity, ie: whether a specifically workers programme should not also be adopted, and practical organisational questions around how working class leadership and interests in the struggle would best be achieved. Yunus Carrim identifies four main positions at the COSATU Second National Congress with regard to the Freedom Charter. "The first was for purely formal adoption of the Charter. In this view, realisation of the Charter's demands is a prior separate stage from the struggle for socialism. The second and third approaches saw the adoption of the Charter as part of a commitment to continued uninterrupted struggle for socialism. The approaches differ over how adequate the Charter is for the creation of a socialist society, and the appropriate response to this. The fourth position opposed adopting the Freedom Charter - or the charter or manifesto of any political organisation - as it would be divisive within COSATU. [11]

Within the COSATU locals debate reflects the difficulties involved in practice of forming alliances, and the limitations of any leading political role which the unions can play. [12] Further problems in forming alliances also relate to the uneven development of various sectors, for example links with the rural-poor have been hampered due to this.

- state of the unions -

As a coherent position in COSATU has evolved, so too have the ideological orientations of the rest of the labour movement. The unions coming together in the National Council of Trade Unions (NACTU) in October 1986 have brought an alternative Africanist or Black Consciousness orientation within the labour movement. A delegation from NACTU recently went to visit the exiled Pan Africanist Congress of Azania.

Unions responding to our survey, which include both COSATU and NACTU affiliates defined their participation until now in politics in the following terms, (1) sympathy or involvement in rent boycotts and the education crisis, (2) support for stayaway calls such as June 16 and the Election stayaways, (3) individual membership of various structures, civic or youth, (4) campaigns in the locals, (5) support for sanctions and the adoption of the Charter. This shows that the political role of unions in practice largely remains confined to support for mass national campaigns as opposed to developing clear organisational links at local level.

Finally the formation of Inkatha backed, United Workers Union of South Africa (UWUSA), an explicitly pro-capitalist union federation, and the demise of liberal economist unions in the Trade Union Council of South Africa (TUCSA) complete the picture.

Harrassment and repression

The State of Emergency declared on the 12 June 1986 has had effects on both community organisations and Trade Unions. About 2,700 trade unionist and workers are known to have been detained since the first national state of emergency in June 1986. During the first state of emergency Cosatu and its affiliates suffered the most detentions, accounting for between 78% and 87% of detentions of trade unionists. In the second state of emergency 614 union leaders, about 80% of them with COSATU links had been arrested in terms of emergency regulations. Calculating for both state of emergencies about 4000 rank and file union members suffered the same fate. The Council of Unions of South Africa -now part of NACTU- and its affiliates accounted for between 9% and 14% of all trade union detentions in the first six weeks of the emergency.

Table 7 : Detention figures in late 1986

<u>Federation</u>	<u>Detention</u>	
<u>COSATU</u>		
COSATU	21	
CCAWUSA	52	
MAWU	41	
FAWU	53	
NUTW	25	
CWIU	15	
SAAWU	19	
NUM	14	
TGWU	11	
PWAWU	7	
NAAWU	5	
NISMAWU	5	
GAWU	5	
MACWUSA	4	
MWUSA	3	
Total	260	81%
<u>CUSA</u>		
CUSA Secretariat	3	
SACWU	17	
FBWU	13	
TAWU	9	
Wine and Spirits Union	4	
Total	46	14%
<u>Other</u>		
AZACTU	1	
CLOWU	8	
TWIU	2	
BAWUSA	1	
BGWU	1	
MICWU	1	
other	1	
Total	15	5%
Grand Total	321	100%

Source: LMG, Eighth Report : 23.7.86.

- state of the unions -

COSATU's difficulties were not caused only by state attacks, but rightwing violence - which saw the bombing of COSATU house - including ugly competition from Inkatha. All major strikes for example SARHWU, OK BAZAARS and the recent NUM strike saw brutal intervention from both management and the police authorities.

"Unionists in the Northern Natal area who were released from detentions during the state of emergency are certain that UWUSA played some role, even if not directly, in the detentions. A number of individual detainees said in affidavits that they had been questioned about the relationship between their union and UWUSA, or COSATU and UWUSA, while some were asked their views on Inkatha. The effect of the detentions - particularly on UWUSA's operations in the area - became clearer. Several workers and union officials complained that UWUSA had approached some companies and asked for recognition while COSATU members were in jail." [13]

Trade union affiliation

COSATU and NACTU are the two significant trade union federations that are featuring in the South African labour movement. Out of the unions which responded to our questionnaire, 17 unions are affiliated to NACTU and 7 to COSATU and 3 unions are independent. However all these unions have extended their links to different international trade union federations.

Table 8 : International Trade Union Federations with links in the S.A Labour movement.

International Secretariat

The Public Service International
International Union of Food Workers
International Federation of Commercial, Clerical and
Professional Employees
International Transport Federation
International Metalworkers Federation
International Chemical and Explosives Federation
International Federation of Journalists
International Textile, Garment and Leatherworkers Federation

Various unions across the local trade union federations, that is COSATU and NACTU, are affiliated to the same international trade union federation. From our sample of COSATU affiliates (FAWU and

HARWU) and one NACTU affiliate (HOTELICA) are affiliated to the International Union of Food Workers. The same applies to SEAWUSA and EAWUSA, (both NACTU affiliates) and NUMSA (COSATU affiliate) given their affiliation to the International Metalworkers Federation. NUMSA is also affiliating with SACWU (NACTU affiliate) and CWIU (COSATU affiliate) to the International Chemical and Explosive Federation. One NACTU affiliate - IAWUSA - is affiliated to the International Federation of Commercial, Clerical and Professional Employees. One COSATU affiliate - TGWU - is affiliated to the International Transport Federation. Two unions not affiliated to any local trade union federation - BHAWUSA and SABMAWU - and one NACTU affiliate - NUPSW - are affiliated to the Public Service International. The COSATU mining affiliate is the the only union affiliated to both the South African Miners Federation and the Miners International Federation. The remaining 11 unions are not affiliated to any international trade union federation.

COSATU has also begun to make inroads to secure co-operation in the labour movement in Southern Africa. According to the COSATU General Secretary's report presented at the COSATU Second National congress, the Federation and its affiliates have begun to make real strides to initiate, strengthen and build solidarity with the Southern African labour movement. The significant development was the formation of the Southern African Miners Federation. This move was lead by NUM and has brought together mine workers' unions in South Africa, Mozambique, Zimbabwe, Angola and Zambia. COSATU has also held discussions with the Organisation of African Trade Union Unity. After having sent observers to some meetings of Southern African Trade Union Co-ordinating Committee (SATUCC), the COSATU General Secretary's report expressed confidence in unity of COSATU and OATUU, according to the report this unity will create the conditions for a more effective SATUCC to emerge.

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- state of the unions -

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Economic Notes for Trade Unions

Inflation

Area	Consumer Price Index (1980=100)	Annual rate of inflation (% increase over 1 yr)
	Sept '87	Sept '87
Cape Town	274,1	16,7%
Port Elizabeth	269,3	16,6%
East London	253,2	15,2%
Durban	268,7	14,6%
Pietermaritzburg	274,5	17,1%
Witwatersrand	272,7	14,8%
Vaal Triangle	278,3	14,2%
Pretoria	289,8	17,2%
Klerksdorp	271,1	18,4%
Bloemfontein	250,4	13,0%
OFS Goldfields	283,2	16,1%
Kimberley	263,0	15,4%
SOUTH AFRICA	273,4	15,5%

Source : Central Statistics Services

The annual rate of inflation for South Africa was 15,5% in September 1987, compared with 16,3% in August. This is the lowest annual increase in the inflation rate since 1985 - but it will not last. The Financial Mail expects the annual inflation rate for October to rise and "inflation could well exceed 16% by the end of the year" (23 October 1987). In 1988, the Standard Bank fears that price increases will average 17% over the year. Southern Life expects an average of 17,5% in 1988. The Old Mutual Research Unit also expects an increase in the inflation rate. Dr De Kock, of the government owned Reserve Bank, is an optimist. But even he expects a 14% average price increase in 1988. The Labour Research Service estimate for the annual inflation rate in January 1988 is 17%.

(Sources: Financial Mail 23/10/87; 2/10/87. Finance Week 8/10/87)

Bosses flex their muscles for Mossel Bay

Four cents of the price of every litre of petrol sold goes to pay for the "Mossel Bay Project". This will produce oil from gas found under the sea. The costs will be enormous. Over R4 000 000 000 will go into the sea in just the next 5 years. Up to 5 000 workers will be needed from now to 1993 to build the plants and pipelines in the project. Ordinary companies will do the work, but a government company called SEFPRO will co-ordinate it.

SEFPRO wants to establish a "national labour agreement" to cover all the industries involved in the project. This may provide for a 45 hour working week with no overtime allowed. It may also set "five pay levels with fixed wages for the whole range of workers from labourers to artisans (workers at a particular level to be paid neither less nor more than the fixed rate)".

One aim is to employ fewer unskilled workers in relation to the number of skilled workers. "This will be achieved through training so as to achieve a rate of productivity comparable to Western European standards". The other aim of the "fixed wages" proposal is to "avoid disputes caused by different conditions in the particular industries ... in the interests of good industrial relations."

Steel contractors are now drafting the "project labour agreement", based on the iron and steel main agreement and will negotiate it with the metal unions. But, says SEFPRO, the building and civil engineering industries won't have to follow the project labour agreement if it is "not acceptable" to them. They can follow their own agreements, except that the 45 hour working week will be compulsory.

There is little chance that the members of BIFS and SAFCEC will find SEIFSA wages acceptable.

Present unskilled wage rates in Mossel Bay

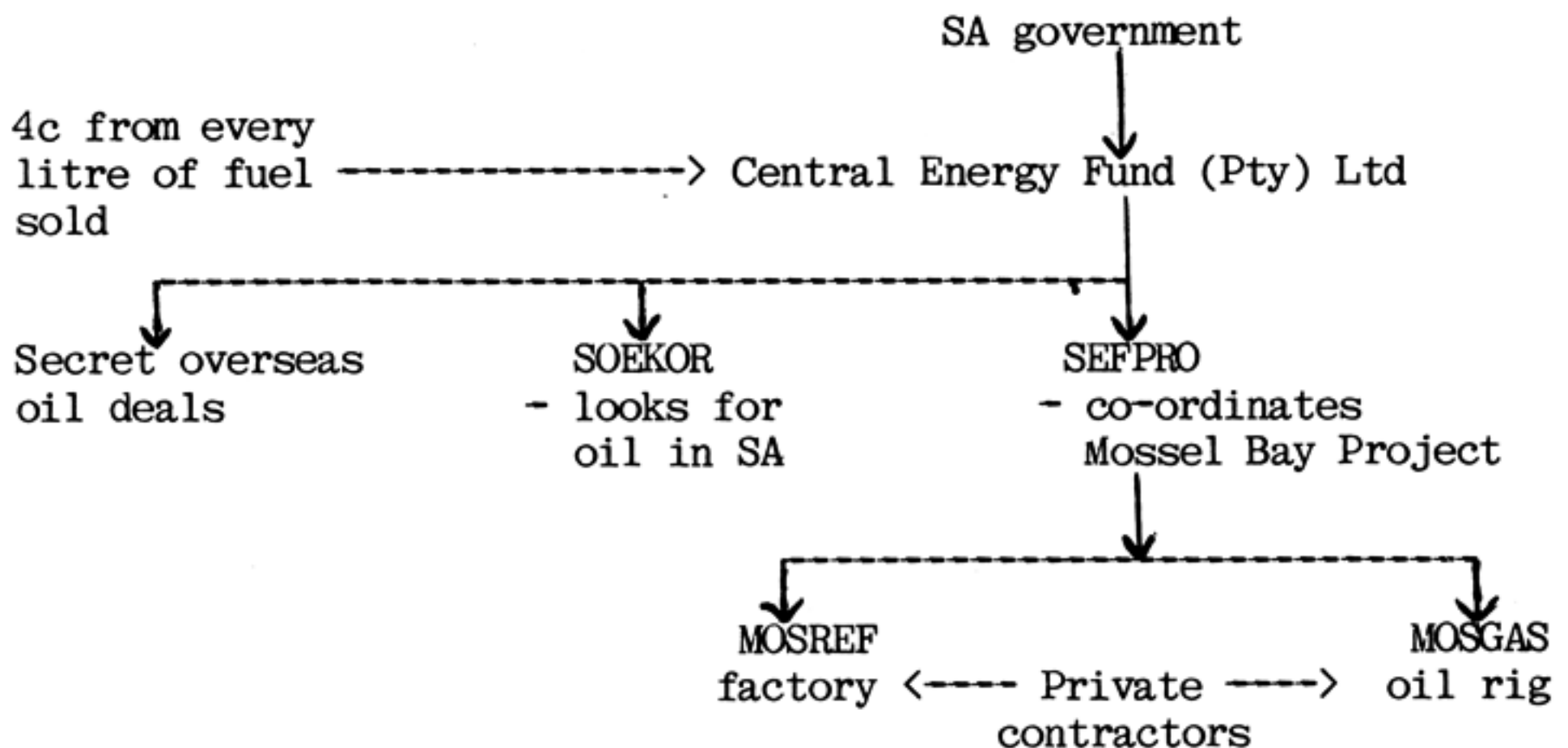
Iron & Steel Main Agreement	R2,61 per hour
Civil Engineering Mossel Bay	R1,31 per hour
Building Eastern Cape Area B	R1,04 per hour

There are no black unions on the building industrial council; and no unions at all have any say in the legal wages in civil en-

gineering. The employers alone decide on the wages. The civil engineers however are most wide awake. 2 000 workers are needed in the next 3 years for construction work at Mossel Bay. So the September 1987 wage order contains a special minimum wage for Mossel Bay only. It is above the R1,20 per hour for other rural areas, but well below the R1,52 per hour set for labourers in next door George!

In George, different rates are set for all jobs from labourer to artisan. In Mossel Bay, 20km away, there is one minimum wage for everyone of R1,31 per hour. After fixing the wage levels, the bosses want to form "project joint councils" for the Mosgas (off-shore) and Mosref (on-shore) construction works. These will include SEFPRO, the contractors and union representatives "to oversee the agreement and to handle disputes".

So not only are the bosses re-writing wage agreements; they are devising their very own bargaining formula for Mossel Bay. Not much of the R4 billion rand investment is planned to go into the pockets of the workers.



(Sources : Cape Business News, various issues in 1987; Financial Mail Energy supplement, 24 July 1987; Financial Mail Mossel Bay Gas supplement, 12 June 1987; Civil Engineering Contractor, September 1987, p73.)

- economic notes -

Minimum wages to be scrapped in Kew

Small business, latest fad to rescue the profit system, will get a huge boost in Kew, near Alexandra, Johannesburg, if the government has its way. It proposes to remove:

- * all industrial agreements and wage determinations
- * all minimum wages
- * the Basic Conditions of Employment Act
- * key provisions of the Machinery and Occupational Safety Act
- * most building and safety standards,

for small businesses in the new "enterprise zone" established by giant conglomerate, Barlow Rand. Barlow Rand's partner in the deal is none other than NAFCOC, the black businessmen's organisation.

Companies in the zone will be able to pay any wage they like; hours of work will not be limited in anyway; no annual leave or sick leave will be required; and there will be no protection on overtime, public holidays and Sunday work. Even pay slips will be abolished in the zone!

Objections may be sent to : The Secretary to Parliament, P O Box 15, Cape Town 8000.

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The South African Labour Bulletin is a journal which supports the democratic labour movement in South Africa. It is a forum for analysing, debating and recording the aims and activities of this movement. To this end, it requires contributors to the Bulletin to conform to the following publication guidelines:

1 Constructive criticism of unions or federations is welcome. However, articles with unwarranted attacks or of a sectarian nature which have a divisive effect on the labour movement will not be published.

2 Contributions to the Bulletin must not exceed the following lengths:

- *analytical articles* 8000 words
- *debate, reviews, documents, reports* 5000 words
- *briefings* 1000 words

3 *Articles* should be submitted in a final and correct form and in duplicate. Some articles may be refereed where necessary; all articles may be edited by the Bulletin. In the event of the editors deciding that other than minor editing changes are required, the article will be referred back to the author.

4 *Briefings* should cover topical events and developments of concern

to the democratic labour movement. They should be easy to understand and keep footnotes and references to a minimum.

5 *Debate, reviews, reports and documents* are intended:

- to make important statements and information from the labour movement more widely available;
- for reviewing new literature or other material of relevance to labour;
- to make more in-depth reports and research available to readers;
- to allow for debate on important contemporary issues.

6 Contributions should be written in clear, understandable language.

7 Contributions to the Bulletin must be typed and, where applicable, include proper footnoting and references.

8 Except in the case of public documents, all material submitted will be treated in confidence.

9 The editors reserve the right to recommend to the author of any material that it be placed under another category to that under which it was submitted.

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