

~~STRIKES~~

DISPUTE

INDUSTRIAL RELATIONS - ~~STRIKES~~
1984

~~JANUARY~~ - ~~JUNE~~

ARGUS 1/1/84

LABOUR

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Paper mill workers want to negotiate wages directly

Labour Reporter

MORE than 2 000 workers at five mills belonging to the Mondi Paper Company have asked to negotiate wages directly with the management rather than using the official machinery

The 2 300 workers, who belong to an affiliate of the Federation of SA Trade Unions (Fosatu), the Paper, Wood and Allied Workers' Union (PWAU), have said they are dissatisfied with wage increases negotiated through the Pulp and

Paper Industrial Council

The latest increases granted by the council bring minimum wages to R1,38 an hour in the lowest-paying Mondi factory and to R1,97 an hour in the highest-paying, according to a union spokesman

A union statement said no progress had been made in negotiating wages with local management

PWAU claims to have majority support in five out of six of Mondi's

paper mills, with the Cape Town mill the only exception

A spokesman for Mondi said the management would bargain with representative bodies on issues common to all employees "in one forum only, that is with all unions together

"The Industrial Council provides for just such a mechanism and the paper and pulp industry is no exception to this preference for non-racial, non-fragmentary bargaining"

More unions take their battles to court

By STEVEN FRIEDMAN
Labour Correspondent

FRADE union use of the Government's new industrial court jumped last year by more than 400% compared to 1982 — and unions also used official conciliation boards twice as often as in that year.

Department of Manpower figures for the first 11 months of last year also indicate a sharp drop in strike action. The number of workers involved in strikes and the number of man days lost

dropped by two-thirds, the figures say. This confirms earlier signs that, as a result of the recession, emerging unions are increasingly using the court and that, in many cases, they are presenting this to members as an alternative to strikes.

Official figures on use of the court, conciliation boards and strikes were released to the Rand Daily Mail yesterday by the Director-General of Manpower, Dr Piet van

der Merwe. He described them as "encouraging", illustrating a sharp increase in official disputes machinery.

He added that the trend towards much greater use of the court was continuing. This week alone, more cases had been referred to the court than in the whole of January last year, he said.

The department's figures show 170 cases were referred to the court in 1983 — compared to only 41 in 1982. This

includes cases which were settled after being referred to the court.

Increased union use of the court has led to a sharp employer backlash and moves to curb its powers are in the offing.

Dr. Van der Merwe implied yesterday the court had played a major role over the past year in averting strikes.

"One can only speculate what would have happened in these 170 disputes if the court

was not available to resolve the conflict," he said.

He added that the court was also available to employers, and predicted increasing use of it by them.

Dr Van der Merwe added that 119 conciliation boards — a key element in the official disputes machinery — were appointed last year, compared to 60 in 1982.

Official strike figures for the first 11 months of last year indicated there were 220 strikes involving 47 642 work-

ers — resulting in the loss of 781 663 man-days, he said.

In 1982 there were 394 strikes involving 141 571 workers and 2 992 698 man-days were lost.

Some labour experts have criticised these figures. They say they only reflect strikes which employers have reported to the department.

As strikes become more commonplace, many employers are not reporting them, they claim.

12/1/84
Student shop assistant *roy*
seeks to sit and loses job

Mail Reporter

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A LAW student from Maritzburg, working in an exclusive Sandton clothes boutique, was fired this week because she asked to be allowed to sit down while customers were not in the shop

The Basic Conditions of Employment Act of 1983 has omitted rest periods for women shop assistants, but the student would have been acting within her rights according to the old Shops and Offices Act of 1964. This Act made provision for women

shop assistants to sit down at reasonable times

According to the deputy director general of the Department of Manpower, Dr Chris Scheepers, the clause was omitted "because it is a matter of sex discrimination and applied specifically to women shop assistants"

"We like to treat all sexes on an equal footing these days," he said

Shop assistants cannot legally demand more than a lunch hour after "not more than five hours"

Flood of cases leads court to seek more staff

By Carolyn Dempster,
Labour Reporter

The flood of cases being brought before the Industrial Court would necessitate the appointment of at least one more permanent staff member in 1984, the President of the court, Mr BJ Parsons, said this week

He was commenting on allegations that the Industrial Court might not be able to cope with the increasing number of matters being brought to court

"During 1983 the court handled more than 170 matters, four times more than the number of cases heard during 1982. "At this moment, we have received more matters than in January last year and we expect a further escalation, said Mr Parsons."

TEMPORARY

Because of the rapid increase and the lengthy nature of many of the hearings, the court was forced to rely on the provisions of the Labour Relations Act and advertise for additional temporary staff during 1983.

"On the couple of occasions when we appointed outside counsel on an ad hoc basis, it proved very able," added Mr Parsons

A number of unionists have expressed fears that temporary staff, without a thorough grounding in the specialised field of labour law, do not have the requisite skills to adjudicate cases brought before the court. However Mr Parsons dismissed these fears as unjustified

The long periods of time which elapsed between the lodging of a case and the actual hearing were often the result of requests by employers and unions rather than any delay on the part of

the court, he said

The majority of the matters brought before the court during 1983 were concerned with Section 43 status quo or reinstatement orders following the dismissal of employees, said Mr Parsons. He also confirmed that the majority of cases had been lodged by unions

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KAT
Star
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Chemical workers set for nationwide strike

Own Correspondent

1 JOHANNESBURG — About 5 000
2 workers at the AECI explosives plant
3 at Modderfontein are set to go out to-
4 day in the beginnings of the country's
5 first nationwide legal strike among
6 black workers

7 A further 1 000 are due to go out at
8 the AECI plant in Somerset West on
9 Tuesday while AECI's Durban work-
0 ers are still to hold a report-back
1 meeting with management on Tues-
2 day

3 The workers are members of the
4 Cusa-affiliated South African Chemi-
5 cal Workers' Union (Sacwu), which
6 has reached deadlock in its dispute
7 with the company over wages

In favour of striking

8 A strike ballot was held at Modder-
9 fontein on Friday. According to a
0 spokesman for Sacwu, 3 200 workers
1 voted unanimously in favour of strik-
2 ing, but he expected all 5 000 workers
3 at the plant to support the strike

4 The other 1 800 did not vote be-
5 cause they were not union members
6 or were not on shift at the time

7 A strike ballot was held in Somer-
8 set West on Friday and in Durban,
9 which also has strong South African
0 Allied Workers' Union (Saawu) mem-
1 bership, on Wednesday

2 Saawu, which is unregistered and
3 not a party to the Industrial Council,
4 has expressed its full support for
5 Sacwu in the negotiations

The AECI plant in Sasolburg is not covered by the industrial council and Sacwu's lawyers are currently looking into the legality of them striking as well

The decision to strike comes more than 30 days after Sacwu declared a dispute with the company on December 9 over wages, long service allowance and leave

Thirty days is the minimum period provided for in the Labour Relations Act before workers can strike legally after a dispute is declared in writing

The last legal strike, and the second among black workers in the country's history, was by members of the National Union of Textile Workers at Natal Thread in June last year

Then the strike was restricted to one plant in Natal and took the form of an overtime ban

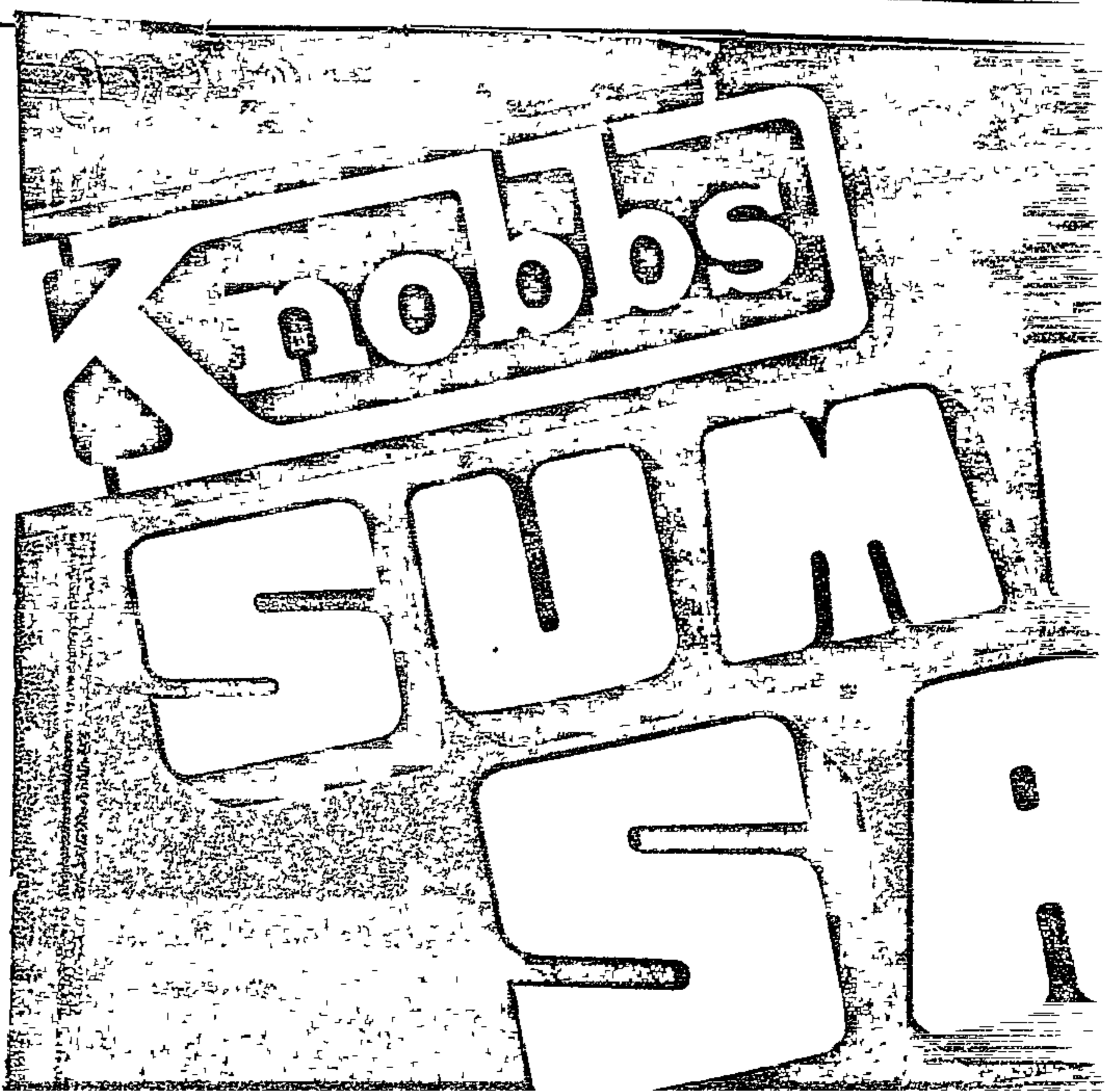
Reached a compromise

The union spokesman said they had reached a compromise with the company over allowances and leave, but after three meetings of the Industrial Council conciliation board had failed to agree on wages

Management's final offer is a minimum of R370 a month, while the union is demanding R400 a month

A spokesman for the company said last night that they were waiting for the event to happen and would not comment further

aring and often mas-
ful trumpet of special DEN



Clash over talks date

THE Department of Manpower Utilisation has appointed a conciliation board to settle the wage and working conditions dispute between the South Chemical Workers' Union and the Sasolburg branch of African Explosives and Chemical Industries (AECI) which employs about 2 000 workers.

Spokesmen for both parties have confirmed the appointment of the board, but it seems likely another conflict will arise, as the two could not reach a suitable date for the board's hearing at a meeting on

By JOSHUA RABOROKO

Friday

The union — which has already held a strike ballot — wants the board to sit today while the company insists that it should sit later in the month

If the parties fail to reach a settlement, the union may go on a legal strike

In another move, the union has also written to the industrial council covering over 8 500 workers at AECI branches at Somerset West, Modderfontein

and Umbogintwim, declaring a dispute over wages

The union's Vaal branch secretary, Mr Michael Tsotetsi, told The SOWETAN yesterday that the deadlock was reached after management had offered a starting wage of R363 per month and ending with R1 115 per month

"The union's final demand is for R400 starting wage with the higher grades receiving progressively higher wages according to the increments presently proposed by the company," he said

He said that under their present contracts, employees with certain grades of less than seven years' service are entitled to two weeks' plus one day's leave per annum. AECI has offered such workers an additional day's leave

The union's demand is that such workers should have a minimum of three weeks' leave and, in addition, long-service allowance should be increased

The union members are to hold an urgent meeting this week to decide on a strategy which they will adopt following management's insistence on the end of the month conciliation board hearing

AECI's industrial relations manager, Mr B Botha, said the company felt it suitable to have the board sitting at the end of the month. The company offered the R363 starting salary because of the present economic position and other factors

(151)
(16/1/84)
D. Disputch
**Man sued for
race remark**

JOHANNESBURG — A black union member who is suing a policeman for calling him a "kaffir" told the Randburg magistrate's court that the term made him feel humiliated.

Mr William Mataboge of Rustenburg, is suing Sergeant Geoffrey Lemmer, a detective in the Randburg branch of the South African Police for R1 500 for defamation, alternatively crimen injuria.

Mr Mataboge is a shop steward and a member of the executive of the Commercial, Catering and Allied Workers Union of South Africa (CCAWUSA).

He has alleged that in May 1982 Sgt Lemmer came to the Randburg supermarket where Mr Mataboge was employed, in connection with his car registration papers.

He told the court that during their conversation he told Sgt Lemmer he lived in Randburg and Sgt Lemmer had said "You can't live in Randburg, that's a white people's suburb. Kaffirs live in Soweto."

Mr Mataboge also alleged that he asked Sgt Lemmer what he meant by "kaffir" to which Sgt Lemmer had allegedly replied a "f kaffir".

He said Sgt Lemmer had behaved aggressively towards him without provocation and would have "possibly grabbed me" if they had not been in the office.

He said the term "kaffir" was humiliating "It is not regarding me as a human being".

Mr Malcolm van den Bergh, Mr Mataboge's supervisor at the time, said although he was not in the office, he had clearly heard Sgt Lemmer calling Mr Mataboge a "kaffir".

He said he later told Sgt Lemmer to be careful what he said as Mr Mataboge was a union member.

The case was postponed to a later date.

Mr David Levithan of Chernin and Partners and Mr Tim Chemaly are appearing for Mr Mataboge and Sgt Lemmer is being defended by Mr A T Bouer of the State Attorney's Office — DDC

New tax Act sparks black labour unrest

By Carolyn Dempster,
Labour Reporter

The imminent introduction of the new Income Tax Act, which will be applied to black employees for the first time, was one of the major grievances among workers who went on strike at a Durban rubber company yesterday.

More than 400 workers at the Wayne Rubber

Company downed tools over wage grievances and the looming implementation of the Act on March 1.

The workers, all members of the South African Allied Workers Union (SAAWU) demanded a six percent increase over and above the six percent rise the company granted them from January 1. And they are refusing to allow

any tax deductions to be made from their pay packets when the new Act comes into effect.

Mr Sam Kikine, general secretary of SAAWU, said employers had been preparing to implement the legislation by asking workers for personal details such as age, address and birth certificate, since the beginning of December.

Did two jobs for the price of one, dismissed workers say

Labour reporter *(15)* a week. Some of the others were paid R36 a week.

EIGHT workers who claim they were dismissed unfairly from a Wetton garment factory, allege they were doing two jobs for the price of one

One of the dismissed women, Mrs Elizabeth Jacobs of Lotus River, said she and her colleagues had been employed as cleaners, but were also examining finished garments

"We cleaned the products and did the final examination on them. But I was paid only R39

She said when they complained on January 5, they were dismissed

The manager of the factory, a Mr Burn, said "The matter is being handled by the Garment Workers' Union and the Industrial Council"

However, workers who spoke to The Argus at the factory said they were not members of the Garment Workers' Union

Officials from the union were not available for comment.

Three unions argue over worker loyalty

Labour Reporter
THREE Cape Town trade unions are arguing over the loyalty of workers at a Wetton canvas and garment factory

The argument follows workers downing tools for two hours yesterday

In what could be a significant demarcation dispute, the SA Canvas and Rope Workers' Union plans to contest a recent reclassification of Three Spears (Ltd) under the clothing industry

However, the recently formed and unregistered Clothing Workers' Union (Clowu) claims majority support at the factory

"One of the workers' demands when they stopped work was that Clowu should be recog-

nised," said a Clowu spokesman

The Garment Workers' Union has said management will begin deducting subscriptions from workers' pay packets this week

Workers told reporters this week they had elected a committee to take grievances over alleged unfair dismissals to the manager of the factory

After the manager refused to meet the committee the workers stopped work between 8 45am and 11am, according to sources inside the factory

The GWU and the Canvas and Rope Workers' Union, both Tucsa affiliates, were called to the factory by the management in an bid to settle

the dispute
The secretary of the Canvas Union, Mr Jack Heeger, said the workers were members of his union until recently, when the company had applied to the Industrial Council to be classified under the garment industry

"The workers would like to stay with us Our wage agreement is much better than the clothing industry agreement"

Workers at the factory said they were being paid less than R40 a week for cleaning and examining products Under the canvas industry agreement, the lowest-paid workers got R50

SOWETAN, Thursday, January 19, 1984

Thumbs down to black union

By JOSHUA RABOROKO

WHITE, coloured and Indian employees at Liberty Life Company are not prepared to join the Insurance Assurance Workers' Union of South Africa (Iawusa) — despite management's dispute with the union that it must open ranks to other races.

The SOWETAN yesterday had a 'snap check' with workers — and not one of the white employees was prepared to

join the union

Nearly five months have passed since Liberty dismissed about 89 black workers who went on strike in a dispute over the company's refusal to recognise Iawusa because it is a blacks-only union.

One worker, who claimed that he was from Britain and had

lots of experience about unions, said: "My experience is that unions can wreck the company's strength. I am here to work and have nothing to do with any union — whether black or white."

Another worker said she was not interested in trade unions — whatever their affiliations.

Two women who are typists said that they had never heard of a trade

union within the company's ranks. It was the first time they heard about it when the black workers went on strike.

"Listen, if we want pay increases and have grievances we shall always go to the manager to complain. What is wrong with that? The manager has always said his doors are open so why can't the blacks do the same?"

"There is just no way

we can belong to the same union as blacks. We have different interests — politically, socially, morally and even culturally — so why should we belong to the same union," a worker said.

Iawusa's president, Mr Joe Seoka, said that they were considering calling for a boycott of all companies associated with Liberty.

The SOWETAN will



MR JOE SEOKA. Boycott will be intensified. meet a top official of Liberty today who will comment on the issue.

SECURITY FIRMS' BATTLE IS TO STOP BEING FOR EXPLOITING LABOUR

Rogue security firms, in a bid for bigger profits, are flagrantly and illegally exploiting part of the 80 000 contract labour force of watchmen and security guards in South Africa

That is the allegation by the Transvaal chief of the South African National Security Employers' Association (Sansa), who accused some employers of "highly illegal" practices

"It is not unusual for some firms to work a man for 60 hours without a break," said Mr John McBrearty, chairman of the Transvaal division of Sansa and national secretary of the association

"Not only is this highly illegal, it is also a disgrace. It is of course more profitable for an employer to force a guard to work long hours — they are only wearing out one uniform and there's a reduction in transport costs"

A security guard normally worked a 12-hour shift and legislation prevented him from being forced to work much longer, he said

The law was being flouted and security was slipping "Obviously a man working for 60 hours has to sleep"

The plight of security guards was particularly bad for those involved in guarding homes "People going on holiday contact a security firm to arrange for a guard on the house. But the guards are often forced to work long hours and this renders security ineffective"

Mr McBrearty said his association was able to take action only against its members



"Although most of the larger firms are members of our association, we have only about 60 members against a national total of about 350 security firms"

Efforts to encourage other employers to join had met with angry responses from rogue security firms, he said

Mr McBrearty called on organisations employing security guard firms to dismiss the firms if they felt guards were being exploited

New security guard wages were introduced last October and represented a 43 percent increase on previous salaries

"I appreciate the wages are still low, but they are as high as the Wage Board could afford to make them without destroying the security guard industry," he said, adding that rates would be increased next October

Under the current rates, watchmen have to be paid a minimum of R8 an hour for 26 12-hour shifts a month, security

guards grade two receive at least R9,25 and security guards grade one a minimum of R12,08. Overtime is paid at a higher rate

"It is common now for guards to be paid more," said Mr McBrearty

Security firms charged their clients between R20 and R30 a shift for a guard

Mr E.P. Ehlers, director of conditions of employment and legislation at the Department of Manpower, said complaints from guards should be lodged with one of the nine divisional inspectors, who would then investigate the matter. A guard should be aware of his rights and protest if employment codes were being breached, he said

The maximum penalty employers faced was a R2 000 fine and/or imprisonment

"Illegal overtime is a criminal, not civil, offence," he said

A Johannesburg lawyer said there were "grey areas of law" regarding contract workers

"For example, a worker need not accept dismissal at the end of his contract. I don't think such dismissal is legal, but the courts have not said it is illegal. It strikes me as unfair labour practice"

On overtime, he said that, according to legislation, guards working six days a week could work up to 12 hours a day and those working five days could work up to 14½ hours a day for four days and 14 hours on the fifth. Casual employees could work up to 14 hours a day on any day



On the beat some security guards are forced by unscrupulous employers to do as much as 60 hours' continuous duty.

Union wants refund

PRETORIA BUREAU
Sowetan 15/11/81

19/1/82

The National General Workers' union has appealed to the Industrial Council to intervene in their claim for hundreds of rands from Poole Industries in Rosslyn which deducted the money without the permission of their member workers.

About 300 black and coloured workers at the company — who are all members of the union — went on strike on October 11 last year, demanding a wage increment of R4 each an hour and that management stop deducting certain amounts from their salaries which were paid for the washing of their overalls and the R3 which was deducted towards their pension fund.

Mr Donsie Khumalo, the general secretary of the union, yesterday said they had asked the Industrial Council to intervene in their efforts to claim the total amounts deducted by the company for the washing of their members' overalls.

Mr. Khumalo said the amounts ran into hundreds of rands

Ford silent as PE workers meet

Post Reporter
A BLANKET of official silence surrounds a meeting attended by an estimated 1 200 workers from Ford Motor Company last night in New Brighton

The issues raised were workers' grievances and speculation that a large number of workers would be retrenched, beginning tomorrow

Attempts today by the Evening Post to obtain official comment from Ford and the two unions said to be involved, the National Automobile and Allied Workers Union (Naawu) and the Motor Assemblers and Component Workers Union (Macwusa), failed

Mr Bob Kernohan, director of public affairs for Ford, declined to comment.

When specifically asked about the talk of possible retrenchments, Mr Kernohan still declined to comment

Informed sources in the motor trade said they found it hard to believe Ford would lay off workers at this stage, because the Sierra was selling very well

Workers at Ford are believed to have submitted a set of grievances to management on January 9, and a reply was due yesterday.

Further representations were made by the workers to the management a week later, about a certain employee's alleged "anti-black attitude and poor human relations"

Last night the workers are reported to have reported that they do not accept retrenchment. They gave the two unions

● Turn to Page 5

Silence on Ford workers meeting

● From Page

mandate to investigate the issue

The unions were asked to report back at a meeting to be held at the Holy Spirit Hall, Kwazakele, on Saturday afternoon

No comment could be obtained from Naawu today, and a spokesman for Macwusa declined to comment.

The managing director of General Motors South African, Mr Lou Wilking, said today that according to current production schedules the company did not envisage any changes in their labour force complement

"We are hopeful this trend will continue throughout 1984," he said

No comment was available from Volkswagen on the company's labour position

Small traders in revolt on shop hours

By Andrew Beattie

Traders in Johannesburg's Central Business District have criticised fiercely the Johannesburg Chamber of Commerce's poll which indicated that consumers favoured extended shopping hours.

They claimed that the JCC was neglecting the interests of the smaller trader

"The results of the JCC survey cannot be considered a true reflection of public opinion. They are misleading because only a select few members of the public (1372) contributed their views Surely this figure is too small to assume that consumers in general are in favour of longer shopping hours?" said Mr Robert Gossel, director of a

group of furniture stores

Yesterday 140 large and small independent traders in the Transvaal, represented by the Furnex group of companies, said they intended to form an organisation to represent the interests of smaller traders

Mr Jack Chant, chairman of Furnex, said that schemes to extend shopping hours or make them flexible had been mooted by powerful property owners who stood to benefit from increased turnovers in the larger stores.

Several traders questioned the economic wisdom of introducing longer shopping hours.

"It has been proved in the US that longer shopping hours do not increase turnover. If there is an increase in sales it is negated by higher wage bills," said Mr R Orlin, a clothing store manager.

Inflationary

Others pointed out that extended shopping hours would be inflationary and that the present transport system could not support it. There would also be increased dangers to staff travelling home late at night, especially those who lived in Soweto.

"Anyway, the provincial council has stated that it is not prepared to discuss the subject for the next five years," said Mr Gossel

Mr S J Schoeman, provincial council member responsible for shopping hours, said yesterday: "The executive committee has considered the possibility of extending shopping hours twice in the past two years. All factors were taken into account and all points of view given consideration. It was decided not to change the existing position"

But, even so, many businessmen are worried

"The whole economic situation favours the bigger businesses. We need an environment in which the smaller traders can survive otherwise the CBD will die," warned Mr Gossel.

21/1/84
E. Post

Ford workers hit at 'lack of consultation'

By JIMMY MATYU

RETRENCHED Ford workers today strongly criticised the company's management for "failure to consult with their unions" before they were laid off on Friday

Some 500 African and coloured workers attended a meeting in Kwazakele today

It was organised by the Ford Workers' Committee

The workers rejected their retrenchment, speakers saying it was especially unfair as it coincided with parents having to pay school fees and for school books

They said in times of recession it was always the black workers who suffered most, they being the most prone to retrenchment

Reports were presented by the different Ford plants and workers claimed they were told of their retrenchment two days beforehand

They expressed shock that the National Automobile and Allied Workers' Union (Naawu) and the Motor Assemblers'

and Components Workers Union of South Africa (Macwusa) were kept in the dark by management

The committee's chairman Mr R Bucwa told the meeting workers were angry because management did not adhere to agreements it had reached with the unions. Instead it had bypassed the two unions

He said workers felt management had been trying to create mistrust and disunity among its workers and towards the end of last year this resulted in strained relationships between workers and management especially at the Sierra plant

He said in this time discussions between management and the unions were held in an effort to avert a retrenchment of workers "Because of the situation (car sales) not improving, workers usually accepted retrenchment although not wholeheartedly," Mr Bucwa said

He said this time there was no such communication between the unions and the management. Instead retrenchment was first heard of by way of rumour

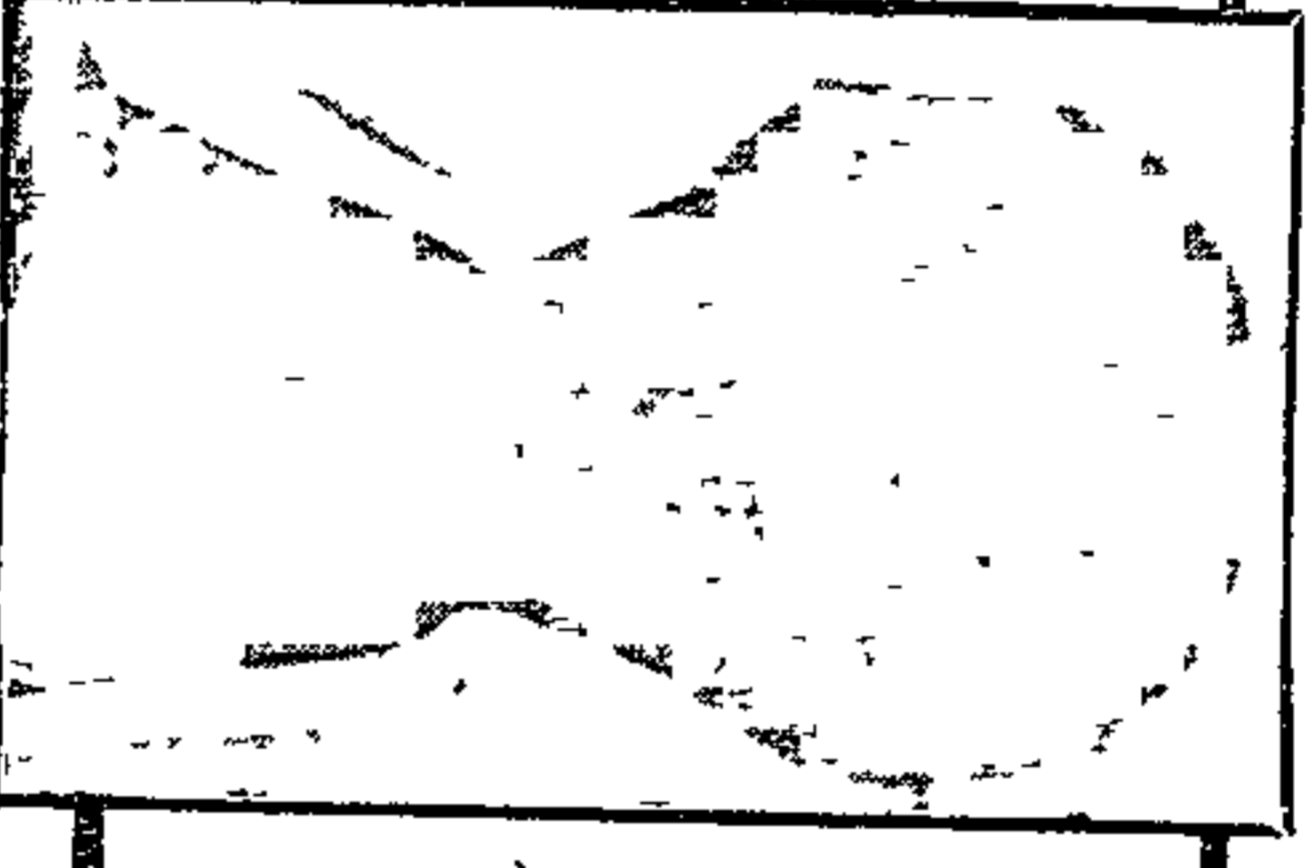
LISTEN HERE, DENNIS

151

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22/11/84

Trade unionist has a few 'home truths' for British PM's husband

Union organiser Martha Mtshweni



TRADE unionist Martha Mtshweni has a few "home truths" for British Prime Minister Margaret Thatcher's husband Denis, who's visiting South Africa at the moment.

"I'd like to tell him just how black workers battle to make ends meet," said Mrs Mtshweni, a former employee of Quinton-Hazell Superite, whose holding company in Britain lists Mr Thatcher among its directors.

Mr Thatcher arrived in South Africa unexpectedly last week, but the true reason for his visit have yet to be revealed — with "Mr Maggie" refusing to talk to the local Press.

since his arrival at Jan Smuts airport.

However, "labour sources have pointed out that he arrived only a month after Quinton-Hazell's South African labour practices were questioned in the European Parliament

At the time, a British Labour MP had his microphone disconnected when he tried to force an answer to a question about punishment for British companies paying "poverty wages".

"I wouldn't hesitate to describe what OHS

from happy with what they earn.

"Mr Thatcher must know this — it has a direct bearing on our living standards. We mustn't hide this."

Mrs Mtshweni cites as an example her wage while employed at OHS' Krugersdorp factory from 1979 to 1981. She earned R49 a week, which has now been increased to R56,60 a week.

She adds, in an almost motherly fashion "We must look at wages carefully. Most black workers in the West Rand pay R102 a month rent. And when you add travelling and other costs

"Surely Mr Thatcher can see this is a hopeless picture."

The question of wages was critical at the

company, she said. Many workers at the West Rand factory had to work overtime to make ends meet, she said. And, when the factory re-opened for the new year last week, most employees were forced to work overtime to earn at least R80 a week.

"Most of the workers had to sacrifice their weekend time and let sure," she said. "What makes it worse is that all this could be improved if we had unions."

"But they can't operate from their almost powerless position because of management-created stumbling blocks.

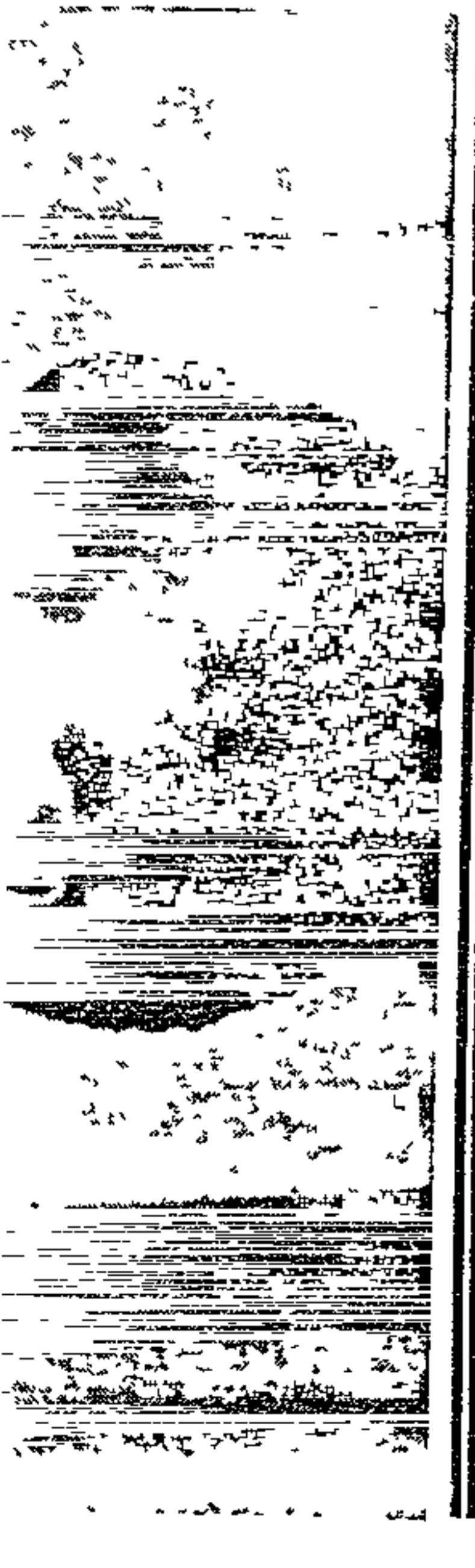
"Management will refuse to disclose how many workers are They

—ZB MOLEFE

Yguide

7:03	Actuality programme
7:30	Private Benjamin
8:00	Die Nuus
8:29	Die Weerberly
8:34	Nuusfokkus
8:48	Die Lawrence-Gesin
9:35	Profiel
10:00	Operasale Krasavli

GOPSIDO



Union to seek meeting over retrenchment

E. Post 23/11/82

By SHIRLEY PRESSLY
OFFICIALS from the Motor Assemblers and Component Workers' Union (Macwusa) are to seek an urgent appointment with Ford management and have also received a mandate to meet the other union representing Ford workers, the National Automobile and Allied Workers' Union (Naawu).

The Macwusa general secretary, Mr Dennis Neer, said today that an appointment would be sought with Ford management.

Mr Neer confirmed that workers feared further retrenchments.

On Friday, Ford management announced that 490 hourly paid workers would be axed.

At Saturday's meeting of 1500 Ford workers, there was a strong undercurrent and speculation among workers that further re-

trenchments might follow.

In a statement issued after the meeting, Mr Neer said the Macwusa officials had also been instructed to discuss the issue of Ford management having informed the unions of the retrenchments "at the 11th hour".

A second resolution asked that Ford management should reconsider the retrenchments within 14 days.

Mr Neer said the workers refused to accept the announced retrenchment and saw it as a form of retaliation emanating from the stoppage before the holiday shutdown last year.

Mr Bob Kernohan, Press relations manager for Ford, said this afternoon Ford's Neave plant was working a four-day week and was closed today. Production at Struandale was normal. He declined further comment.

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that they had been forced to take the charge upon themselves were rejected as lies.

The pair who pleaded not guilty earlier claimed that the blood-stained jackets they wore when prison warders entered their cell had belonged to two members of the 28's gang

a considerable salary as head of Ciskei's security force but like most of us today has also had extensive outgoings."

General Sebe's only source of income at present was a nominal amount from a farm being run by his wife

Mr Kirk said a London-based represen-

FUNDS

Although Amnes did not provide financial aid it could act as an intermediary to try to raise funds, Mr Kirk said

Meanwhile a State application for the withdrawal, cancellation and estreatment of the R10 000 bail of Ciskei's former Minister of Transport, Mr Namba Sebe, was made in the Zwellitsha Magistrate's Court yesterday

BAIL

Advocate P Oosthuizen, SC, argued that Mr Sebe had broken a bail condition by leaving Ciskei and travelling through South Africa to reach his Frankfort farm

Mr Sebe, who is facing charges of fraud and corruption, was re-detained last week under section 26 of the National Security Act

Mr J C F Froneman for Mr Sebe, announced he would apply for a change to the bail conditions to allow Mr Sebe to travel to King William's Town and to his farm

UNION OFFICIAL SACKED

A SHOP steward of the Building Construction and Allied Workers' Union was fired from the Summit Timber Company in Rosslyn after he was allegedly accused of being "troublesome and cause of the unrest," by a white colleague

Mr Moses Malatji told The SOWETAN that trouble started last week when a white colleague questioned him about his activities

"He said I was doing little work and that I concentrated too much on the union's meetings with management. When I explained to him that my union was recognised by the company, he called me to the manager's office," he said

Mr Malatji said his dismissal resulted in a temporary work stoppage at the factory but things were soon back to normal after police were called in *Sowetan*

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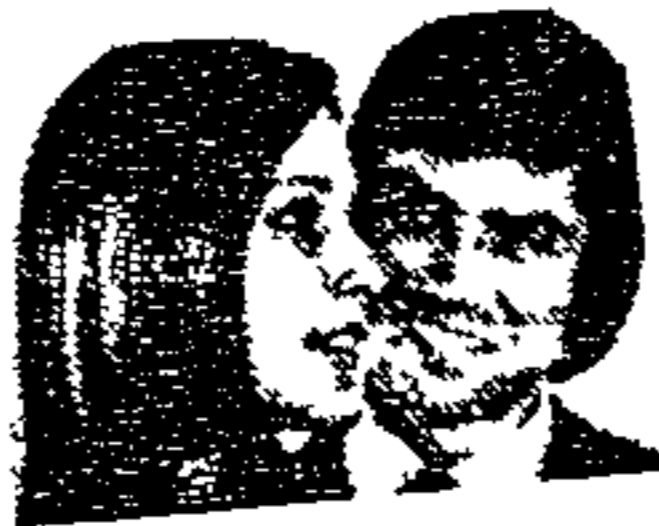
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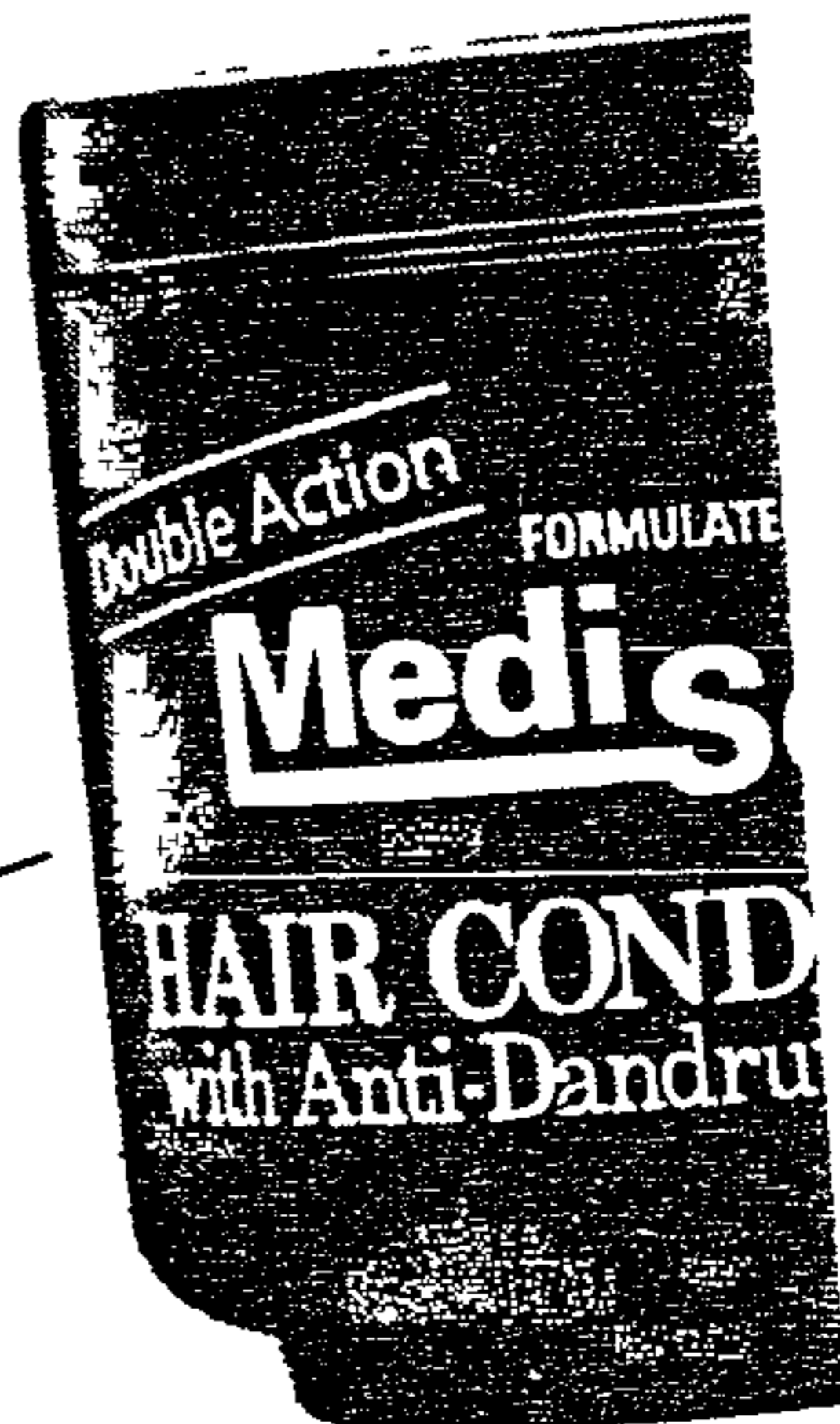
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24/1/84
Unionists
S. Post
due to
consult (151)

Post Reporter

OFFICIALS from the Motor Assemblers' and Component Workers' Union (Macwusa) were due to meet Ford management today

The organising secretary, Mr Government Zini, was to lead the delegation, which was given several directives at a meeting attended by 1500 Ford workers at the weekend

One resolution asked that Ford consider the retrenchments within 14 days.

Mr Dennis Neer, the Macwusa general secretary, said a general meeting would be held tomorrow in the Great Centenary Hall, New Brighton, at 6pm at which the union officials would report back

Unions fear black reaction to equal taxation

By Barney Mithombothi

TRADE union leaders fear another fiasco similar to the 1981 pension strikes if the unitary tax system which comes into effect on March 1 is not properly explained to black workers

And black workers are generally ignorant about how the new tax system will affect them, the Sunday Tribune found in a street poll this week

The Black Taxation Act, through which black workers are taxed, is to be scrapped on March 1 and all taxpayers, regardless of race, are to be subject to the provisions of the Income Tax Act

The Federation of South African Trade Unions (Fosatu) will meet in Johannesburg today to decide how to handle the issue

Fosatu's Alec Erwin told the Tribune "We're getting some feedback and we foresee great difficulties. The State

claims workers will benefit but that's not automatically clear"

The Trade Union Council says it is difficult enough to sell any form of taxation to full citizens who share in all privileges

"How much more so is it going to be to put across this potentially explosive issue to a disadvantaged black community?"

Employers, still smarting from the wave of strikes which almost paralysed the country over the pen-

sion preservation debate in 1981, are reluctant to communicate this to workers

"I thought it was a rumour," said Mr Zeb-lon Mbele, a metal worker

"Nobody has explained anything to me I think the whole thing should be scrapped because we pay GST anyway, and it's going up again. This GST means I and all my 11 children pay taxes already"

Mr Enock Zwane of Umlazi said "It's so confusing. You just

hear people talking and you don't know what is true and what is not

"But I think what they should be doing is to increase our wages. What is the use of deducting our money when we get so little"

And Mr Richard Khumalo said he would rather not talk about it

Not equal

"They have never told me what they are doing with the money they are already deducting anyway"

Mr Joshua Shandu from Kwamashu said the principle of tax equality seemed a good idea "But there is no equality in every sphere. Why should we pay equal taxes when we're not treated equally?"

A Johannesburg industrial consultant has prepared a 10-minute video film to help employers explain the new structure to their employees

Alexandra Bungey

told the Tribune the film was easily understandable, even to illiterate workers

"Management is apprehensive about communicating with workers for fear of saying the wrong things. So it ends up communicating less and less"

She said the film, which is in Afrikaans, English and all the African languages, was "selling like hot cakes"

Nats on the warpath

'Shamed' party puts pressure on ex-mayor of Johannesburg to resign

A WRATHFUL National Party is determined to bury the political career of a former mayor of Johannesburg and top Nationalist Carel Venter — and his "embarrassing" confrontation with an attractive council employee about their relationship

The contents of an affidavit about the working and personal relationship pretty Ira Wandrag, personal assistant to the director of the Centenary Festival Committee, had with Mr Venter, as chairman of that committee, reached the ears of the Prime Minister, Mr P W Botha, informed sources said

This was late last year and top Nationalist sources have since admitted because of the "sensitivity" of the allegations in the affidavit, the leader of the NP in the Transvaal, Mr F W de Klerk, and the executive of the city's Nationalist caucus decided to keep it from the whole caucus

Fallout from the top-



tenary Festival Association, Mr Heine Toerein and his assistant, Miss Wandrag

"He was arranging meetings with the Johannesburg Chamber of Commerce, film companies and other organisations without informing me or inviting me to take part," Mr Toerein said this week

Criticism of the work done by the association flared up in the last two weeks and Miss Wandrag's resworn affidavits found their way to the

standing member of the NP in the Johannesburg City Council admitted Mr Venter was an "embarrassment" to the party

Mr Jan Burger, MPP, the new leader of the party in the council, said Mr Venter had been asked to stay on in the NP and as a city councillor

But other sources had indicated the party intended destroying their former leader so thoroughly that he would resign in disgrace

Criticism of the NP's original handling of the

SA unions face homelands problem

LABOUR WEEK BY PHILIP VAN NIEKERK

THE BOPHUTHATSWANA GOVERNMENT'S ban on South African trade unions operating in the territory raises important questions for unions seeking to organise in the homelands.

Until the strike by about 400 muneworkers at the Ucar mine near Brits last week, unionisation in the homelands was largely an academic issue.

The hostility of the Ciskei Government towards trade unions — seen in the banning of the South African Allied Workers' Union (Saawu) — affected commuter workers from Mdantsane organised in the factories of East London. In Ciskei itself, union organisation hardly exists.

With the homelands earmarked for increasing industrial development, unions guaranteed freedom of association in South Africa, but facing a hostile environment in those territories, could be drawn into major conflicts with homeland governments.

The homelands are at the heart of the policy of grand apartheid and any union struggles must of necessity have a political dimension.

Bophuthatswana is the most industrially developed of the homelands and it is no surprise that the first major clash of this kind took place there — and in the mining industry.

The fast-growing National Union of Mineworkers (NUM) has a potential membership of thousands in Bophuthatswana. The dispute at Ucar, where the workers are demanding union recognition from the American multi-national, Union Carbide,

Mr Rowan Cronje, the territory's Minister of Manpower, says it is an independent country. Nowhere else in the world do independent countries allow a foreign country's unions to operate.

The Bophuthatswana Industrial Conciliation Bill, which comes before the territory's parliament next month, provides for the establishment of Bophuthatswana-based unions.

South African-based unions are to be outlawed, says Mr Cronje. At the moment they are illegal because the law makes no provision for them.

Union officials argue that, aside from the fact that they do not recognise Bophuthatswana as separate from South Africa, there are numerous instances of unions operating across international borders.

They say that before South Africa amended the Industrial Conciliation Act to provide for the registration of black unions, such unions were not illegal — just as unregistered unions like the NUM are not illegal now.

And the treatment the black unions have received contrasts markedly with the attitude towards the all-white Mine Workers' Union, which has had lengthy discussions and worked out an "arrangement" with the Bophuthatswana Government.

The big fear among unionists is that the unions to be set up in Bophuthatswana will be tame creations of the government, established to head off high wage demands and the potential political threat they might pose.

□ □ □

AFTER a long-standing dispute between the Department of Health and the Department of Manpower over areas of jurisdiction in the occupational health and safety field, the Department of Health has published a draft Occupational Medicine Bill.

The dispute was reportedly behind the delay in implementing the recommendations of the Erasmus Commission published in 1976.

But, according to Dr J Myers of the University of Cape Town's Industrial Health unit, the Bill shows signs the dispute is still raging. He has accused the Department of Health of "petty competitiveness" with the Department of Manpower's Machinery and Occupational Safety Act (Mosa).

"The Bill has a tone of attempting to guard the professional territory of the Department of Health — rather than improving the health of workers," says Dr Myers. He says the Bill overlaps Mosa and will lead to a duplication of inspectors and safety structures at the workplace.

According to spokesmen for both departments, the Bill is intended to

operate in conjunction with Mosa, which became law last year.

Dr G Oberholster, a senior official of the Department of Health, says the Department of Manpower's area of jurisdiction is occupational safety, while the Department of Health deals with occupational health.

"When they are talking about the control of machinery, the physical conditions in the plant, we are talking about safety. When we are talking about man, which is the medical side, that is health. We look after man maintenance, they look after machine maintenance."

But according to Dr Myers, there is no attempt to link the new Bill with the shop floor committees set up by Mosa and the inspectorate is to be duplicated. This is costly and confusing, he says.

"It seems that Mosa is being pointedly ignored. This flies in the face of the findings of the Erasmus

Commission, which held that this kind of fragmentation should be overcome."

Dr Myers said the Bill had not adequately dealt with the setting up of structures to provide occupational health services to workers or a data base — another recommendation of the Erasmus Commission — which could do research on occupational health and safety when requested by employers and trade unions.

"Certain aspects of the Bill could be good, but on the whole it is a shoddy and hastily conceived piece of legislation."

Miners' union chalks up wins

By JOSHUA RABOROKO

THE National Union of Mineworkers (Num) has signed three recognition agreements with mining industries, bringing to 14 the total number of agreements signed by the union so far

The union's general secretary, Mr Cyril Ramaphosa, said that for the first time in the history of the union, they have signed a recognition agreement with Rand Mutual Hospital, Western Deep Level Hospital and the Chamber of Mines Sport grounds

In a historic move the union became the first black trade union to be recognised by the Chamber of Mines, early last year, and since then it has signed numerous agreements in



MR CYRIL RAMAPHOSA: Union recognition.

coal, platinum and gold mines

Mr Ramaphosa said that the three recognition agreements were "victories for the union's strength which is growing rapidly"

"We have for a long time been aiming at scoring these goals and we shall in future be able to represent workers in hospitals which are owned by the mining industries," he said

"The agreements are vital in that workers at these hospitals do not have trade unions and we regard this as a breakthrough for our workers there"

He added that the union is currently negotiating a maternity leave for most migrant workers.

Pretoria agency took our money and gave us nothing

COMPANY ACCUSED

By MONK NKOMO

SCORES of black people in the Pretoria townships have accused a white consultancy agency of giving them false promises and not honouring obligations involving thousands of rands.

The SOWETAN this week established that a white-owned company, African Consultants (Pty) Ltd, whose offices are situated at the Willie

Theron Building in Bosman Street, Pretoria, is conducting business in the community. The company acts as financiers and consultants

The company has announced it is investigating complaints lodged

A number of people interviewed said the company promised that it would give them loans to build houses, buy cars and would help them with legal assistance if they became members

They told THE SOWETAN that they paid a membership fee of R10

each and a monthly subscription of either R10 or R12 depending on their salary

Mr Jonas Malebye of 375 Renoster Street, Makapanstad in Hammanskraal, said he joined the company (known as Sun Life then) five years ago after being promised that the company would give him a loan to buy a generator costing R900

Mr Malebye, whose membership number is 151, said he had been paying monthly subscriptions of R12 since 1979, bringing to about R700 the total amount he paid in

"But each time I go there to seek help the director, Mr Sarel Bekker, tells me to come tomorrow," Mr Malebye said

Another client who lost out is Elfas Khoza of PO Box 245, Emalahleni, who paid R900 to the company, which promised to buy him a car

He was never

helped and efforts to secure a refund proved futile

Mr Themba Vuswane who has since left for Botswana, paid R1 000 after being promised a loan to buy a tractor

He neither got the tractor nor the refund

Mr Mkhunjuza Chunuko of Cullinan was also

promised a loan to buy a tractor if he contributed R1 500

He paid the money to the company but he too got nothing in return and was not refunded

The company's director, Mr Sarel Bekker, who promised to investigate all the complaints, did confirm that Mr Ma-

lebye had applied for a loan to buy a generator

"But he wanted about R400 which is R200 more than the maximum loan we offer

Although we tried to get him the generator negotiations between us and the company failed and he was also nasty," Mr Bekker added

400 detained in 83

MORE than 400 people, among them about 74 trade union members, were detained in terms of security laws in South African and independent homelands during the past year

This is according to statistics compiled by the Detainees Parents' Support Committee (DPSC), the South African Institute of Race Relations (SAIRR), South African Council of Churches (SACC) and newspaper cuttings compiled by the Institute for Industrial Relations

Meanwhile major trade union movements and international organisations such as Am-

Viljoen, opposing the death penalty in all cases and regarding it as "a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights

"We express our grave concern at the imposition of the death penalty on Malisela Benjamin Molose," the amnesty says

mile Gqwetha (president), Mr S Nykelana vice president, and the former acting president of the Media Workers' Association of South Africa, Mr Charles Ngakula, were detained in Ciskei

According to the institutions, of the more than 400 detainees, about 80 were charged

The DPSC says most of the detainees are not linked to any identifiable organisations

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'Pressure' put on retail group over SA union

By STEVEN FRIEDMAN
Labour Correspondent

THE Bophuthatswana Government has attempted to prevent retail group Metro Cash and Carry from recognising a black union at one of its outlets in the territory

This is creating tension at the company's Johannesburg head office, a union spokesman said yesterday

According to a spokesman for the Commercial, Catering, and Allied Workers' Union (Cawusa), Metro head office workers planned to hold a symbolic work stoppage yesterday to protest against the ban, but it is not clear whether this took place

Comment from Metro was not available yesterday. The Rand Daily Mail was told the executive who deals with industrial relations was away

for a few days and no other executives were available

The Metro dispute follows the recent strike at the Ucar mine in Bophuthatswana. This followed an instruction from the Bophuthatswana Government to Union Carbide, which owns the mine, not to deal with the National Union of Mineworkers

Bophuthatswana is due to enact an Industrial Conciliation Act barring South African unions from operating in the territory and it is known that the SA Allied Workers' Union has also received a letter from the Bophuthatswana government warning it not to recruit workers in the territory

Cawusa's spokesman said yesterday the union had been recruiting workers within the Metro group and, as part of this drive, had signed on members at one of the group's outlets in Hebron, Bo-

phuthatswana

Last year it received a letter from the company saying Metro had been told by the Bophuthatswana government not to deal with Cawusa because it is a South African union. Metro asked the union not to send organisers to Hebron, the spokesman said

Later, he added, Cawusa received a letter from the Bophuthatswana government warning it against operating in the territory and threatening action against it if it continued to do so

There had been no developments since then, but the Ucar strike and the subsequent furore over the Bophuthatswana government's attitude to unions had rekindled worker interest in the issue, he said

Cawusa is currently negotiating with Metro on recognition

Joint ⁽⁹⁴⁾ ~~(40A)~~ ⁽¹⁵⁾ ^{ROOM} ^{21/1/84} action is planned

Labour Correspondent

THE Paper, Wood and Allied Workers Union shop stewards at five plants owned by Anglo American's Mondi Paper have formed a council to plan joint worker action on wages and pensions

According to a statement issued by the union yesterday, the council held its first meeting at the weekend and has already written to Mondi asking for wage talks and for discussions on the company's pension fund

The council is the first attempt by PWAU to unite workers in different plants owned by the same company to plan common action An-

other union, the Metal and Allied Workers Union, has set up a similar council among Barlow Rand shop stewards

PWAU claims to have enrolled two-thirds of the Mondi group's workers — more than 2 000 people

The new council's letter calling for wage talks may also prompt conflict with Mondi, as the company is known to oppose wage bargaining with unions outside the official industrial council system

Mondi recently agreed to recognise PWAU, but this agreement does not give the union wage bargaining rights at the company

Mondi's managing director, Mr Reg Donner, was not available for comment yesterday

In its statement yesterday, PWAU said the council had met for the first time at the weekend "to discuss a joint approach towards management"

It said stewards had decided to have joint talks "after ludicrous wage increases were granted this year in terms of the industrial council agreement"

Another issue discussed at the meeting had been Mondi's group pension fund "about which workers have many complaints"

Workers urged to combat GST rise

Labour Correspondent

THE Metal and Allied Workers Union (Mawu) has condemned the Government's decision to raise General Sales Tax — and is to urge union members to demand that employers raise wages to compensate for the 1% rise

The union has also expressed reservations about pending moves to tax black workers on the same basis as whites

In a statement Mawu said its national executive had resolved at the weekend "that all Mawu members should be encouraged to put as the first part of any wage demand the 1% to make up for the GST increase"

GST rises from 6% to 7% today

The executive had resolved that, because workers had no voice in the Gov-

ernment, where decisions on taxes were made, "they must speak where they do have a voice — at work"

The union argues that increased taxes should be raised from companies which, it says, made "tremendous profits" in 1983 despite the recession, rather than from workers who have "suffered more and more"

It said workers' "real standard of living has dropped more and more" Inflation, the need to support the unemployed, and loss of land and livestock had forced workers "to spread their money more thinly than ever"

"More families than before are falling below the breadline Now the Government has administered another terrible blow to workers and their families by

increasing GST by a further 1%," Mawu said

On the move to change the tax structure for blacks, Mawu said that "although the tax paid will be equalised, the benefit of the money will not go equally to all groups"

"Some groups have tax with representation, the majority do not. This is not equality," it said

It said the tax changes would also place "huge responsibilities" on the responsible department, and the union's executive feared workers, therefore, would not in practice receive the rebates to which they would be entitled

Most workers would also not be able to fill in their tax assessments and other forms and would be at a disadvantage

~~(104) (1979)~~
151
ROOM
1/2/84

Conflict looms as talks rejected

Labour Correspondent

CONFLICT between the Anglo American company, Mondi Paper, and Fosatu's Paper, Wood and Allied Workers Union threatened yesterday as the company said it would not deal with a new joint shop stewards council set up by the union unless the it joined the paper industry's industrial council

On Monday, PWAU announced that shop stewards at five Mondi plants had formed a council to plan joint worker action — the first such body set up by PWAU — and that the new council had written to Mondi asking for talks on wages and the company's group pension fund

The union — which does not belong to the paper industrial council — attacked recent wage rises negotiated at the council and suggested that it would press to negotiate wages directly with Mondi outside the council

But Mondi, which opposes wage bargaining outside the industrial council system, issued a statement yesterday ruling out talks with PWAU's joint council unless these were held under the auspices of the industrial council

The company suggested that it was willing to consider dealing with the new council — but only if PWAU agreed to join the industrial council

It said it would only negotiate on issues common to all its workers with all the unions in the paper industry at the same time and said this could only be done through an industrial council

Mondi also charged that PWAU's claim to represent two-thirds of its workers had not yet been verified

New provisions in Bill on unregistered unions

AK&S 1/2/84

1510

Labour Reporter
REGISTRATION

agreements between trade unions and employer bodies outside official industrial relations machinery would have to be submitted to the Department of Manpower in terms of the Labour Relations Amendment Bill

The Bill, published today, says that unless certain information is submitted to the industrial registrar by unregistered labour organisations, recognition agreements with employers would not be upheld in a court of law

All labour organisations would have to submit to the industrial registrar their constitutions, names of officials and office-bearers and membership returns

An explanatory memorandum says it has become common for trade unions to enter into recognition agreements with employers outside the official collective bargaining machinery

These domestic agreements laid down bargaining and grievance procedures, disciplinary

measures and the deduction of trade union subscriptions

"Wages and conditions of employment above the minimum prescribed in statutory wage measures are also negotiated with individual employers and the agreements arrived at are enforceable in common law, irrespective of whether the employers and employees are subject to an industrial council or conciliation board agreement"

Membership

Unregistered unions would also have to maintain membership registers, keep accounts audited by a public accountant, prepare balance sheets once a year and submit statements of income and expenditure once a year to union members

They would also have to submit membership returns to the industrial registrar annually and keep "specified documents", such as financial statements and minutes of meetings for three years

The head office of the organisation would have to be in South Africa

~~151~~ (151) (~~440A~~ (151))

Ford retrenchment talks continue

Mail Correspondent

2001 1/2/84
PORTELIZABETH — Talks concerning the recent retrenchment of 490 workers by Ford Motor Company were continuing between management and union representatives, an executive member of the Motor Assemblers and Component Workers' Union of South Africa (MACWUSA), Mr Thomas Kobese, yesterday

Mr Kobese said Monday's informal meeting between officials of the National Automobile and Allied Workers' Union (NAAWU) and MACWUSA did not take place as MACWUSA general secretary, Mr Dennis Neer, had to attend to other matters

"Mr Neer is expected to back in the office today and we have to arrange another date now," said Mr Kobese

Representatives of Ford's industrial relations department telephoned MACWUSA's offices yesterday asking union representatives to attend another meeting with management as soon as union officials were available, said Mr Kobese

"The meeting, which will probably be held next week is a follow-up to the one last week when we asked management to reconsider the retrenchments, aired our other grievances and told management how workers generally felt about the retrenchments," he said.

(277) (151)

By CLAIRES
PICKARD-CAMBRIDGE
TWO worker representatives at the Port Elizabeth Society for the Blind in Mount Road alleged today that workers had many grievances about their conditions of service and failed to receive the co-operation of the director, Mr Denis Glendining

Mr John Peterson and Mr Dudley Thomas said workers believed Mr Glendining had "no understanding of blind people and their problems" and was not prepared to discuss decisions and grievances

They alleged that some workers had not been paid out the full Christmas bonuses and holiday pay owed

Blind workers claim they're getting raw deal

to them.

"Now we would like sponsors to give us our bonuses personally at the end of the year so that we can be assured that donations are being correctly distributed," they said

They were also dissatisfied with the food they were given and claimed they had not been receiving

clothing and parcels sent to them by the public

They said Mr Glendining had been the director for four years and these problems had not existed before his appointment

Mr Glendining said he was not prepared to comment on the allegations, but dismissed claims that he was not prepared to give

workers a hearing as "most unfair".

The chairman of the society, Mr Ed Millard, said he was concerned about the bonus issue and had already arranged for auditors to sort out the problem

He said he could not comment on personal complaints levelled at Mr Glendining, but confirmed he had received similar ones on a previous occasion

He said he had heard their complaints about the food and had just replaced the cook

"A blind organisation is also difficult to run because money is so tight and I can only appeal to the public to increase their donations to help matters along"

Cusa challenges Bophuthatswana

2/2/84 3/aw

157

By Carolyn Dempster,
Labour Reporter
The Council of Unions of
South Africa (Cusa), rep-
resenting the combined
membership of 11 unions,
has challenged the Bo-
phuthatswana Govern-
ment over its new labour
legislation

In a statement re-
leased yesterday, Cusa
says it will not become
the victim of a "Bophuth-
atswana regime and its
misguided labour ad-
visers"

The Bophuthatswana
Industrial Conciliation
Bill, which is expected to
take effect next month,

bars "foreign" unions
from operating in the
homeland

It also prevents shop
stewards or union repre-
sentatives from being
members of foreign
unions and specifies that
unions organising in Bo-
phuthatswana have to
have their base in the
homeland

Cusa members daily go
to work in South Africa
and return to Bophuth-
atswana for the night

In a stronger warning
to employers, and in par-
ticular to multinationals,
Cusa states it is prepared

to fight the banning of
"foreign" unions in every
local and international
forum

"We call upon employ-
ers to state immediately
what their views on the
matter are"

Cusa also expresses its
support for members of
the National Union of
Mineworkers employed
by Union Carbide in Bo-
phuthatswana

About 300 workers at
Union Carbide went on a
three-day strike last
week over wage griev-
ances coupled with the
introduction of the new
legislation

Mawu considers a dispute over lay-offs

Labour Correspondent

THE Metal and Allied Workers Union yesterday said it was considering declaring a dispute against Wynberg company Promex Plastics, a member of the Protea group of companies, for allegedly refusing to negotiate on retrenchments

A union spokesman, Mr

Moses Mayekiso, said yesterday the company's 130 workers downed tools last Monday in protest against the retrenchment of eight workers, but returned after management agreed to meet the union on the issue

Promex told the union at yesterday's meeting it would not negotiate on the retrenchments, because

MAWU was not recognised by the company

Workers were due to meet last night, he said

The company refused to recognise the union last October even though it provided proof that it represented a worker majority, he said

"The fact that we are not recognised is, therefore, the

result of their attitude and is no reason to refuse to negotiate retrenchments"

A company source yesterday denied there had been a strike at the plant over the retrenchments

He refused to comment further, referring all queries to the company's managing director, who was not available

1984 2/2/84

3/21/84 (151) ROOM
Row is growing over company lay-offs

Labour Correspondent
A WYNBERG company Promex Plastics, which faces a possible formal dispute called by the Metal and Allied Workers Union for allegedly refusing to negotiate on retrenchments, denied yesterday that it was unwilling to deal with the union.
Mawu alleges that about 115 workers at Promex, part

of the Protea Holdings group struck recently in protest at the retrenchment of eight workers.
It says it persuaded them to return after management agreed to meet it on the issue, but that at a meeting this week, Promex said it could not negotiate on retrenchments because it did not recognise the union.

Mawu says it has approached Promex for recognition but that this was refused, and says it may declare a dispute with the company.

Yesterday a Promex spokesman denied there had been a strike at the plant.

He confirmed that the company had been ap-

proached by Mawu with a request to take back retrenched workers, and that it had refused to do this.

"There is no way we can take them back. We have had to close down a section of our plant because of the recession. We kept people on as long as possible, but the situation has worsened and our books reflect this," he says.

Lion ~~(S)~~
strikes up
 a union ^{(151) Star}
agreement _{3/2/84}

Labour Reporter

After less than a month of negotiations, the General Workers' Union of South Africa yesterday signed a recognition agreement with the Lion Match Company

The agreement covers the union's 220 members in the company's Rosslyn plant

A joint statement released yesterday said negotiations were conducted in a cordial manner and both parties expected worthwhile discussions in future

The agreement covers the establishment of a shop steward committee, and draws up guidelines for grievances, appeals and dispute procedures. A disciplinary code has also been set out

BARRED

In Sebokeng a meeting of 2 500 members of the Steel, Engineering and Allied Workers' Union which was scheduled for the weekend was postponed after members were barred from entering the Mphaplalatsane community hall

Instructions to prevent the workers from holding the meeting allegedly came from the Vaal Triangle Administration Board

"The caretaker told us the reason was to stop any talk of strikes similar to the AECI strike," said a union spokesman

Mercury (1984) (157)
day, February 3, 1984

Fosatu union wins textile factory ballot

Mercury Reporter

IN A ballot held at a Pinetown clothing factory yesterday, an overwhelming majority of the workers voted for the black-dominated National Union of Textile Workers to represent them instead of the Tucs-a-affiliated Garment Workers' Industrial Union

The ballot to determine which union had the majority support at James North (Africa) (Pty) Ltd, followed a clash between the two unions for recognition at the plant, a subsidiary of the UK-based company, Siebe Gorman Group

A spokesman for the Pinetown factory, which manufactures protective clothing for the mining industry, yesterday confirmed the result of the ballot but declined to say whether the Fosatu-affiliated union would be recognised at the plant

A total of 219 workers voted in favour of the National Union while 43 voted for the Garment Workers' Union. There were four spoilt papers and three abstentions

Mr Frankie Hansa, general secretary of the Garment Workers' Industrial Union, which represents 55 000 workers, said yesterday his union had objected to the ballot because it had a 'closed shop' agreement with the company

He pointed out that in terms of the agreement workers were bound to his union and could only terminate their membership once they resigned from the factory

Mr Hansa said his union had represented workers at the factory for many years and had not received any complaints against it

February 3 1984

Dismay over 'hasty' amendment to labour law

By Carolyn Dempster,
Labour Relations Amend-
ment Bill 1984, tabled before
Parliament this week, has been
described as a "hasty and half-
baked" piece of legislation
which could herald State con-
trol of recognition agreements
between unions and employers
In terms of the proposed leg-
islation, agreements reached
on the relationship between
employer and union will have
to be submitted to the Depart-
ment of Manpower to be rati-
fied

If it is found the agreement
does not comply with the spec-
ifications of the Labour Rela-
tions Act, it will carry no
weight in either the Industrial
Court or the civil courts. The
parties concerned will also be
guilty of an offence

Mr Piroshaw Camay, gener-
al secretary of the Council of
Unions of South Africa, said the
clause basically defeated the
principle of voluntarism advo-
cated in the Wiehahn Report
"Once recognition agree-
ments are opened to scrutiny,
the next step will be to control
their contents. This is totally
unacceptable to us," he said

MONITOR AGREEMENTS

Depending upon how it is
implemented, the legislation
could have negative implica-
tions. It is going to be extreme-
ly difficult for the State to
monitor agreements and it is
likely some format will be pro-
vided. "Naturally we would re-
sist this"

The relevant provision of the
Bill was described as "innocu-
ous in itself" by a prominent
labour lawyer

He said, the idea of giving
statutory recognition to agree-
ments was a good one, but it
depended on how the legisla-
tion was implemented
"If it is for statistical pur-
poses or added to a pool of in-
formation benignly used, that
is fine," he said.

The Bill also obliges unregis-
tered federations to comply
with certain basic provisions of
the Labour Relations Act for
the first time. If the Bill be-
comes law, unregistered unions
will have to have their head of-
fices in the Republic of South
Africa

They will also have to sub-
mit a copy of their constitu-
tions, membership registers, fi-
nancial accounts and balance
sheets to the Department of
Manpower.

Source from (VISA) (335) (335) (151) (335)

Retrenched 20 left stranded

ABOUT 20 migrant workers at a Pretoria coal company have been left stranded after they were ordered to leave the company's hostels following their retrenchment last week.



A SUPERMARKET price war has started following the GST increase as the big retailers cut prices on basic commodities.

Consumers are actually paying less for basics such as bread and milk in spite of the GST increase from six to seven percent.

Mr Raymond Ackerman, chairman of Pick 'n Pay, said consumers were scoring in the short term although in the long term they would have to pay for the higher GST.

When the Govern

BY JOSHUA RABOROKO

The management did not tell us about its intention to retrench workers. We were shocked when workers came and told us that their services had been terminated with immediate effect," Mr Olphant said.

The union approached management on the issue but they were given "a cold shoulder," he said. The company's director, Mr J Dreyer, said that they had no option but to retrench the workers because "we do not just have jobs for them anymore."

Some of them had already left for their homes while the company was still accommodating others until they found alternative jobs. "It is regrettable that we have to dismiss our workers. We are sorry, but there is nothing we can do because of the country's economic situation," Mr Dreyer said.



BOPHUTHATSWANA President Mangope

Cusa attacks Labour Bill

to take effect next month bars "foreign" unions from operating in the homeland.

It also prevents shop stewards or union representatives from being members of foreign unions and specifies that unions organising in Bophuthatswana have to have their base in the homeland.

Cusa members daily cross the so-called borders to work in South Africa and return to Bophuthatswana to sleep at night.

"We have constantly maintained that this trade will be opposed whenever and wherever we encounter it."

In a stronger warning

to employers and, in particular, multi-nationals, Cusa states it is prepared to fight the banning of "foreign" unions at every local and international forum.

"We call upon employers to state immediately what their views on the matter are."

The council also expresses its support for members of the National Union of Mine-workers employed by Union Carbide in Bophuthatswana.

About 300 workers at Union Carbide went on a three-day strike last week over wage grievances coupled with the introduction of the new legislation.

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KITCHEN SWARDS

Opposition mounts to labour bill

By RIAAN DE VILLIERS
Labour Reporter

OPPOSITION is mounting among independent trade unions to a new labour bill which will require unions to submit copies of all plant-level recognition agreements with employers to the Department of Manpower

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Several leading unionists this week expressed fears that the measure could be the start of an attempt by the State to extend its control over such agreements, which fall outside the official collective bargaining machinery.

In terms of the Labour Relations Amendment Bill tabled in Parliament this week, recognition agreements will also be unenforceable in the courts if the unions concerned fail to supply the department with certain information.

Mr Dave Lewis, general secretary of the General Workers' Union, said the GWU viewed the submission of agree-



Apple Times 4/2/84 Labour (151) 4/2/84

ments with "grave suspicion"

"We can only see it as an ill-conceived attempt by the State to reassert its role in collective bargaining, and an attempt at further interference in internal trade union affairs," he said.

Mr Piroshaw Camay, secretary of the Council of Unions of South Africa (Cusa), described the moves as a "veiled attempt at control" over trade unions which defeated the principle of voluntarism advocated in the Wiehahn Report.

"If they want the agreements just for their

files, it would be a waste of time and energy.

"However, the government may next say what should go into the agreements and draw up the formats as well."

Mr Jan Theron, secretary of the Food and Canning Workers' Union, said yesterday "We suspect this may be the thin edge of the wedge. There is no reason why the State should have this information."

Mr Joe Foster, general secretary of the Federation of South African Trade Unions (Fosatu), said earlier this week that the bill confirmed suspicions that the new

labour deal was aimed at "controlling the labour movement rather than bringing about reform"

Asked to explain the reasons for the move, Dr P J van der Merwe, Director-General of Manpower, said this week that it was aimed at obtaining a "broader picture of the total collective bargaining process in the country".

Also, such agreements often came into question when either employers or trade unions applied for official conciliation machinery

He denied that the State was extending its influence over labour relations and said the move was aimed "merely at obtaining more complete information".

Commenting on the penalty which will apply to unions which fail to submit information about their organizations, Dr Van Der Merwe said the measure was aimed at ensuring that parties to such agreements "prove their bona fides".

Workers should be consulted on all disciplinary procedures

By Fred Holtshausen

Structured industrial relations agreements flow naturally from the perceptions gained in an IR audit

They bring with them their own problems

Relationships in industry in South Africa have tended to be casual. Front-line managers had a free-and-easy way of dealing with problems

At the shop-floor level it was not unusual for the foreman to take a recalcitrant worker to the rear of the factory, "sort him out", then patch up the dispute with a word of encouragement

Times change and now there is a book of rules

In the view of IR professionals a framework of policies and structures is essential to assist in management/employee negotiations. The emphasis should be on the word "assist"

A rulebook that is too rigid can be self-defeating

Also, paternalistic policies introduced unilaterally by top management without the participation of middle management, foremen and workers, will do more harm than good

A good example is a disciplinary code. There have been cases where a senior manager has "borrowed" a disciplinary procedure from an employers association, a friend, a consultant or a text-book and then introduced the procedures without preparing the ground

The first to resent the new system almost certainly will not

be the shop-floor worker but the front-line manager

There is, indeed, a system of verbal warnings to be followed by written warnings

There may be a system of official inquiry and the manager feels smothered by paperwork arising from an incident which, before, he probably would have solved by docking R10 from a pay packet

Worst of all, from his point of view, the line manager can have his decisions reversed on appeal

This can leave him with the almost untenable position of exercising authority over a worker whom he has tried unsuccessfully to fire. The result could be the loss to the company of a competent junior manager

So before introducing any form of disciplinary procedure, it is important to consult representatives of the labour force and with the line managers who have to implement the procedure

The time is long past when worker committee structures were decided without the support of the workers

Just as the trade unions can negotiate recognition agreements, so should the workers themselves be involved in drawing the constitutions governing their relationships with management

Which leads straight to the question of recognition agreements themselves. These, after all, will form the frame within which all IR matters between management and the union/employee will be structured

Yet often the first that a front-line manager hears of a recognition agreement is when he is told about it by a shop steward

It might seem obvious that the line manager should be kept informed of such a major impact on his industrial relations. Lamentably, this does not always happen

This is not to suggest that the

line manager make IR policy. That, clearly, is a senior prerogative and the parameters will be defined by both pragmatic factors and, sometimes, management ideals

It does mean that if the policy is inflicted without consultation, and without regard for the realities of the front-line relationships, it will lead to resentment and frustration — even conflict

There is a tendency to eye the emergent unions as a disruptive force (which sometimes they are) because traditional relationships have been breached

IR specialists have found, on the other hand, that where proper consultation and communication are employed, there can be surprising results

An example is the redundancy agreement. Such an agreement should obviously explore ways and means to alleviate hardship and meeting management objectives

Some of the best ideas to relieve redundancies come from worker representatives

It must be borne in mind by management that most personnel policies and procedures have an impact on IR. They need to form an integral part of the whole and not be isolated

This means that the IR impact of such matters as conditions of employment, safety and health, training and administration, should all be considered for their effect on the basic industrial relationship

● Fred Holtshausen is an industrial relations consultant

(151) (177)

Laid-off workers paid out

FRAMETEX in Pine town has paid out more than R9 600 to ten members of the National Union of Textile Workers.

The money - back-pay from the time they were retrenched last year - comes after a ruling from the Industrial Court.

The court ruled that an earlier order for management to pay the wages should not be suspended

Stop this farce, Cusa tells Bop

151
C-Press
5/2/84

THE POWERFUL trade union federation Cusa (Council of Unions of South Africa) has launched a stinging attack on Bophuthatswana's Manpower Minister Rowan Cronje following the ban on SA-based trade unions in the homeland.

The Cusa attack comes in the wake of letters sent to a number of trade unions operating

By ZB MOLEFE

in the homeland — among them SAAWU, CCAWUSA and NUM — warning them to stay out of the homeland

Cusa, which has hundreds of members in the homeland from its member unions which include the National Union of Mineworkers and the United African Motor and Allied Workers' Union, said it will not "become the victim of the Bophuthatswana regime and its misguided advances"

The Cusa statement also warned the giant multinational Union Carbide, which owns a number of mines in the homeland — including Ucar, which is refusing to grant NUM recognition — that it was "prepared to raise the issue at every local and international forum".

Cusa also alleged that the Bophuthatswana government had come to a deal with the white mine-workers of the Mine-work's Union, and warned that this would sow the seeds of discord and suffering among workers

It also slammed Mr Cronje for his "pious and sanctimonious utterances" in supporting the homeland ban

be opposed whenever and wherever we encounter it"

On Monday members of CCAWUSA held a meeting to protest against the new Bophuthatswana labour legislation preventing any "foreign" unions organising in the homeland

The protest meeting, which lasted four hours, was held at Metro Cash and Carry's head office in Ormonde to express their dissatisfaction with the decision.

"For some time now we have been expecting the so-called government of Bophuthatswana to take this action," said Cusa

"Many of our members daily cross the road to work in so-called Bophuthatswana Cusa has constantly maintained that this charade will

Rowan Cronje's famous last words...

BOP Manpower Minister Rowan Cronje, a former member of Ian Smith's Rhodesian Front Cabinet, has apparently changed his tune about trade unions

The homeland's recent ban on SA-based trade unions is in glaring contrast with Mr Cronje's utterances at a conference of the Institute of Personnel Management last year.

He said at the time: "Many people regard trade unions as a monster. I believe that a trade union is an essential and a most important part in the process of industrial stability and sound relationships"

In grand fashion he continued: "In the field of industrial relations the obvious objective ultimately is industrial peace and harmony. However, if 'peace' means to an employer a humble, docile labour force, peace could never be a possibility."

Mr Cronje said that Bop's new industrial relations legislation would "actively encourage and assist with the establishment and training of these unions"

Trade unionists might be wondering if he rather meant "assisting in the neutralising and taming" of these unions.

words...

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Don't come back, Ford boss told

~~EASTERN~~ Cape trade union leaders in the motor industry slammed the recent visit of Ford's World-wide Chief Executive Officer Mr Phillip Caldwell of America to Port Elizabeth

C. P. Per 5/2/84

By MONO BADELA

described this as surprising

"We believe there are principles which are basic to labour relations all over the world This includes consultation with trade unions before workers are retrenched," he said

"Mr Caldwell's statement amounts to divorcing Ford's headquarters from labour issues at its subsidiaries"

The National Automobile and Allied Workers' Union (Naawu) and the Motor Assemblers' and Component Workers' Union (Macwusa) said they were not informed of his visit and also condemned the remarks he made

Mr Caldwell told reporters Ford could not manage labour affairs from 9 000 kms away, and left these with Ford management in South Africa Naawu regional secretary Les Kettledas

Ticket inspector 'told me to strip'

BY BENITO PHILLIPS

A RAILWAYS ticket controller ordered a 14-year-old to strip and then assaulted her after querying her train ticket, an East London magistrate heard this week

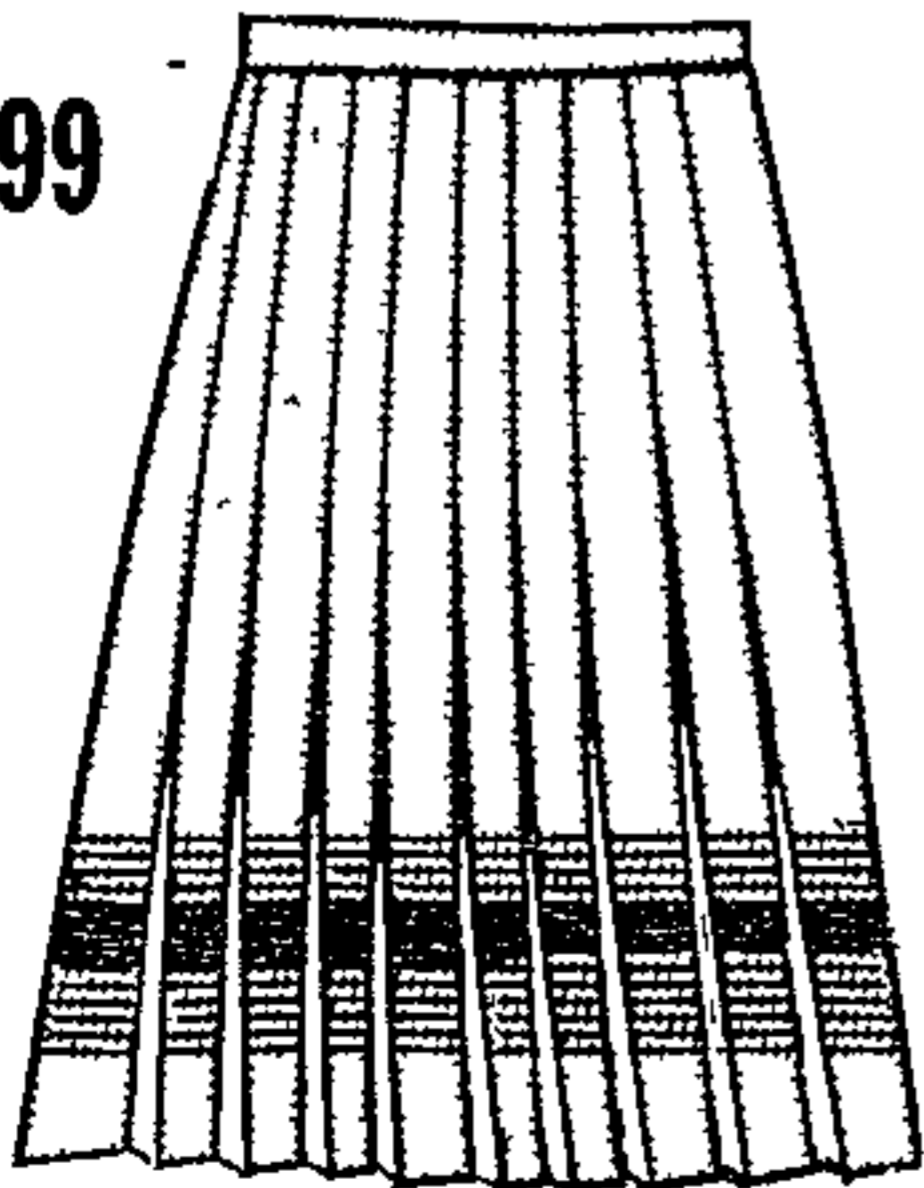
The controller, Carl Albertus van Rensburg, was fined R300 or 50 days for indecent assault

The girl told the court she had been taken into a second-class compartment by the controller, who said he wanted to speak to her about her ticket

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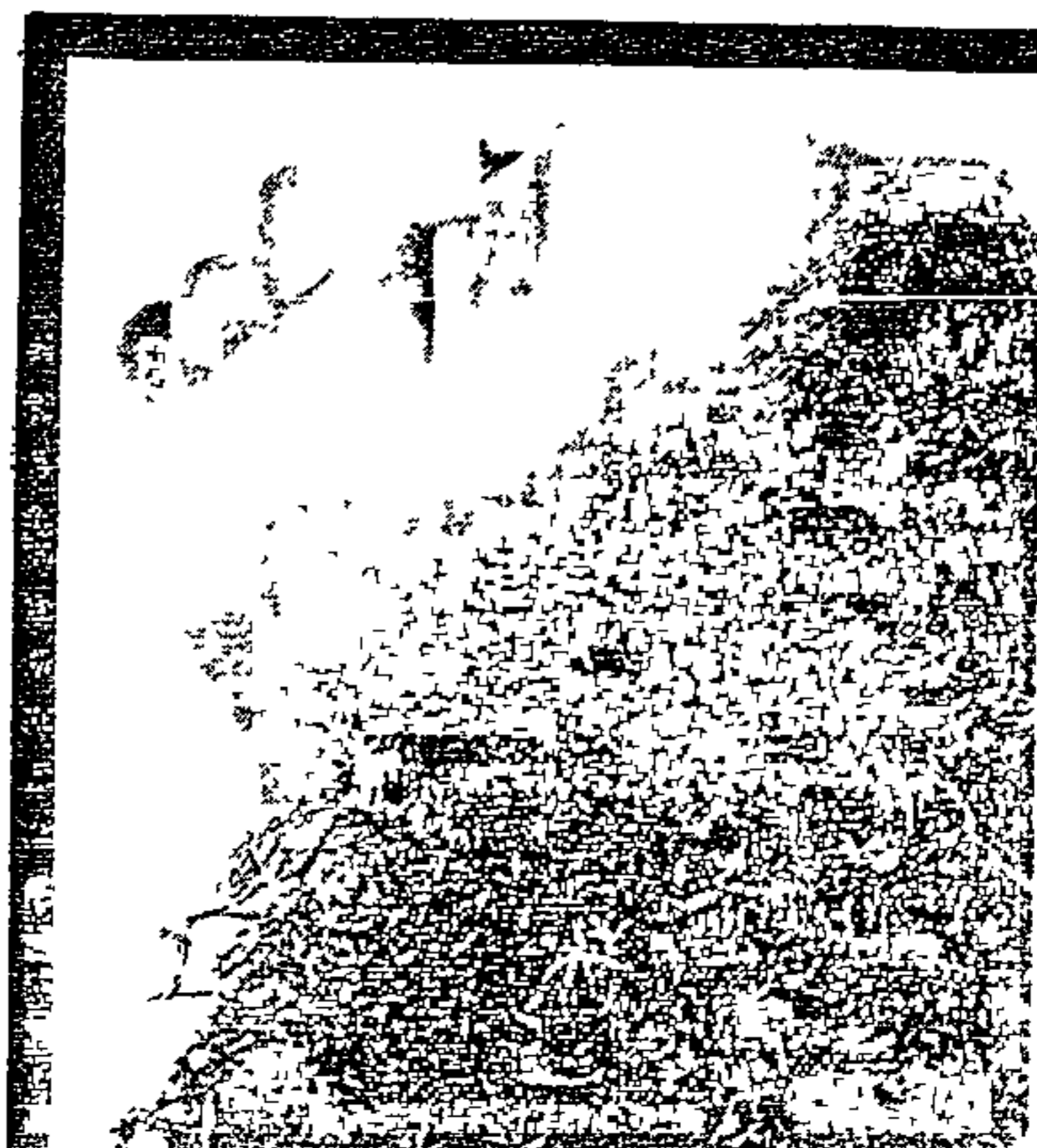
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DISPUTE GOES TO COURT

Sutton
9/2/84
151
JLC
100

THE dispute between African Cables and the Engineering and Allied Workers' Union (EAWU) over the sacking of 700 workers will be brought

before the Industrial Court next month. Lawyers acting for EAWU and the sacked workers, Mr William Lane, told The SOWE-

TAN, that management, in an attempt to reach an outside settlement with EAWU — who have threatened to take them to court — had opted to re-employ a hundred of the 700 sacked workers

The workers were sacked two months ago when they confronted management, demanding an explanation about the alteration in their four-day working shift to five days

RDM 10/2/84
151

Mills, union on clash course

By STEVEN FRIEDMAN
Labour Correspondent

THE Paper, Wood and Allied Workers Union (PWAU) and Anglo American's Mondri Paper seem headed for a clash over the union's demand to bargain wages with Mondri

Yesterday the PWAU issued a statement saying Mondri had not yet replied to a union letter demanding wage negotiations. It said it had asked for a reply by Monday and warned it would consider action.

In a replying statement, Mondri said it would respond to the letter — but indications are that it will refuse to bargain over wages directly with PWAU.

The union, which claims to represent a worker majority at five of Mondri's six mills, recently announced that it

had formed a joint shop stewards council. This had brought together worker leaders at the five plants which had asked for negotiations on wages and the company's group pension fund.

It is understood that PWAU demanded a R3 an hour minimum wage. According to the union, minimum pay at Mondri mills ranges between R1,38 and R2,02 an hour — a claim on which the company would not comment yesterday.

Mondri replied that it would only talk to the new council under the auspices of the industry's industrial council and with other unions in the industry.

PWAU has so far rejected joining the council and says the other paper unions represent only white artisans — about 5% of the workforce.

Cape Times 11/2/84
Unpaid workers 'extinguish' boss

Staff Reporter
 ANGRY employees of an Observatory fashion shop yesterday sprayed a fire extinguisher at their employer and trampled his goods on the shop floor after he had failed for the third time to pay their wages.

Police arrived at the Station Road store about noon and locked the frightened owner, Mr Robert Gilbert, in a police van while the store employees milled around on the pavement outside the shop.

The shop changed hands soon after the New Year and employs a total of 67 clerks, artists, salespeople and advertising representatives.

A clerk, Mrs Gadija Roman, said "He said he would pay us at the end of the month, then the 3rd was D-Day for wages, and finally this was going to be the day, and we still haven't seen a cent"

Tempers ran high when Mr Gilbert told his staff yesterday morning that he couldn't pay them.

"It was like a riot," said a neighbouring shopkeeper "People were all shouting, and he was covered in white stuff. Then the police arrived and kept the crowd away from him"

A part-owner of the shop, Mr Alan Butler, said that the store's debts ran to some R65 000, about R35 000 of which was staff wages. He said he would re-open the shop himself within the next week or two.

A police spokesman said yesterday that nobody had been hurt and nobody had been arrested. The matter had been handed over to the Department of Manpower.

Motorcycle theft racket smashed

Crime Reporter
 A MOTORCYCLE theft racket in the Peninsula has been smashed by detectives after months of intensive investigations.

A number of stolen bike components were recovered in Zandvlei by a team of police divers yesterday after the arrest of an alleged member of a gang of motorcycle thieves earlier this week.

Five men had so far been arrested during the investigation, Captain D A Langeveldt, head of the Cape Town police vehicle branch, said yesterday.

Eight motorcycles, mostly 750cc machines, had been recovered in the Peninsula before the diving operation yesterday, he said.

In murky water at the north end of Zandvlei, the team of divers, called in from their Boland base, found the frames of two stolen bikes and the engine of another.

Captain Langeveldt said the machines had been stolen between October last year and January this year.

According to informa-

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kitten miaowed all the way during three trips between Pine- to Sea Point under the bonnet of Ms Marianne Berry's car crawling into the engine for a bit of warmth. Ms Berry has led the kitten, which she has called Tiger, hoping of course that it won't find its way into her tank.

Toilet paper fraud: manager fined R4 000

Staff Reporter
 A MAN who was sentenced in row Magistrate's Court yesterday on eight counts of fraud involving toilet paper and totalling R4 000.

Alph Leppan, 48, of Scouts Melands, was fined R4 000 (or 12 months imprisonment, suspended for two years) and sentenced to a further 12 months imprisonment, suspended for two years.

In April 1982 and May 1983, the court ordered the 600 cases of toilet paper for Bonar Industries, where he was employed as general manager.

Leppan said a Mr Omar of National Ship Chandlers (Pty) Ltd had asked him to make the purchase for the toilet paper for Bonar Industries, who were unable for payment although Bonar Industries did not receive the money.

For each shipment he had kept only R150, Leppan said. He made only R4 000 from the entire operation and Mr Omar had received the bulk of the money.

In mitigation of sentence, Mr Albertus, for Leppan, said Leppan did not intend taking R54 394 from Bonar Industries and had received only R4 000.

Leppan told the court he had sold his house following a Supreme Court order to repay Bonar Industries R54 394. He had lost his job and he and his wife had become estranged in the past few months. A number of friends avoided him.

The magistrate, Mr J M Lemmer, said he could not impose too lenient a sentence as this would not deter others from committing a similar offence. However, Leppan was not the "brain" behind the operation and he had not only suffered financially, but his family life and social life had also been affected.

Mr J P Vermaak appeared for the State.

5 Times X
151
12/2/84

Clearer code on labour sought

Political Correspondent

A TIGHTER definition of unfair labour practice — an issue presently at the centre of a fierce industrial relations debate — has been recommended to the Government by the National Manpower Commission

The proposal is contained in a report handed by the top industrial relations watchdog to the Government last year. It will be released soon.

Some unions and employer groups have clashed on the issue of unfair labour practices (ULP) with the Industrial Court at the centre of the row.

Originally the Wiehahn Commission of Inquiry into labour recommended the Industrial Court be allowed to build up its own concept of ULP on the basis of decided cases. Consequently the ULP definition was deliberately worded as broadly as possible in subsequent legislation.

But employer dissatisfaction with the interpretations which the industrial court has delivered — they argue they were too liberal — has stepped up pressure on the Government to define ULP more clearly.

Powerful lobby

The Government is also concerned that it will take too long to establish a workable ULP definition to meet immediate requirements and reconcile management and worker interests.

Commission sources said this week the report had examined all aspects of the functioning and role of the Industrial Court and had taken into account the powerful lobby in favour of letting the Industrial Court define the term ULP.

The report — it expresses the "desirability" of a defined ULP — is likely to be published soon for comment.

An acceptable definition will virtually provide a charter of worker/management rights.

Critical to the success of the definition will be the contribution of the Industrial Court, established in terms of the Wiehahn Commission recommendations.

THE REPUBLICAN WEATHER

Motor union plans action against six companies

Stan
14/2/84

Pretoria Correspondent

The United African Motor and Allied Workers' Union (UAMAWU) intends taking five companies to arbitration for alleged unfair labour practices.

Mr Peter Mohlaka, organuser of the union, named the companies as Mini Bus (Pty), Rand Rubber Products (Pty), Auto Industrial (Pty), Easy Beat Spray and Panelbeaters (Pty), and Universal Buses (Pty).

This brings to six the number of companies against which the union intends taking action

Last weekend it announced at a pub-

lic meeting at Soshanguve that it wanted to take action against Nissan Motor Corporation for the manner in which it retrenched 700 workers.

Mr Mohlaka alleged that Mini Bus failed to adhere to the ruling of the previous Industrial Court sitting

"They failed to pay the retrenched workers as laid down by the court," he said

Mr J A Walters, manager of Mini Bus, said he was not aware of the impending action "As far as we are concerned the matter has been settled amicably and all the terms of court action had been met."

4, 1984

★ 5

Mercury 14/2/84

'Sacked 93 were defiant'

(151)

Mercury Reporter

UMHLANGA'S borough engineer, Mr James McIntosh, told the Verulam Magistrate's Court yesterday how he sacked 93 of the municipality's workers after they had defied an order to return to work.

This evidence was given at the trial of Mr Mandla Cele, one of the 93 men who have pleaded not guilty before Mr H J Hitchcock to charges of trespass.

The Court agreed that the outcome of the charge against Mr Cele would apply to all the other accused.

The State alleged that the men had remained on municipal property after they had been sacked in September last year.

Mr McIntosh said the men had demanded that their weekly wage be raised to R55 — in spite of the municipality hiking black-worker wages by 11 percent two months previously.

He said he warned the workers that it was not possible to raise their wages and insisted that they get back to work within an hour.

When they refused he told them they had been sacked and should collect their belongings and leave the premises. They refused.

He said he told the men at 9.20 a.m. that they had been sacked and that their wages would be ready at 12 p.m. All but a few men refused to collect their pay and were arrested for trespass, he said.

The hearing was postponed to February 22.

EL company recognises Saawu ^{(157) D. Dispatch} 15/2/84

By ANDRE JORDAAN
News Editor

EAST LONDON — The South African Allied Workers' Union (Saawu) announced yesterday that it had signed a recognition agreement with E C Smith and Company, a local firm of manufacturers' agents and food distributors.

The company confirmed yesterday that a recognition and pro-

cedural agreement had been signed.

Saawu's branch secretary, Mr Yure Mdyongolo, said the signing of the agreement on February 3 followed negotiations which started in 1981. In the interim, he said, Saawu had had "de facto" recognition in that the company had recognised a workers' committee functioning under the


auspices of Saawu.

Mr Mdyongolo said the agreement followed ones signed with Chloride, KSM Johnson and Johnson and Wecco Distributors in East London and with Stop and Shop in Queenstown.

He said a number of companies had given de facto recognition to Saawu and it was hoped recognition agreements would be signed before

the end of this year.

"This clearly indicates that local managements have realised the importance of dealing with trade unions of the workers' choice and have yielded to the principle of freedom of association instead of adopting an intransigent stance towards independent trade unions," Mr Mdyongolo said.



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- "Bag full" indicator
- Varlo 2000 easy glide nozzle
- Flex storage, auto cord rewind
- Built in accessory compartment

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Model 4400

- Automatic power variation from 400 - 1200 watts
- Double dust bags hold 6 litres
- Sockets for electric brushes

209⁸⁸
Dion's Low Price

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PRICES EXCLUDE GST

RDM 15/2/84
Pay row — strike looms

By PAT SIDLEY

ABOUT 250 workers at Nampak's Kliprivier paper mill could strike legally after a dispute over 1984 wages ended in deadlock this week.

The workers, who belong to the Paper, Wood and Allied Workers Union, will meet later this week to decide what to do.

A statement from the union said deadlock had been reached in a dispute over 1984 wages.

"After numerous meetings, and after mediation, the

company would not increase its offer above 25c an hour.

"The Paper, Wood and Allied Workers' Union is demanding an increase of 32c an hour. This will bring the minimum wage up to R1,98c an hour by July.

"Now that the dispute procedure is exhausted, either party is entitled to take 'appropriate action'."

A spokesman for Nampak confirmed the statement.

Mr John McGahey, the group personnel manager, said there had been eight negotiating meetings and three meetings at which mediation had taken place.

The union and the company had failed to reach agreement during this time.

MATTER OF FACT

TO CORRECT specific errors of fact, write to the Editor at P O Box 1138, Johannesburg, or telephone the Editor's secretary at 710 9111 between 9am and 5pm on weekdays.

If you have broader complaints about the Rand Daily Mail these can be taken up with the Mail Ombudsman, James McClurg, c/o the Editor's secretary.

POLITICAL comment in this issue by R A Gibson Benjamin Pogrand Peter Bunkell; newswriting by Michael Stent; headlines and sub-editing by Paul Holroyd; cartoons by David Anderson; all of 171 Main Street Johannesburg.

250 000 tax

Pretoria Bureau

THE Commissioner for Inland Revenue has intensified the hunt for more than 250 000 "tax delinquents" who have not yet submitted their returns for the 1982/83 financial year.

"We are prosecuting as fast as the magistrates' courts can handle the cases," the chief director of operations for the Commissioner's Office, Mr S Albertyn, said yesterday.

"Up to 300 a month are coming before the courts in Pretoria, and 200 a month in

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LAFFINAL

(P. 151) Hansard
Labour Relations Act: alleged contraventions
Q. 601.161 15/2/84
*12 Mr F J LE ROUX asked the Minister
of Justice †

Whether the Attorney-General intends to institute further legal action against certain persons, whose names have been furnished to the Minister's Department for

FEBRUARY 1984

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the purposes of his reply, who were on or about 24 January 1984 involved in a criminal case in the Pinetown magistrate's court on account of alleged contraventions of the Labour Relations Act if not why not if so, (a) what was the nature of the charges against them and (b) on what grounds will further legal action be instituted against them?

†The MINISTER OF JUSTICE

The Attorney-General does not contemplate further legal action at this stage. It is not customary to publish the Attorney-General's reasons for his decisions.

Workers
~~resign~~
16/2/84
from ~~150~~ (150)
mill Q. Dispatch

EAST LONDON — The total workforce of 150 tendered their resignations to the management of the KSM Milling company in Queenstown yesterday according to a statement by Mr Gordon Minkley, the managing director of the company

The statement said that following a dispute over the last few days and the dismissal of 11 employees as a result of disciplinary action, 150 employees tendered their resignation

The statement said that the resignations had been accepted and the company would begin to hire a new workforce during next week.

The gates of the plant in Queenstown were locked yesterday and about 200 workers were standing outside —
DDR

Extended shop hours would be 'inflationary'

By Sue Leeman,
Pretoria Bureau

The MEC in charge of trading hours told the provincial council yesterday he was not convinced of the need for flexible shopping hours

Mr Fame Schoeman was answering the Yeoville MPC, Mr Alan Gadd, who had called for an official provincial inquiry into the matter

The MEC said repeated provincial inquiries had not indicated a need for extended or more flexible hours

After the most recent study, in 1981, it had once again been decided to maintain the status quo

Mr Schoeman said he believed "one or two developers" were behind the current campaign to induce the provincial administration to change its mind

The public, he said, was divided on the issue

While consumers had indicated their wish for more flexible hours, traders had mostly come out against any change in the present system. Workers were totally opposed to the scheme

Mr Schoeman quoted an international company which maintained a change to more flexible hours would be inflationary

It would push up traders' costs without necessarily increasing their turnover

A survey among furniture traders showed 84 percent were opposed to remaining open on Saturday afternoons. Altogether 83 percent felt they did not have sufficient staff to cope with more flexible hours, and 75 percent believed it would affect their running costs

Mr Schoeman said the Johannesburg Small Traders' Association believed members would suffer if forced to compete after hours with larger stores

It could have a detrimental effect on the viability of the city's Central Business District

Brusque dismissal is invitation to conflict

By Fred Holtshausen

If the cost of a strike is measured in loss of production only, one is looking at the tip of the iceberg

A consumer goods company which had a strike last year not only lost sales and market share, because it was unable to supply the Christmas trade, but also severely damaged relationships between workers and management.

Although employment relationship is governed mainly by the contract of employment, relevant legislation and the common law, case law is beginning to codify in more detail the rights of employees as a result of recent Industrial Court 'unfair labour practice' judgments

The whole matter of discipline and dismissal is a minefield. One of the enshrining causes for dismissal is 'poor performance'. If a worker is dismissed for poor performance, in a job for which originally he was not engaged or re-trained, or even if he was not given a detailed job description or standards of performance, a dismissal is simply another way of inviting conflict.

For this reason IR specialists are beginning to look at disciplinary procedures not as punitive measures but, more often, as remedial treatment.

Dismissal, particularly in today's unemployment climate, is an explosive issue and potentially very expensive. So the worker who is not performing to expectation needs handling with care.

It may be that he needs more training. He may have a personality clash with the supervisor and will perform better in another department.

He may need counselling by his supervisor on how to improve his performance. Disciplinary procedures, like grievance procedures, should be worked out in consultation with worker representatives and be tailor-made for the company's particular needs.

In a model procedure there are some basic objectives

To initiate corrective action where work performance is unsatisfactory or where the behaviour of the employee is unacceptable

To prevent conflict in the workplace

To protect the interests of both employer and the employee

To recognise the right of the employee to appeal against a decision which

he considers to be unjust

There may be several levels of disciplinary action

First comes a verbal reprimand by the supervisor. Even though it is verbal, this warning may be accompanied by an entry in the personnel file to the effect that the warning has been issued.

The written warning, after subsequent or more serious transgressions, should follow only when there has been a formal discussion with the employee and his worker representatives, at which the nature of the fault, corrective action and disciplinary measures are noted. At this stage an employee must sign an acknowledgment, not of his guilt but that he has received the warning.

The following level usually involves the possibility of dismissal. The procedures invariably will provide for the disciplinary report to be passed to a senior manager, who must make the final decision after a full enquiry.

If the decision is to dismiss, there should also be a right of appeal to the next level in the organisation's structure.

Essential to all satisfactory disciplinary procedures are the factors of speed in resolving the matter, fairness, and the right of the worker to have his representative at his side.

Disciplinary actions, where they have to go beyond the point of remedial action to the dismissal stage, need "justice to be seen to be done". A violent reaction is more likely to be avoided if the worker representatives have been involved in the whole process.

This does not impair the employer's right to terminate employment. His right in this respect remains in cases of transgression of company rules, non-availability of worker, redundancy (this highly emotional issue will be discussed in next week's article), and poor performance.

In the new Industrial Relations climate it is prudent to ensure that the grounds for dismissal are satisfied within the terms of a carefully thought out and fair code. The alternative to what seems a rather involved procedure may well be a suit for "unfair labour practice", the type of suit which trade unions have been winning recently with monotonous regularity.

Now a KwaZulu pledge for learner teachers

'I will not denigrate Inkatha'

THE KwaZulu Government is demanding that all first year teachers, who were students at Ngoye University last year, sign a far-reaching loyalty pledge.

The introduction of this new pledge follows the recent uproar over a pledge for students holding business from the KwaZulu Government last year teachers have to make a "so-

CP Correspondent DURBAN

lemn declaration" that they undertake as a teacher employed by the Department of Education and Culture, KwaZulu Government service, voluntarily to be loyal and respectful and to revert at all times His Majesty the King, the head of the KwaZulu Government, the Honourable Chief Minister, the members of the Cabinet and of the Legislative Assembly and all persons in authority under the umbrella of the KwaZulu Government service.

The pledge continues "I undertake that I shall never in word or

deed, directly or by implication, vilify, denigrate or in any way speak in contempt of the Inkatha liberation movement and its leadership at various levels in and outside KwaZulu schools, in public or in private. Neither shall I at any time refer to the honourable the Chief Minister by his name, be it in private or in public.

"I shall not in any way undermine the education campaign of the black child in KwaZulu for whatever pretext. On the contrary, I shall go all out to do my best in the interests of his education irrespective of the adverse conditions that exist in most KwaZulu schools as a result of socio-

political situation beyond the control of the KwaZulu Government. "I shall resist activities and political machinations and movements calculated to create chaos and unrest to divert students from their single-minded devotion to their studies.

"I undertake to teach any subject I am qualified to teach in the case of good citizenship. I undertake to use all the means available to equip myself to teach it if I am required to do so.

"I fully understand that any action on my part contrary to this declaration will render me liable to any disciplinary action which the department may deem appropriate."

Migrants await 'fair deal'

MIGRANT workers are keenly awaiting a judgment which will determine under what conditions employers can re-trench them at the end of their contracts.

The Metal and Allied Workers' Union (MAWU) and 12 union members have asked the Industrial Court to rule that employers have to follow "reasonable and fair" procedures if bosses decide not to renew migrant workers' contracts because they want to cut down on staff.

Until now employers have merely been able to

BY HOWARD BARRITT

refuse to renew a migrant workers' contract.

But MAWU argues that the Industrial Court should rule that migrant workers should have the same treatment as other workers facing retrenchment.

Migrant workers should have proper warning that their contract is not going to be renewed, there should

'SACC aided growth of BCC'

THE SOUTH African Council of Churches had taken an active role in promoting black consciousness, the Eloff Commission found.

CP Correspondent

It said in its report on the SACC, released this week, that the domination of black Christians in the member churches of the SACC had led to the emergency of liberation or black theology.

This theology, it said, had a close relationship with black consciousness and "black power" and led to a political involvement.

Through SACC's "strategies of resistance", this had led to the display of sympathy and solidarity with, and at times even the granting of aid to, those who in some way or another come in confrontation with the state or its institutions, such as striking school tea-

chers, militant black consciousness movements and militant black trade unions.

The commission believed "the potential of black liberation theology is to evoke extreme opposition to all things white, to create an intense confrontationalist climate, and to instill in the minds of its adherents a spirit of revolt". "The deep religious undertones of black consciousness, with its message of liberation, may drive its adherents into a desperate struggle in which many value systems are rejected and in which peaceful co-existence may be seriously impeded," the commission said.



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Workers barred from industrial court decision

By STEVEN FRIEDMAN
Labour Correspondent

FIVE fired workers have been prevented by the Department of Manpower from taking their sacking to the industrial court for a final decision — despite the fact that the court has already temporarily reinstated them.

This means the workers will not be entitled to any relief in the court once their temporary reinstatement order runs out at the end of this week.

The case comes in the wake of several others in which the department has intervened to prevent cases going to the court in which workers or unions have alleged an employer is guilty of an "unfair labour practice".

Unions and workers have won several key "unfair practice" cases in the court and this has led to a strong employer backlash against it. The department's decisions are seen as a reaction to this.

However, this is the first case in which workers have been prevented from going to the court after winning temporary reinstatement.

The case in which the department has intervened was brought by five members of the SA Chemical Workers Union, an affiliate of the Council of Unions of SA, against Pest Control (Transvaal).

The department has also intervened to prevent another alleged "unfair labour practice" case brought by the union reaching the court — this time against fertiliser company Triomf for allegedly refusing to disclose financial information to the union.

Labour law allows an "unfair practice" case to go to the court only if the department

agrees to appoint a conciliation board to consider the charge.

The department has been preventing these cases going to the court by appointing boards in disputes where the allegation is made but excluding the alleged "unfair practice" from the board's ambit.

Before the department decides whether to appoint a board, however, parties claiming an "unfair practice" can go to the court to seek an interim order.

In the Pest Control case, the five workers, who were fired after not clocking in and out at lunchtime, asked the court to temporarily reinstate them in terms of a clause dealing with "unfair practices".

The court granted an order — but refused to do so under the "unfair practices" clause. Instead it granted the order under a section dealing with unfair dismissals.

The presiding officer, Advocate J Hiemstra, rejected argument by counsel for the workers that an unfair dismissal was also generally an "unfair practice".

While stressing the order did not mean the court had decided on the merits of the case, Adv Hiemstra found the five had made out a *prima facie* case by showing they were not given a hearing before being fired and that clocking in and out had been ignored by workers with the apparent agreement of the company.

Later, lawyers for the five received a letter from the department informing them that a board had been appointed to settle the dispute, but had been specifically told not to regard it as an "unfair practice" dispute.

The temporary order reinstating the workers expires at the weekend.

LABOUR NEWS

Mawu wants more pay, less hours

By STEVEN FRIEDMAN
Labour Correspondent

THE Metal and Allied Workers will demand a R2,50 an hour minimum wage for the country's 400 000-plus metal workers at this year's wage negotiations in the industries — a 63% increase on the current minimum.

The union will also demand key changes to work hours and overtime pay in the industries and a 50 cents an hour "across the board" pay increase for all workers. The minimum wage in the industry at present is R1,53 an hour.

The demand is certain to be resisted by employers, represented by the Steel and Engineering Industries Federation (Seifsa) and means this year's wage talks — at the metal industries' industrial council — are certain to be heated. Yesterday, however, Seifsa's director,

Mr Sam van Coller, said no wage demands had been received from MAWU or other unions on the metal council. This meant, he added, that no date has yet been set for pay negotiations.

The industrial council's executive is due to meet next month and it is likely that unions will formally submit their demands at that meeting. A date for negotiations would then probably be set.

Last year was the first in which MAWU took part in wage talks at the metal council, which sets minimum pay and conditions for workers in the industries.

In the latest edition of Fosatu Worker News, journal of the Federation of SA Trade Unions, to which MAWU belongs, MAWU's president, Mr Jeffrey Vilane, says the union's demands do not differ much from those made last year.

This, he said, was because "in 1983 Seifsa did not give serious attention to what our members wanted — so we decided to tell them again this year."

He said the demand had been increased because general sales tax had increased, rent had risen and workers' transport expenses were "huge".

MAWU, Mr Vilane said, would also demand a 40-hour work week instead of the present 45 hours, a maximum of five hours' overtime to be paid at double rates during the week and triple rates at weekends, and one month's notice before firing for all workers.

The union would also seek a procedure stipulating that workers be temporarily laid-off instead of retrenched.

MAWU would also ask that wage talks begin in March this year — earlier than usual — to give union leaders more chance to consult members.

By Carolyn Dempster
Labour Reporter

Massive retrenchments in the motor industry since the beginning of the year have resulted in a backlash from the National Automobile and Allied Workers' Union

In the latest issue of Fosatu Worker News, mouthpiece of the Federation of South African Trade Unions, NAAWU accuses the motor industry of putting profits before the livelihood of people

More than 2000 workers have been retrenched since December, 500 at Ford, 850 at Sigma and 700 at Datsun-Nissan. Mr Freddie Sauls, general secretary of NAAWU, said that insecurity fuelled by retrenchments did not pave industrial relations, and discussions on the issue needed to be handled with sensitivity

"We are formulating proposals to ensure that workers in auto plants will not be at such

Motor industry accused of putting profits before people

a disadvantage through factors over which they have no control," he states

"Agreements need to be made to buttress workers against the financial risks of working in this industry, and decent severance and unemployment pay arrangements must be made"

There was also a substantial difference in the way companies handled the retrenchments. In the case of the Sigma layoffs, the company began talks with NAAWU as early as December over the possibility of retrenchments and the policy of last-in, first-out with a week's notice and one to three

months' severance pay was followed

In contrast, states NAAWU, Ford informed the workers that they were to be retrenched two days before retrenchments took place

Mr Fred Ferreira, industrial relations manager at Ford, said that the retrenchments were "a factor of the current economic situation". A total of 490 workers had been laid off this year, but he refused to comment on NAAWU's allegations that workers were not given due notice

"We have a separation clause in our contract with

NAAWU and advised the union well in advance of the retrenchments," he said. It was not possible to say whether Ford would be retrenching more workers, as it depended on the economic situation

Mr F F Lemmer, human-resources director for Sigma, said that the assumption made by the union was not necessarily true in respect of profits before people. Sigma had to "curb losses" as a result of the economic downturn and it was primarily economic trends that had led to the situation

"We are not responsible for the drought, the high inflation

rate or the position of the rand," he said. In response to criticism that the motor industry should have planned for the effects of the recession, Mr Lemmer said that the situation was in a constant state of flux

"In 1983, the economists predicted an upturn in the first quarter of 1984. Then it became the second quarter and now mention is being made of 1985. Worker News also describes the recent shutdown by BMW at its Rosslyn plant as a vivid example of union-bashing

Methods used by BMW, including distribution of anti-union pamphlets from a helicopter in Pretoria's three black townships, were a clear attempt by the company to undermine NAAWU. The effects of the tactics used by management in the strike and subsequent shutdown would undoubtedly contribute to a worsening in worker-management relations, adds the union newspaper

FINANCE PORTFOLIO

FM 24/2/84

When Horwood goes

It now seems certain that Finance Minister Owen Horwood will be succeeded by "a technocrat" when he retires. Highly-placed government sources say Reserve Bank Governor Gerhard de Kock is most favoured by the power circle that surrounds Prime Minister P W Botha.

Convincing reasons are advanced for his candidacy. It is argued that under the new constitutional dispensation the Finance portfolio, traditionally the second most important Cabinet post, will be depoliticised to enable the incumbent to carry out his "general affairs" job of broad monetary and fiscal planning under the new constitution. Although there may be fierce bouts of sectional interest bargaining between whites, coloureds and Indians, it is hoped that exchanges will not descend to the political level — as they now do.

It's a fair bet that the mild-mannered, donnish De Kock would not relish a party political job that would require him to bat for the NP in the House of Assembly as it is now constituted. He would make a poor party hack.

It is even being argued that the job of Finance Minister in the "Second Republic" could be taken out of the Cabinet and attached to the Executive Presidency as a symbol of its non-political status and commitment to the common weal. This is how De Kock likes to operate.

As a technocratic Finance Minister, backed by a large department of specialists, he would be relieved of many of the tedious chores that Horwood now has to perform. It would mean that his appearances in Parliament would be limited to once or twice a year — at Budget time and for the Part Appropriation debate — with the routine work going to a couple of deputies, one of whom could be brown.

It is argued, too, that a man like De Kock, with no visible party affiliations, would be better suited to carry out a mandate of impartial negotiation. That's what the new constitution is supposed to be about.

Obviously a technocrat would be exposed to a certain degree of political recrimination in forums like the interracial standing committees on finance and economic affairs. But this will clearly not be the same as having to defend policies and actions in the heated atmosphere of a public debating chamber.

If the Exchequer and its related agencies were to be transferred to the State Presidency as a function of broad government, it would remove yet another possible objection to De Kock's candidacy — that he is not thick-skinned or tough enough to with-



De Kock ... in line for the Cabinet?

stand the financial demands of ambitious Cabinet colleagues. If the Exchequer were to become an extension of the Presidency that would presuppose the full support of the President who, after all, is answerable to no one.

But what of Constitutional Affairs Minister Chris Heunis? It's an open secret that he has coveted the Finance portfolio since 1975 when the late Nico Diederichs became State President. He is an obvious personal favourite of PM Botha and a member of the most influential family in George, the PM's constituency. The job would seem to be his for the asking.

Perhaps not. In fact, there is talk in high circles that P W Botha has told Heunis he is "too valuable" at this stage of the country's new deal to be taken out of constitution-building. Whether this is enough of a sop remains to be seen. Heunis may insist upon being named House majority leader in the white chamber, which would elevate him to the position of a kind of premier. But Botha may find it necessary to give the job to a Transvaaler to offset charges that the country is being run by a cabal of white *Kapenaars*.

DISPUTES FM 24/2/84

Ministerial muscle

Labour lawyers and industrial relations experts are watching with interest the Minister of Manpower's apparent moves to stamp his authority on the way certain disputes are handled.

The issue this time is a dispute involving five members of the SA Chemical Workers Union who won temporary reinstatement orders from the Industrial Court after being sacked by Pest Control (Transvaal) (Pty) Ltd. They were sacked after they failed to clock in and out during a lunch break.

Although the court granted a temporary reinstatement order, it refused to do so on the grounds that the sackings could constitute an unfair labour practice. Instead, it was granted on the grounds that the five had made a *prima facie* case of unfair dismissal — something that does not necessarily constitute an unfair labour practice.

The union in this case is a party to the Industrial Council for the Chemical Industry, Transvaal. It asked the Minister to appoint a conciliation board — which he has now done — to examine the cases of four of the workers.

Why the fifth worker was excluded is not known — except that the Department of Manpower says that "no doubt the Minister has good reason for his decision."

The board's terms of reference, however, effectively debar the union from returning to the Industrial Court to allege an unfair labour practice in this case. Unfair labour practice allegations can usually be heard by the court only if the Minister agrees to appoint a conciliation board whose terms of reference include the allegation.

Conciliation boards are generally made up of an equal number of members from each side in a dispute. In the case of failure by one of the sides to capitulate or compromise, this makes it extremely difficult for

FM 24/2/84
(151) (152) (153)



Minister P T du Plessis . . .
terms of reference

them to reach a decision

In the event of failure by a board to reach a compromise, the way is open for the union concerned to take further action up to and including a strike. But most disputes are not carried that far. However, the union cannot go to the Industrial Court on matters not contained in the terms of reference decided by the Minister.

Unions have had several significant successes in unfair labour practice cases in the Industrial Court which has led to some agitation by employers to have the court's powers reduced — or the definition of an unfair practice to be more closely defined.

Department of Manpower officials deny, however, that the interpretation of the Pest Control decision which is causing most concern is accurate. Some observers believe the Minister's decision means that the workers will not be entitled to relief once the temporary reinstatement order expires — which it does this weekend.

Manpower officials, however, assure the FM that there is nothing to prevent the workers returning to the court to have the order extended pending the outcome of the conciliation board. "It has happened before and there is nothing to stop it happening again," an official source said.

BY-ELECTIONS

The why of winning

There was understandable jubilation within both the Progressive Federal Party (PFP) and the Conservative Party (CP) at the results of last week's by-elections. Each scored what it was entitled to regard as "a famous victory" — although the circum-

stances, and likely consequences, were very different.

The PFP probably has more reason for celebration, although the CP certainly does not need to go into mourning. The official opposition party was widely regarded as being in deep trouble following the mass defection of its supporters in the referendum, plus its municipal troubles in Johannesburg and Randburg.

That it could hold the Pinetown seat serves to demonstrate that it is not a spent force and that its voters, having demonstrated their disagreement with party policy on the referendum issue, are now prepared to return to the fold.

Whether this is true countrywide will not be known until some sort of elections are held in comparable Transvaal and Cape areas. However, the result does give the PFP a new lease on life as it prepares to cope with the complexities of opposition under the new constitution. It also demonstrates that the party decision to work within the new system was the correct one.

The CP, by contrast, achieved less in its Soutpansberg win. It certainly turned a small National Party (NP) majority into an equally tiny CP one. But there were unusual circumstances surrounding the resignation of the previous MP — former Manpower Minister Fanie Botha.

The victory was also within one of the CP's accepted areas of strength. Soutpansberg falls within the only region to return a "no" majority in the referendum. What the party still has to demonstrate is that it can muster significant support outside the platteland plus a few urban constituencies where the mineworker vote is large.

Nonetheless the signs are that the CP could probably carry between 25 and 35 seats in a general election. The NP, after all, started from a smaller base in the Thirties.

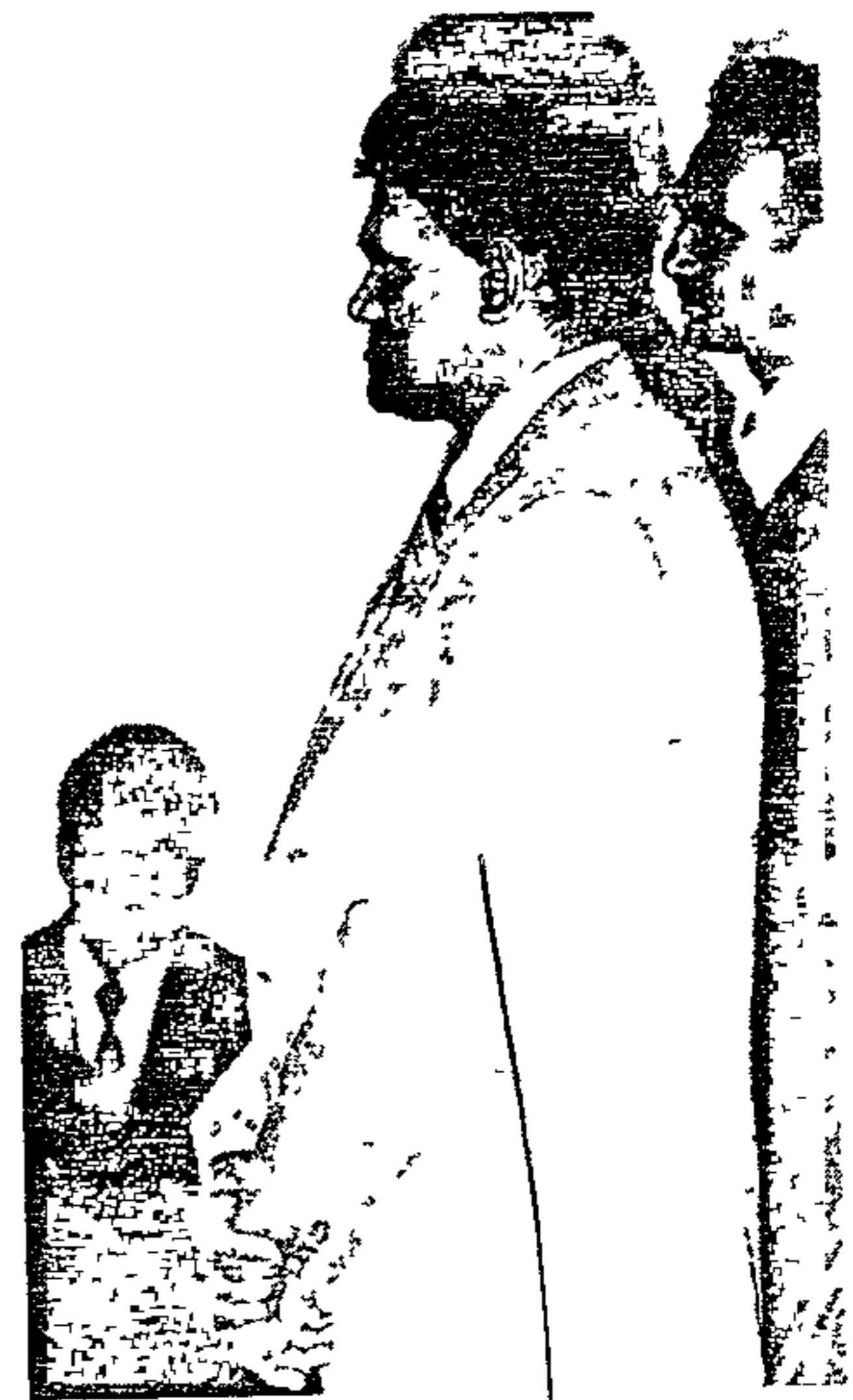
What the by-elections have also shown is that the way people voted in the referendum is no guide to which parties they will support in future.

BROWN ELECTIONS (11A) Positions for August

FM 24/2/84

It is expected that the four Indian political parties will take part in the August 22 election for the Indian house of the new tricameral Parliament. They are the National People's Party (NPP), the Democratic Party, the Reform Party, and Solidarity. Three of them however — Solidarity being the exception — originally demanded that government hold an Indian referendum to measure the acceptability of the new deal.

Amichand Rajbansi, leader of the NPP and executive chairman of the SA Indian Council, says although he is disappointed by the government's decision, his party will



Rajbansi . . . 'disappointed, but willing to take part'

contest the election.

Solidarity party leader Pat Poovalingham, who preferred an election, welcomed the decision. He says the various congress organisations — the Natal Indian Congress and the Transvaal Indian Congress (TIC) — would use a referendum to cause confusion in the community.

But Yantlal Bhailal Patel, Democratic Party leader, says he is disappointed by the election decision. "Prime Minister P W Botha and Constitutional Affairs Minister Chris Heunis had said it was for us to decide whether we wanted elections or a referendum," he says. "Almost all us, including the SA Indian Council (SAIC) asked for a referendum. So I don't know on what basis the government made its decision."

"The government should have taken into consideration the feelings of groups rather than individuals. I'm terribly disappointed." A decision on whether the party would participate is expected soon.

Yelman Chinsamy, leader of the Reform Party, was not available for comment — but it is widely expected that his party will decide to contest the election.

Organisations opposed to the new constitution interpreted the election decision as justifying their opposition. Essop Jassat, president of TIC, says "The government's decision reinforces our view that this is a fraudulent scheme perpetrated by the government on the people of this country." He says the TIC, as an affiliate of the United Democratic Front, would continue calling for an election boycott. Meanwhile Allan Hendrickse, leader of the coloured Labour Party, says his party is already registering voters for the election.

Redundancy agreements must be fairly applied

157

Star

By Fred Holtshausen

Redundancy agreements form part of the new employer/worker interface but an employer who falls into the trap of using a redundancy procedure as a way of departing from the disciplinary procedure, is heading for trouble

Such an employer was a company situated just outside Johannesburg, part of a well-known and progressive conglomerate. Because of the recession demand for the company products had dropped substantially and the MD was given an instruction from his head office to reduce his labour force by 30 percent.

Although the group has a good, well defined redundancy policy, local management decided to use this opportunity "to get rid of dead wood and undesirables" so the policy was not followed.

The retrenched workers approached a union who on their behalf demanded immediate reinstatement. Two months later with the threat of an Industrial Court case for an "unfair labour practice" case staring them in the face, the company finally agreed to an out-of-court settlement involving many thousands of rands as compensation for the retrenched workers. For the company concerned, this departure from the retrenchment procedures, was an expensive exercise.

An agreed redundancy agreement, like grievance and disciplinary procedures, is a useful tool in alleviating industrial conflict the conflict being on the one hand, management attempting to retain profitability of its operations by cutting costs, and workers on the other hand, having as a prime objective, job security.

In accepted IR practice, redundancy is a clearly defined situation. It occurs when an employer intends to cease business altogether, or cease business in a particular locality, or for one reason or another a composition of the workforce changes and the kind of work which an employee carries on ceases or diminishes.

As defined, redundancy does not include a situation where the employer does not approve a worker's choice of language, or style of dress, or a means of getting rid of undesirables.

When redundancy must arise, the company can help in alleviating both hardship and potential conflict. Most agreements place a moratorium on new recruitment, prohibit general overtime and explore the possibilities of early retirement for old employees and transfers to other divisions within the company or group.

Some redundancy agreements, written with socially-conscious companies will also

include clauses that the employer will actively assist the workers, not only by giving them references, but by contacting other employers in the area and arranging interviews for the redundant workers.

The formula of "last in, first out" is usually requested by trade unions, but even the most vocal of trade unions will accept that certain skills are in short supply and thus may necessitate a break with this convention.

Severance payment tables should be structured on the basis that they alleviate hardship, especially for those who will find it difficult because of age and lack of skills to find re-employment.

Age can be a complicating factor in a redundancy plan. If the plan is to induce early retirement it may be in conflict with Black social values which accord seniority more to age than to skill or vigour.

However it is designed and implemented, the key-note must be sincerity. Redundancy can mean both hardship and loss of dignity.

Even the militant unions do not suggest that the world owes their members a living. They will, however, come to an accord more readily with an employer who respects the redundant worker.

● Fred Holtshausen is an industrial relations consultant.

Pay rise needed for disabled doing sheltered work

291
333
151
E. Post
25/2/84

SIR — As a former State sheltered employee I should like to voice my concern at the conditions under which disabled people working in Government "shelters" have to work. Rehabilitation, the supposed purpose of these factories, is hardly attempted and a "graduation" to the open labour market is extremely rare.

Following are a few pertinent points:

(1) A maximum wage of R1,80 per hour is paid. Churches and welfare organisations have all repeatedly stated that a city worker cannot live decently on less than a minimum of R3 per hour.

(2) Membership of the Public Servants Association is not open to them and they have no other union or staff association to fight for them.

(3) They have no pension fund to which they can contribute.

(4) They have no medical aid, apart from visits to the factories by district surgeons. Certificates of ill-

ness issued by private doctors are not accepted.

(5) State sheltered employees have only 21 days annual vacation as opposed to the minimum 30 days enjoyed by other public servants.

(6) They have only 21 days sick leave a year, while all other public servants get 40 on full pay.

(7) They are forced to work the April 6 and October 10 public holidays without receiving double pay as accorded to all other public servants and railwaymen.

(8) Their status is always temporary and they are always liable to instant dismissal.

The sheltered employment factories offer me-

nal handiwork to people who often have great potential for more refined work and to whom no consideration is shown in this respect.

To see, for example, a former accountant spending the rest of his foreseeable future engaged in repeatedly gluing cloth to cloth or wood to wood is to see humiliation in the extreme.

The State treats these potentially productive people as rejects. Many have chronic psychiatric problems but are producing much more than they earn with the limited scope. Your child's newlybound library book or his school desk very probably have come from a sheltered factory.

I suggest an appropriate and deserved wage increase of at least 100% and an expansion of the choice and nature of work. Also that State sheltered employees who have a senior certificate or higher qualification be immediately appointed as clerks in the understaffed public service — people treated with respect and given human dignity respond with confidence in most cases.

It is absolutely scandalous that the Department of Manpower can use slave labour and pay starvation wages to persons working in factories under its control.

We as caring citizens in an uncertain world should not let the struggle of those who are hurt become yet another shelved plan. Nurses, the police, teachers and railwaymen all received huge pay adjustments over the past two years, but State sheltered employees who work the hardest of all received nothing.

CHRIS BEER

Sea Point

Weekend Postbag

Pay rise needed for disabled doing sheltered work

25/2/84
E. Post
TS1

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Weekend Postbag

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CHRIS BEER

Sea Point

RDM 27/2/84 □□□ ~~SECRET~~ (151)

THE courtroom battle between the Frame textile group and the National Union of Textile Workers continues — with the last two rounds going to the union

The battle centres around the company's New Germany mills and NUTW's continuing 10-year battle to win recognition there

The union has launched several actions against Frame — which has replied with several of its own

NUTW has now won temporary reinstatement in the industrial court for 10 retrenched workers (Frame appealed against this but lost) and another court has ordered Frame to stop deducting dues from 19 workers in favour of Tucsa's Textile Workers' Industrial Union

The workers resigned from this union, which Frame is accused of favouring, but the company refused to stop deductions unless TWIU agreed

Some observers believe the legal war of attrition cannot continue indefinitely without some move to resolve the dispute

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Cape Times earns record profit

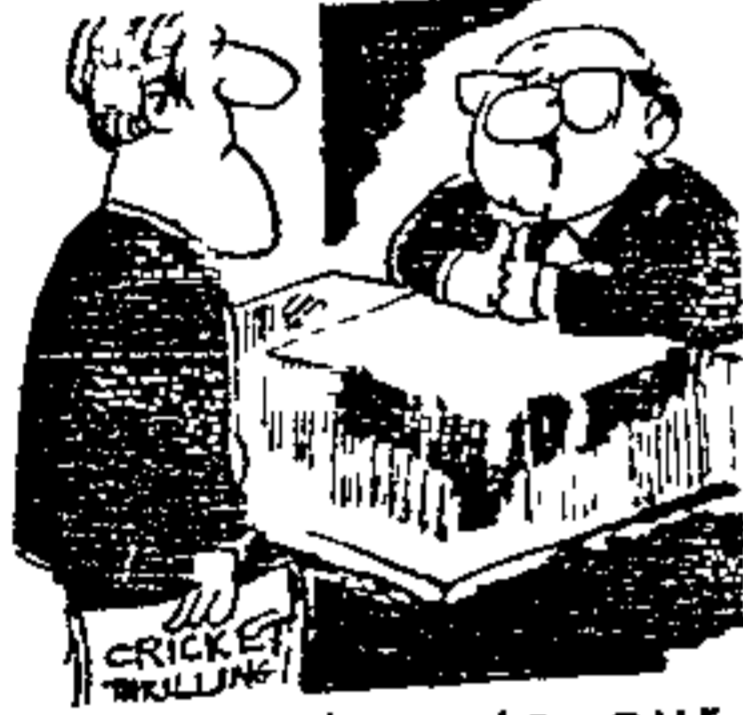
SOUTH AFRICAN Associated Newspapers has beaten its own forecast for 1983, producing an earnings improvement of about four percent for the full year. The Cape Times, in spite of facing the most severe competition in its history, gained market share in key areas and produced record profit, due to the "innovative approach" of its staff.

● Full report, page 12

BUSINESS BRIEF

Gold (close) \$394,95
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RDM 100 986,40

crack of dawn



"According to our records, Carruthers, you've now attended more granny's funerals than you have grannies"

Cape Times 28/2/84.

Court restrains 3-mine strike

JOHANNESBURG — mines employed about 27 000 black workers. Three Gold Fields of South Africa gold mines were granted an urgent order in the Rand Supreme Court yesterday restraining the black National Union of Mineworkers (Num) from organizing a strike at the mines today.

Mr Justice HH Nestadt acceded to the application brought to court less than 24 hours before the strike was allegedly due to begin.

The application was brought by Libanon Venterspost and Kloof mines — all on the West Rand — who alleged that Num was planning to strike today.

A Gold Fields spokesman said the three

The order, granted on a temporary basis, interdicted and restrained Num and Mr Vuyani Madolo, a union organizer, from "inciting and organizing any unlawful or illegal strike action at the three mines".

A full hearing has been set for March 27.

According to the papers Mr Madolo told a meeting of workers at the Libanon mine on January 26 that no one should go to work today.

Num held that the union had not encouraged its members to go on an illegal strike and denied the company's allegations — Sapa

Iraq 'attacks tankers'

LONDON — Iraq yesterday attacked oil tankers berthed at Iran's Kharg Island oil terminal and began a blockade of the oil shipping routes from Iran, the Iraqi news agency said.

Iran did not immediately comment on the Iraqi report but has repeatedly threatened to close the strategic Strait of Hormuz at the entrance to the Persian Gulf if its oil exports are blocked.

Some 11-million barrels of oil bound for the United States, Western Europe and Japan pass through the Strait of Hormuz each day.

"Iraq warplanes on Monday mounted destructive attacks on a number of oil tankers berthed at the Kharg Island," said the agency — UPI

● Iran claims 40 tanks destroyed, page 6

over 'Katie' pictures

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bett, who threatened to "smack her bottom and send her to bed" if she was fibbing. is giving her his full backing

He has taken legal advice and warned that "fur will be flying through the air" if the photographer who sold the pictures, Mr Phillip Lindsay, cannot give a full explanation.

The suddenly wealthy Mr Lindsay insists that Katie did pose for the selection of 95 pictures two years ago — and

is threatening libel action against Katie

"She is as good as calling me a liar. But she came into my studio and asked for the portfolio of body studies I can prove scientifically that the pictures are not fakes", said Lindsay

But Katie's parents continue to hit back with the mysterious claim that there was a secret reason why Katie could not pose in the nude

They have not elaborated on the suggestion that she has a blemish on her body

In her first interview on her relationship with Prince Andrew, Katie told the Press Association "I am a friend of Prince Andrew's but nothing more"

But it has not explained why he was such a frequent secret visitor to her home over nearly four months

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The Facts correction service,
24-2233 (Mon to Fri)
Cape Times, Box 11,
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as a newspaper)

Zola will have to mo

'wields big stick against unions'

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151

Political Correspondent

HOUSE OF ASSEMBLY

The government was accused yesterday of jeopardizing years of labour reform by deciding to 'wield the big stick' against trade unions.

Dr Alex Boraine (PFP Pinelands) and chief spokesman for the Labour Relations Amendment Bill in strong terms objected during the second reading of the bill.

He said that because of its potential effects on labour peace, the bill should be referred to a parliamentary select committee before its principles were entrenched at second reading.

Dr Boraine said provisions controversial for both unions and management had been added since the measure was published in draft form last year. These included the 'far-reaching' requirement that copies of agreements between registered unions and unregistered unions had to be sent to the government and the imposition of penalties if this was not done within 30 days.

This had increased the suspicion of unions who believed the government was 'out to get them' and would decide whether or not their agreements were good enough. It had already prevented the conclusion of a factory-floor agreement between a major company and its 1200 workers.

Years of patient labour reform, supported by the opposition, had produced a pattern of pragmatic accommodation on the horizon. "This is now a threat to the fragile peace emerging in labour relations," Dr Boraine said. The government should stay out of labour relations beyond providing the minimum rules and structures.

Unions oppose State 'interference' in labour

By RIAAN DE VILLIERS
Labour Reporter

TRADE unionists yesterday expressed hopes that increased State intervention in labour relations contained in the Labour Relations Amendment Bill would be removed by the parliamentary select committee to which the bill has been referred

In a surprise move this week, the Minister of Manpower, Mr Pietie du Plessis, accepted a proposal by the Progressive Federal Party to refer the bill to a select committee before its second reading in Parliament

Trade unionists reacted sharply to

the bill when it was published for the first time earlier this year.

They objected particularly to a new requirement that copies of all recognition agreements between unions and employers should be submitted to the Department of Manpower

A provision that recognition agreements would be unenforceable in the courts if the unions concerned failed to supply the department with information about their organization required in terms of the Labour Relations Act was also criticized

In Parliament earlier this week, Mr Du Plessis accepted the PFP proposal

and said it was necessary to reach the "greatest possible degree of consensus" in the sensitive labour field.

He said he was prepared to listen to MP's who as elected representatives were responsible to the voters, and he was also not prepared to make a "rubber stamp" of Parliament.

He said his acceptance of the motion did not mean he questioned the bill's contents or the motives behind it

However, because of "misunderstandings and false interpretations", it was necessary for all parties to study the bill and see that it was sound
He denied it was aimed at clamping down on black unions

Yesterday, a spokeswoman for the Food and Canning Workers' Union said it believed the State had no part to play in the relationship between unions and employers.

"We hope the measures involving increased State interference will be removed by the committee," she added.

Mr Dave Lewis, general secretary of the General Workers' Union, said the union remained "completely opposed" to the notion that recognition agreements should be handed in to the State.

"This will be blatant interference in the process of collective bargaining."

Union pickets Standard Bank

Members of the Insurance, Assurance and Allied Workers' Union (Iawusa) picketed the Jabulani branch of Standard Bank in Soweto yesterday in an attempt to pressure the insurance giant Liberty Life into talks on the sacking of about 100 workers

The bank has significant investments in Liberty Life, which fired the workers in September when they struck in support of demands that the company recognise their all-black union

Liberty Life has said it will not recognise a union which expressly excludes white members

Since the dismissals Iawusa has tried various strategies, including boycotts of associated firms, to draw the company into negotiation

A small group of picketers and pamphleteers patrolled the front entrance of the Soweto bank yesterday, explaining their campaign to clients

Police kept watch but did not intervene

The placards declared the Standard-Liberty link an "unholy alliance" and a "marriage of racism"

The pamphlet called on the public to refrain from taking out insurance policies with Liberty and to boycott banking and loan services of the Standard

It explained the Iawusa position "We, the black workers, justly reject management's choice of a union as we blacks do not have the same interests as whites — politically, economically, socially and culturally

"It is our belief that the exploitation, degradation and discrimination we experience at work can be ended through a union of our own choice"

LABOUR LAW

When the court is not a court

151 FM 2/3/84 151 151 151

A landmark decision this week by the Transvaal Supreme Court has thrown doubt on the status and powers of the Industrial Court (IC). In essence the ruling, by Judges Enslin and Bliss, is that when it decides on unfair labour practice matters the IC does not have the authority of a court.

Labour lawyers say the finding casts doubt on when the IC does act as a court, and when it does not. The enforceability of its rulings is also called into question. Because the Supreme Court ruled only on the specific matter before it, and did not consider the overall functions and powers of the IC, it is not possible to say how the ruling could affect other areas of IC activity.

However, deciding on claims of unfair labour practices constitutes one of the most important areas of the IC's jurisdiction. Its powers are now in doubt.

The Supreme Court ruling came in an appeal from the IC in the case of the United African Motor and Allied Workers Union vs Fodens (SA) (Pty) Ltd. In the IC hearing the union established 37 unfair labour practices by Fodens against its members and won compensation for some of them.

Appeal

However, the IC refused to grant costs against Fodens on the grounds that there was no specific statutory provision for it to do so. The union appealed to the Supreme Court in an effort to get its costs.

The Supreme Court, in ruling that the IC did not function as a court when considering unfair labour practice matters in terms

of Section 46/9 of the Labour Relations Act said it had no power to grant costs. The advocate for the union Dan Bregman SC, immediately applied for leave to appeal to the Appellate Division in Bloemfontein.

A labour lawyer Rod Harper, tells the FM that the decision 'whether right or wrong, introduces legal chaos. It will have substantial repercussions on the development of labour law and its effect on the IC'.

He adds that it is of interest that the IC "surprisingly" can, in terms of the relevant legislation, grant an order of costs where a frivolous application for an interim order concerning an unfair labour practice is concerned — but now may not do so when making a permanent finding.

More seriously, the decision casts doubts on the IC's powers and on the development of labour case law.

The ruling that in one of its major functions the IC is not a court leaves open the possibility that it also does not function as a court in other functions. The closest labour lawyers have so far been able to come to deciding what the IC is when it is not a court is that "it is some sort of quasi-judicial body — such as a tribunal".

In addition, no one now seems sure whether an IC ruling can be enforced if it is not the decision of a court.

It also seems that IC decisions in unfair labour practice cases cannot now form part of what had become a rapidly-developing body of labour case law. The decisions — not being the decisions of a court — cannot form precedents and are not binding in sub-

sequent cases.

And, Harper says, the Supreme Court seemed of the opinion that the Minister of Manpower could 'clarify or vary' IC decisions in unfair labour practice cases. If that is so the IC in such cases certainly does not function as a court whose decisions could only be varied on appeal to a higher court.

Harper says that part of the problem is that the Labour Relations Act is extremely badly drafted and that amending acts — of which there have been an average of one a year since 1979 — have been built onto the existing badly-drafted measure.

The result, he says, is confusion both among attorneys and laymen — and in the workplace, where an understanding of the Act is essential to both workers and employers.

BUSINESS AREAS

Confused reform

151 FM 2/3/84

As it so often does, government handled this week's announcement that CBDs would be opened to all races in a stumbling and uncertain fashion. There is some reason to believe that Community Development Minister Pen Kotze jumped the gun on his ministerial colleagues. Hence some of the confusion.

The original intention seemed to be to tie the announcement to the findings of the Strydom Commission of Inquiry into the issue, and to make it when the report was

SASOL IN MYSTERY COURT CASE

A case — innocuously titled "M Sellier and others vs Sasol Ltd and others" — is due to begin in the Rand Supreme Court on March 12. It may be one of the biggest legal hearings ever to come before a SA court.

The case is expected to be heard *in camera* and lawyers say that everyone connected including the opposing legal teams, have been asked to sign undertakings not to reveal details. However, talk surrounding the case indicates that "hundreds of millions" could be involved.

No details are available about "M Sellier" — but he is believed to be part of a business consortium representing both SA and overseas interests.

High-powered legal teams are representing both sides, and there are believed to be three defendants. Sasol, the

Strategic Fuel Fund Association (SFFA) and an as-yet unidentified party.

The SFFA is a commodities-purchasing organisation with both State and private connections. It was identified in Parliament as the organisation that, in all innocence, bought the Salem's oil cargo before that ship was scuttled by international racketeers to hide the fact that they had sold the SFFA oil that properly belonged to Shell.

The SFFA has some directors in common with Sasol. A tight-lipped Sasol spokesman told the FM this week "Sasol is exempt from any action resulting from a SFFA transaction." He was not prepared to comment further.

Sellier (the man in whose name the case is being brought) and his associates are represented by Des Williams of Werksmans, and by Sidney Kentridge

SC Clive Cohen SC and Peter Solomon Cohen and Solomon refused to discuss the case with the FM this week.

The attorney for Sasol and the SFFA is Billy van der Merwe of Hofmeyr, Van der Merwe and Botha and the advocates on the Sasol team are Fanie Cilliers SC, and Wim Trengrove.

J F Vos of the Pretoria firm of Gildennuys and Liebenberg with W Cooper SC and J du Plessis, represent the mystery third defendant. Vos refuses to disclose the identity of his client.

Nothing was known about Sellier or his partners at the time of going to press — apart from the fact that some of them are from London. Talk in legal circles suggests that one could be a "top businessman," another "a foreign ambassador," and a third "the wife of a leading SA politician."

151
6/3/84

Saucy slip-up cost Willard the waiter his five-star job

By PIPPA GREEN, Labour Reporter

A FIVE-STAR city hotel has been ordered by the Industrial Court to reinstate temporarily a waiter who claims he was unfairly dismissed.

It was alleged that a major reason given for the dismissal of Mr Willard Nodlela, who worked at the Mount Nelson Hotel for nine years, was that he had served tartare sauce in a stainless steel instead of a silver bowl.

It was alleged that, at the time, he was serving the then managing director of the hotel, Mr K Morton-Chance, and his guests.

Mr Nodlela, who is on the executive committee of his union, the Liquor and Catering Trades Employees' Union, alleged he was unfairly dismissed.

"I have been a waiter for nine years I think they were trying to get rid of me because of my union involvement," he said after his reinstatement.

He was temporarily reinstated for three months, pending settlement of the dispute.

The general secretary of the union, Mr Ted Frazer, alleged the dismissal was "victimisation".



Mr Willard Nodlela smiles after hearing the Industrial Court has temporarily reinstated him.

"The waiters were very busy on the night of Mr Nodlela's dismissal. Everyone was under pressure, and Mr Nodlela put the tartare sauce on the table for people to help themselves. This was not an unusual thing to do."

Mr Frazer alleged it was also not the first time waiters had served tartare sauce out of stainless steel bowls.

"Sometimes when there is a function at the hotel, the silver bowls are used elsewhere," he said.

Union dispute after 'undertakings broken'

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6/3/84
(15)
UWA

Labour Correspondent

THE Metal and Allied Workers Union has declared a dispute with Kohler Plastics at its West Rand plant after alleging the company broke undertakings to take back about 400 striking workers.

This follows a deadlocked meeting between MAWU and the company yesterday in which the union again tried to secure the reinstatement of the strikers, who have been off work for nearly two weeks.

The company, by Gencor, says it is recruiting new workers and that strikers who want their jobs back must apply for them in the same way as other work-seekers.

MAWU says workers reject this, charging that it will mean that many will not be re-hired. Only 14 strikers have re-applied for their jobs.

The dispute follows a strike last month over re-trenchments and Kohler's decision to introduce a new shift system. Kohler fired the strikers.

The two sides met at the metal industrial council to settle the dispute and, after the meeting, Kohler issued a statement saying it had agreed to reinstate the workers provided they returned to work the next day, a Friday.

It said workers agreed to accept the new shift system.

MAWU alleges that, after this Kohler sent it an agreement to sign which contained different work conditions to those agreed to at the council.

The union says it asked the company for an extension of the return-to-work deadline so its lawyer could study this agreement and that the company agreed.

But when workers re-

turned to work the next Tuesday and offered their services, they were told by Kohler the deadline had passed.

MAWU says workers refuse to apply in this way because they believed Kohler planned to rehire some of them but not others.

"We believe Kohler is guilty of an unfair labour practice. It attempted to go back on the agreement reached at the council and then went back on its undertaking to extend the return-to-work deadline."

"We also believe the new shift system may have been introduced without informing the industrial council as the law requires," a MAWU spokesman said.

A Kohler spokesman said yesterday that the company believed the settlement agreement contained "fair conditions of employment."

Tyre firm's wage hike

THE National Automobile and Allied Workers (Naawu) and Firestone South Africa have concluded wage negotiations covering the company's operation at Brits.

Mr T Adler, Naawu's Transvaal regional secretary, said the wage settlement gives workers an across the board increase of 25 cents an hour, bringing the minimum rate to R2,37 an hour.

"This is the highest minimum in the tyre manufacturing industry," he said.

Naawu, he said, has recently been admitted to the industrial council for the tyre and rubber industry for the Eastern Cape. This council will now be representative of the majority of workers in the industry for the first time.

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15/11/84
Sawyer 6/13/84

~~143~~ ~~183~~ ~~348~~ 157

D. Dispatch BAILY DISP/

7/3/82

Bid to break Triomf deadlock

JOHANNESBURG — A government-appointed conciliation board, yesterday failed to settle a wage dispute between the Triomf fertiliser company and Cusa's SA Chemical Workers Union at the company's Potchefstroom plant, a company statement announced

This means the union is allowed to begin planning a legal strike at the plant

A union spokesman

said yesterday, however, that fresh attempts would be made to break the deadlock. This could, he said, mean appointing a mediator or calling a new meeting of the board, but it was "premature" to say what action would be taken

Triomf's statement said the company "is confident that a settlement between the two parties will be reached"

Yesterday's meeting of

the board, which consists of company and union representatives under the chairmanship of a Department of Manpower official, follows the union's decision to declare a dispute with Triomf

The union also asked that the board consider its charge that Triomf was guilty of an "unfair labour practice" by allegedly refusing to disclose financial information to it — which would

have allowed the dispute to go to the industrial court — but this was turned down by the Department of Manpower

Triomf's statement said a "deadlock had been arrived at" at the meeting

A union spokesman confirmed this, saying the company's final wage offer was "unacceptable" to the union and that "neither side is prepared to move" — DDC

Motor company fires workers

By ALINAH DUBE

Sowetan 7/3/84

TWENTY-FOUR workers have been fired from the BMW Rosstyn plant near Pretoria, according to the company's Public Relations Officer, Mr Michael Brandt.

The dismissals came as a result of disciplinary hearing after a strike for better pay by about 1 200 workers, a month ago. About 200 employees were identified by management as having been responsible for the labour unrest at the plant. It was then decided that inquiries be held to establish what action to take against such people.

Mr Brandt refused to discuss the matter further because of an agreement his company has with the National Automobile and Allied Workers' Union (Nawu). He said a joint statement would be made.

A spokesman for Nawu confirmed that some of the workers had been fired from work after inquiries were held. He said, however, the union would meet BMW soon to review the situation. "I would not like to go into details as we have an agreement to always make a joint statement," he said.

Motor union in key wage deal at Brits plant

By Jo-Anne Collinge

Workers at a Brits tyre factory will be paid the top minimum wage for the industry in terms of an agreement negotiated with Firestone South Africa, says the National Automobile and Allied Workers' Union (NAAWU).

"The settlement gives the workers an across-the-board increase of 25c an hour, bringing the minimum rate to R2,37 an hour. This is the highest minimum in the tyre manufacturing industry and stands in sharp contrast to the current minimum Eastern Cape rate of R1,38 and the minimum applicable in the Dunlop factory at Ladysmith — R1,31 an hour," Naawu stated this week.

The union pointed out it had not been party to setting the Eastern Cape wage as it was not at that stage a member of the Industrial Council for the Tyre and Rubber Industry in the Eastern Cape.

It announced it had recently been admitted to the council, saying: "The council will now be representative of workers in the industry for the first time. Naawu will now take steps to ensure that the council's agreement more fully represents the needs and aspirations of our members — something which was not the case when a minority union sat alone on the council."

The unrepresentative nature of industrial councils is a legacy of defunct labour law which permitted only registered unions to be party to councils and which excluded black unions from registration.

Officials in action against EL City Council

157
E. Post
7/3/84

By KEITH ROSS

EAST LONDON — Five heads of municipal departments today took Supreme Court action against the East London City Council for rescinding a salary agreement made nearly four years ago.

They are the Chief City Engineer, Mr Graham Keppe, the City Mechanical Engineer, Mr Cyril Andreas, the City Electrical Engineer, Mr Kenneth Robson, the Medical Officer of Health, Dr Johan van Heerden, and the City Treasurer, Mr Leycester Howell.

The departmental heads say in their summons in the Supreme Court sitting in East London that the council resolved on April 1, 1980, to pay them 97½% of the salary of the Town Clerk.

This agreement was accepted in writing by the heads of department.

The summons says that on September 25, 1981, the council decided to rescind its earlier proposal on the grounds that it contravened the Labour Relations Act.

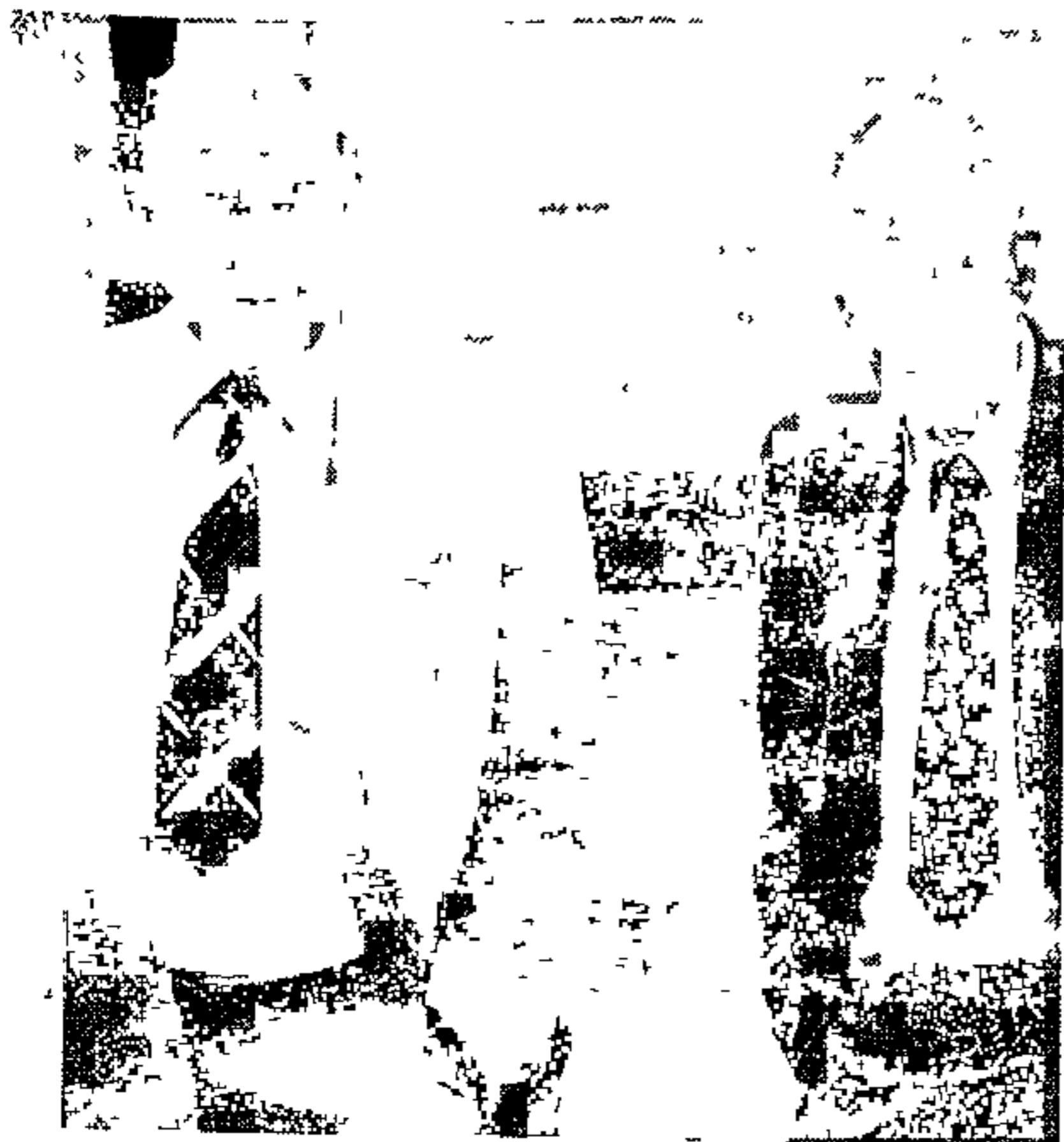
The departmental heads claim that the original agreement was neither illegal nor void and are seeking an order declaring it valid.

The council, in its plea, claims the original agreement was illegal in terms of the municipal ordinance.

The plea says the council was not competent to change the salaries of the departmental heads without advising the Provincial Secretary. This advice had not been given before the salary offer was made.

(Proceeding)

Mr Justice Smalberger was on the Bench. Mr C Y Louw and Mr I Farlam appeared for the departmental heads. Mr R Marais and Mr J Wilshire-Jones appeared for the City Council.



Mr C. Andreas, the City Mechanical Engineer (left) and Dr J van Heerden, the Medical Officer of Health, at court yesterday.



MR KEPPIE MR HOWELL MR ROBSON

EAST LONDON — Five municipal heads of department are suing the city council here in the East London division of the Supreme Court over a pay dispute.

They are Mr Graham Keppie, city engineer, Mr John Howell, city treasurer, Mr Cyril Andreas, city mechanical engineer, Mr Kenneth Robson, city electrical engineer, and Dr Johann van Heerden, medical officer of health

The case arises from a resolution passed in April 1980 by the city council which served to link the salaries of the heads of department to that of the chief administrative officer, the town clerk. Heads of department were to be paid 97,5 per cent of his salary

This resolution was accepted by the heads of department

On September 25, 1981, the city council rescinded the decision on the grounds that it was in contravention of the Labour Relations Act of 1956

The defendants say that the original decision would have been subject to the approval of the Provincial Secretary and they had failed to inform him of the resolution

The plaintiffs claim that the decision was neither illegal nor void and are seeking to validate the original decision

The case continues today

Mr Justice Smalberger was on the bench. Mr C Y Louw and Mr I Farlam appeared for the plaintiffs. Mr R Marais and Mr J Wiltshire Jones appeared for the defence — DDR

SUE CITY COUNCIL OFFICIALS

151

D. - Disfurther
8/3/84

Municipal pay dispute case postponed

1571 D. Rajaratel 9/3/84

DALL

EAST LONDON — The Supreme Court case in which five heads of municipal departments are suing the city council over a pay dispute was postponed indefinitely yesterday.

The action was brought by Mr Graham Keppie, city engineer, Mr Kenneth Robson, city electrical engineer, Mr Cyril Andreas, city mechanical engineer, Mr John Howell, city treasurer and Dr Johannes van Heerden, medical officer of health.

The five were suing the city council over a resolution regarding their salaries, passed by the city council in April 1980.

The resolution linked the salaries of the departmental heads to that of the town clerk. They were to be taken off the existing salary grading system and paid a salary amounting to 97.5 per cent of that of the town clerk.

The resolution was rescinded by the city council on September 25 1981 on the grounds that it was in contravention of the Labour Relations Act of 1956.

The plaintiffs were seeking to establish the validity of the resolution.

Witness for the plaintiffs, Mr Kenneth Robson, told the court that he had been on salary grade one at the time of the resolution, as had been the other four plaintiffs.

The plaintiffs had been called to a meeting on March 25 1980 at which they became aware of the city council's resolution. They were told that the primary objective of the meeting of the staff portfolio was to determine the date to which the 97.5 per cent should be backdated.



The acting town clerk of East London, Mr Les Kumm, the city council's attorney, Mr Denis Kirk and the mayor, Mr Erol Spring attend the hearing.

It was eventually decided that the resolution should be implemented on April 1, 1980. The departmental heads were told that they would receive an immediate salary increase and that their salaries would be subsequently increased in accordance with that of the town clerk.

Mr Robson said that the five plaintiffs did not indicate their wish to be taken out of the salary grading system but were asked if they would be prepared to do so.

The five plaintiffs subsequently signed an agreement in terms of the resolution.

Mr Robson said that they had been aware that there could be times when their salaries may be lower than the grade one salaries. He said that they had believed that in that event the city council would alter the situation accordingly.

He said that as time went on the five plaintiffs became conscious that the town clerk would be vulnerable in view of the fact that the departmental heads' salaries were linked to his.

Mr Robson said that as far as he was aware the city council had always

paid the maximum permissible salary to the town clerk as laid down by the director of local government.

Mr Robson said that according to the wording of a circular from the director of local government dated September 1 1979 the five had been under the impression that the city council was obliged to pay the maximum permissible salary to the town clerk.

He agreed that the increase provided for in the council's resolution would have taken their salaries above the level of grade one salaries at that time.

Mr Robson also said that the five plaintiffs felt strongly about the fact that East London as a municipality was graded on a par with smaller municipalities with commensurately smaller revenues. He said that in his opinion East London was wrongly graded and consequently the town clerk was underpaid.

He said that at the time of agreeing to the

resolution, he had not been aware that the city council had a right not to pay the maximum permissible salary to the town clerk.

The court heard that on June 5 1980 a circular from the director of local government fixed the maximum permissible salary for the town clerk at R24 000 per year.

Mr Robson said that he and his four colleagues sent letters to the town clerk on September 24 pointing out that the salary recommendation had not been implemented and asking that it should be.

Mr Robson said that at that time, the five plaintiffs began to suspect that the practice of paying the town clerk the maximum salary was not going to be pursued.

The court heard that the city council decided not to implement the maximum salary recommendation.

Mr Robson said that he and his four colleagues began to worry that the agreement linking their salaries to that of the town clerk would have

an adverse effect on the town clerk.

Mr Robson said that it was with a degree of surprise that he noted that a grade one salary figure appeared on the regrading scheme drawn up in conjunction with the South African Association of Municipal Employees (Saame) for the East London municipality.

The court was told that on December 17 1980 the salary of the town clerk was redetermined on the strength of the director's circular.

His salary was increased to R22 572 per year.

Mr Robson said that in his opinion, this signified a change in the principle of calculation of the town clerk's salary. He said that the town clerk's salary was now determined on the basis of the heads of departments' salaries, which he believed was wrong.

The town clerk's salary was 2.5 per cent higher than that of the departmental heads.

Mr Robson said that although the contract re-

garding the resolution had not been broken, a fundamental change had taken place and the town clerk's salary was now being looked at after the salary regrading scheme had been determined.

Mr Robson said that accordingly the five plaintiffs received a letter from the town clerk informing them that their salaries had been increased to R22 008.

He said that at this stage communications had broken down with the city council, a lamentable fact for which both parties must shoulder the blame.

The court heard that in March 1981 the city council noted its decision to rescind the original resolution.

Mr Robson said that on September 25 the departmental heads were summoned to the mayor's parlour where they were informed that the council was to rescind the resolution because in terms of the Industrial Conciliation Act, municipal employees were not permitted to withdraw from the salary grading system.

The court heard that the salary of the town clerk was then increased to R26 050 from September 25, in line with the maximum permissible salary laid down by the director of local government.

Mr Robson said that it was regrettable that the city council had not seen fit to advise the plaintiffs that they had a right to fix the town clerk's salary up to the maximum or that there would be a change of policy.

He said that they had believed that they were legally entitled to 97.5 per cent of the maximum permissible salary.

Mr Robson agreed that the contract had remained in the salary regrading scheme as negotiated with Saame and that Saame's request that the departmental heads participate in this scheme posed a problem for the city council.

Mr Marais asked Mr Robson what he had thought would happen if other municipal employees were paid 99 per cent of the town clerk's salary in view of the fact that the five had withdrawn from the Saame regrading scheme.

Mr Robson said they had not believed anything like that would happen although there could be occasions when they would be paid less than others.

Mr I Farlam, for the plaintiffs, was granted a postponement sine die at the beginning of the afternoon session.

Mr Justice Smalberger was on the bench. Mr I Farlam and Mr C Y Louw appeared for the plaintiffs instructed by Drake Flemmer Ormond and Vermaak. Mr R Marais and Mr J Whitshere-Jones appeared for the defendants instructed by the Bx Partnership — DDR.

Talks with unions need top planning

By Roddy Campbell

When a trade union knocks for the first time at the employer's door, it is probably already too late to send it away

If there are any certainties in industrial relations, it is clear that when the union makes its bid for recognition it will have done its homework and will be confident of the amount of muscle it possesses.

For example, should the union have already recruited many of the company's employees, it could be ruled an unfair labour practice to refuse to open talks.

In doing its homework about the company, the union will no doubt have looked for chinks in the management armour such as

- Sensitive overseas shareholders

- A high public profile which could be damaged by industrial unrest.

- The firm produces consumer products which are sensitive to potential boycott

- The employer is in an industrial sector where the union already wields influence.

Most significant of all, the company may have indulged in poor IR practices, resulting in disgruntled employees turning to a union for help.

Under the new dispensation, unions represent the first collective voice available to black workers. The temptation to articulate their wishes through this medium is often overpowering

In any case, when the phone rings or the letter arrives requesting a meeting, it is too late for union-bashing.

The management which hopes to defer the union approach will succeed to the extent that it has made the union redundant — by having fair terms and conditions of employment, good up-and-down communications, effective grievance and disciplinary procedures.

All these coupled with managers and supervisors who have been trained to regard subordinates as human beings who are valuable company assets

More often than not the union approach will indicate that it is "representative" of at least part of the work force. And that is prima facie evidence that the employees reject existing IR structures and want to be represented in future by a union.

A reactive checklist could include:

- Agree to a meeting. The venue is not that important

- Consult the TUCSA booklet to establish in which particular grouping this union falls.

- As this could be the first of many encounters, set as agreeable an environment as possible

- At the meeting (or beforehand) make it clear that these are "talks about talks". The meeting is to discover union expectations, not for actual negotiations.

- Determine who will attend the meeting. Preferably, it will be the general manager, not the managing director, and perhaps the personnel manager (if there is one). At this stage it is being a bit "heavy" to call in attorneys or an outside IR consultant.

- Assuming the approach does concern recognition, use the meeting to inquire about representativity (which is not necessarily 50 percent plus one).

- Agree to a mutually acceptable method of auditing the union's in-plant membership.

- Obtain a copy of the union's constitution, noting that a company cannot negotiate with an entity if it is not a legal "persona"

- Find out the type of clauses the union would want to cover in a recognition agreement

- Arrange a date and venue for the more formal stage — actual negotiations — and when the time arrives be as well-prepared and informed as the union undoubtedly will be

Municipal pay case settled

151

D. Dispatch 13/3/27

EAST LONDON — The five municipal heads of department had "unconditionally withdrawn" their lawsuit against the city council over a pay dispute, the mayor, Mr Errol Spring, said yesterday

In a press statement after a special council meeting at which he briefed the council on the action, Mr Spring said it was settled on the basis of the claims being withdrawn and each party paying its own costs

"The city council confirmed my action in agreeing to a settlement of the matter on this basis," he said

Mr Spring said the council felt that it had been "painted in a bad light" by the law suit in which the city engineer, Mr Graham Keppie, the city electrical engineer, Mr Ken Robson, the city mechanical engineer, Mr Cyril Andreas, the city treasurer, Mr John Howell and the medical officer of health, Dr Johannes van Heerden,

sought to have their salaries linked to that of the town clerk

The action was postponed indefinitely when Mr I Farlam, for the department heads, applied for the postponement after the first witness for the plaintiffs, Mr Robson, was cross-examined by Mr R Marais, who appeared for the city council

Yesterday Mr Spring said the city council had been very unhappy that the department heads had seen fit to take the dispute to court

The dispute had centred on a city council decision to rescind an earlier decision to link the salaries of the department heads to 97.5 per cent of the town clerk's salary

The department heads sought to have the earlier council decision declared valid by the Supreme Court

Mr Spring said when the concept of linking the salaries of department heads to the town

clerk's salary was first raised the city council had supported it

"We felt it was a good idea on the basis that the town clerk and the heads of department would form a management team and would be removed from the municipal salary grading system

"The council was happy, but added the proviso that the heads of department would have to agree to forego their rights under the Labour Relations Act and under the grading system

"We subsequently found that this was not legally possible and only the chief executive officer (town clerk) could be exempted from the act and grading system

"That being the case, the implications of proceeding would have been to link the town clerk with the grading system and this the council was not prepared to do

"This would have had serious implications for the future running of the

city and it would have been unfair to the town clerk

"The council decided in view of this to rescind their decision and it was that action that the heads of department decided to test in court

"Because of the principles involved, the council felt it could not compromise and had no option but to defend the action and the result was the case that took place

"After their first witness had been cross-examined, they requested to be allowed to withdraw their action

"We obviously have to continue working with our heads of department and we were unhappy at the ill feeling that the action had caused and so in a spirit of reconciliation we agreed to withdraw and to pay our own costs

"We feel that under the grading system, the heads of department get good remuneration and they will continue to be paid a fair and competitive wage" — DDR

MONDAY, 12 MARCH 1984

†Indicates translated version

For written reply

12/3/84

Industrial accidents

472 Mr T ARONSON asked the Minister of Manpower

- (1) How many industrial accidents occurred in the Republic during the latest specified period of 12 months for which figures are available,
- (2) what amount was paid out by the Workmen's Compensation Fund in respect of such accidents,
- (3) what was the total period for which the persons injured in such accidents were absent from work?

The MINISTER OF MANPOWER.

- (1) 311 648
- (2) R52 298 451
- (3) 3 688 711 man days

Note The figures are in respect of the 1980 calendar year

Physical Planning Asst. 12/3/84

489 Mr R W HARDINGHAM asked the Minister of Mineral and Energy Affairs

- (1) Whether any persons were prosecuted under section 6B of the Physical Planning Act, No 88 of 1967, in 1982 and 1983, respectively, if so, (a) how many in each such year and (b) what was the nature of the prosecution in each case,

MONDAY, 12 MARCH 1984

- (2) whether any other prosecutions are pending if so, (a) how many and (b) what is the nature of these prosecutions?

The MINISTER OF MINERAL AND ENERGY AFFAIRS

- (1) No (a) and (b) Fall away
- (2) No (a) and (b) Fall away

511 Dr A L BORAINÉ asked the Minister of Manpower:

- (1) (a) How many registered trade unions confined their membership to (i) White, (ii) Coloured/Asian and (iii) Black persons as at the latest specified date for which figures are available,
- (2) (a) how many racially mixed registered trade unions were there at that date and (b) how many (i) White, (ii) Coloured and Asian and (iii) Black members did each such trade union have?

The MINISTER OF MANPOWER

- (1) (a) (i) 54
(ii) 38
(iii) 19
- (2) (a) 83

(b) Trade unions are required by the Labour Relations Act, 1956, to furnish the Industrial Registrar by not later than 31 March of each year with membership figures. To date only a small number of the unions have submitted their figures in respect of 1983 and the information requested cannot therefore be furnished at this stage

Note The figures are as at 31 December 1983

621

WEDNESDAY.

Hammond

15/

Q. 601. 621
14/3/84
Employees: termination of service

*20 Dr M S BARNARD asked the Minister of Posts and Telecommunications

- (1) Whether any employees of his Department had their employment terminated in terms of section 17(5) of the Post Office Service Act, No 66 of 1974, during the period 1 April 1982 to 31 March 1983, if so.
- (2) whether any such employees were retained in the service of his Department in terms of the said section of the Act, if not, (a) how many such employees were not retained and (b) why in each case?

†The MINISTER OF POSTS AND TELECOMMUNICATIONS

- (1) Yes
- (2) Yes, 609
 - (a) 37; and
 - (b) because the quality of their services and/or attendance for duty was such that their continued employment was not considered in the interests of the Department

THURSDAY, 15 MARCH 1984

THURSDAY, 15 MARCH 1984

THURSDAY, 15 MARCH 1984

†Indicates translated version

For written reply
 388 Mr D J N MALCOMMESS asked the Minister of Transport Affairs

(1) Whether any employees of the South African Transport Services have been dismissed for reasons of alcoholism, if so,

(2) whether any such employees forfeited the interest on their pension contributions in terms of section 13(1) of the Railways and Harbours Service Act, No 22 of 1960, if so, (a) how many employees forfeited this interest during the latest specified period of five years for which figures are available, (b) what was the (i) longest period for which any of these employees had been employed by the South African Transport Services and (ii) amount of interest forfeited by the employees concerned and (c) what was the total amount of interest due to such employees that was retained over this period?

The MINISTER OF TRANSPORT AFFAIRS

(1) and (2) Employees of the South African Transport Services are not dismissed merely for reasons of alcoholism

Project	Anticipated Date of Commencement	Anticipated Date of Completion
1 New Brighton Hostel (R1 647 000)	Work in progress	September 1984
2 Port Elizabeth Extend automatic telephone exchange (R273 000)	Work in progress	March 1985
3 Port Elizabeth, Accommodation for S.A. Railways Police (R257 000)	1985-86	1986-87

They can, however, be dismissed when they are, *inter alia*, under the influence or in possession of alcoholic liquor or dependence-producing drugs whilst on duty, or in certain cases partaking thereof within a specified period before reporting for duty.

Since 1 January 1981 interest is being paid on pension contributions of ex-employees who had contributed for more than 13 years to the New Superannuation Fund and who were dismissed for the reasons as set out above. No statutory provision exists whereby interest can be paid prior to this date.

Information in respect of ex-employees who were dismissed for the reasons mentioned is not readily available and it will demand much time and expense to gather the particulars.

Hansard
 Port Elizabeth expenditure
 420 Mr T ARONSON asked the Minister of Transport Affairs

(a) What is the anticipated expenditure by the South African Transport Services in the Port Elizabeth area in the next five years, (b) in respect of what projects is the expenditure to be made and (c) what are the anticipated dates of commencement and completion of each project?

The MINISTER OF TRANSPORT AFFAIRS

(a) R6 474 000, provided changed circumstances do not necessitate alterations to some of the projects or result in their not being proceeded with

(b) and (c)

Project	Anticipated Date of Commencement	Anticipated Date of Completion
1 North End Improve drainage at carriage and wagon depot	R 30 000	R 30 000
2 Deal Party Improve tarpaulin washing facilities	R 21 000	R 21 000
3 North End Improvements to L.A truck depot	R 150 000	R 150 000
4 North End Extensions to apprentice training school	R 475 000	R 475 000
5 Swartkops Office for footplate personnel	R 260 000	R 260 000

Project

Project	Anticipated Date of Commencement	Anticipated Date of Completion
4 Sydenham Improvements to hostel (R942 000)	January 1984	January 1985
5 Port Elizabeth Improvements to station (R522 000)	Work in progress	March 1985
6 Port Elizabeth Harbour Fire fighting depot (R293 000)	February 1985	March 1986
7 New Brighton Improvements to carriage and wagon repair shed (R103 000)	Work in progress	March 1985
8 New Brighton Roof over platforms 2 and 3 (R32 000)	Work in progress	September 1984
9 Port Elizabeth Garages at airport (R100 000)	Work in progress	March 1985
10 Port Elizabeth 4 Houses (R278 000)	July 1984	March 1985
11 Port Elizabeth Improvements to station—(stage 2) (R700 000)	July 1985	March 1987
12 Port Elizabeth Harbour Extend ore plant workshop (R53 000)	May 1984	March 1985
13 Port Elizabeth Harbour Mess and abolition for non-Whites (sheds 10 and 11) (R63 000)	June 1984	March 1985
14 Port Elizabeth Harbour Mess and abolition for non-Whites at Dom Pedro Jetty (R60 000)	June 1984	March 1985
15 Port Elizabeth Harbour Improve lighting in store 315 (R20 000)	July 1984	March 1985
16 Port Elizabeth Battery maintenance building at airport (R95 000)	July 1985	March 1986
17 Port Elizabeth Undercover parking with hardstanding at airport (R100 000)	June 1985	February 1986

The following proposals are also being considered. The estimated expenditure to be incurred is included in the reply to part (a) of the question. These items have been provisionally included in the 1986/87 programme and are subject to funds being available.

1 North End Improve drainage at carriage and wagon depot	R 30 000
2 Deal Party Improve tarpaulin washing facilities	R 21 000
3 North End Improvements to L.A truck depot	R 150 000
4 North End Extensions to apprentice training school	R 475 000
5 Swartkops Office for footplate personnel	R 260 000

The following proposals have also been included in the draft programme for the period 1985-86 to 1986-90

240 will lose jobs unless bus boycott ends

D. P. patch
17/3/84
157

EAST LONDON — Two hundred and forty employees of the CTC bus company will be retrenched if the eight month old bus boycott has not been ended by the end of March, Mr Hans Kaiser, managing director of CTC, said yesterday

Mr Kaiser said that the retrenchments, which will be made across the board, would be unavoidable unless CTC became a going concern once more

"The company has done everything possible to accommodate requests from the various community bodies in respect of the boycott," Mr Kaiser said

"We have announced major concessions to children and scholars. We have committed ourselves to maintaining present tariffs until the end of 1984. We have accelerated the upgrading of the service and already we have started a major restructuring of the company

"All this has been done to try and keep the service, vital to Mdantsane and East London, afloat and to avoid the possibility of further retrenchments. Short of closing the company down, we are now forced to retrench more people," Mr Kaiser said.

He added that the priority of the company was to provide a service to the area and its people but it also had to consider the employees of CTC. The retrenchments would be delayed

as long as possible but the end of the month was the absolute deadline

"It is now up to the community of Mdantsane to decide the future of these 240 people," Mr Kaiser said

He said that negotiations between CTC and Mr Hubert Jekwa, an Mdantsane businessman who has displayed an interest in buying the company, were continuing. He also said that another interested party had entered into negotiations but declined to disclose the identity of the party

"We are happy to offer the company for sale to private enterprise but it is unrealistic to expect anyone to buy it unless it is a going concern," Mr Kaiser said

Comment on the situation could not be obtained from Mr M Mampunye, chairman of the Committee of Ten, yesterday

Large employers in East London said yesterday that their workers were anxious to end the boycott.

Mr Alistair Lightbody, personnel director of a sweet manufacturers, said that the general feeling in his workforce was that 80 per cent of workers wanted to get back on the buses

"Situating as we are, adjacent to the railway station, we are not unduly affected by the boycott. But our workers still have to get to and from the railway stations in Mdantsane. I am sure they are now looking for

some kind of settlement between the parties concerned," Mr Lightbody said

A spokesman for a large plant on the West Bank said that his staff would like to use the buses again provided there was no threat to them or their families

"Winter is coming on and people are very worried about the transport situation. If there is a settlement soon I know it will be met with a great deal of relief by our staff," he said

Street interviews in the city yesterday revealed that commuters had differing views about concessions and upgrading measures announced by CTC

Some people were not aware of them, others were suspicious and felt that the company should not be trusted. Some people were not impressed and said that they felt the fares were still too high

However, most people interviewed said that they felt the bus company should be given a chance to prove itself

Bus drivers and supervisors spoken to said that there had been a significant increase in the number of people using buses recently. They felt that it would take some time before the buses operated at full strength however

At the time of the survey, between 12 am and 2 pm, the buses appeared for the most part to be about 45 per cent full —
DDR

Conflicting laws 'source of strife'

By MARTINE BARKER

THE potential for conflict in South Africa was being increased by the government's entrenchment of contradictory policies concerning the control of the black population's movement, Mr Geoff Budlender, an attorney with the Legal Resources Centre in Johannesburg, told a seminar on labour law last week.

Addressing the seminar in Houhoek, Mr Budlender said the contradiction lay in the government's need for a black presence in urban areas to serve labour demands and the government's need to keep blacks out of urban areas because of the perceived threat to

white security

On the one hand, influx control, based increasingly on the question of citizenship, was being entrenched, while in the arena of labour legislation, blacks were being afforded rights they never had before

Conflict would be caused by the contradiction involved in allowing blacks the rights to participate through trade unions in forming industrial councils, and thus the right to participate in creating law. At the same time, they were being denied all other rights by being denied South African citizenship

Mr Budlender described three categories of citizenship applicable to blacks — South African, for non-independent homeland inhabitants, new foreigners, who were inhabitants of newly-independent homelands, and aliens who had never been South African

This last category included for example all children born after independence of Xhosa parents, who were all now Transkeian or Ciskeian citizens. Conflicts would become apparent

as Xhosa parents working in urban areas began trying to send their children to school. As aliens, the children would be subject to deportation for being in the area illegally

At the same time, the government was entrenching the migrant labour system, with the denial of rights that this implied. The Industrial Court in one of its rulings had stated that blacks had the right to security of employment in their jobs in South Africa

While it could be expected that more and more blacks would acquire the right to live in urban areas in the wake of the Rikhoto and Komani judgments, the opposite was in fact happening

In some areas, such as KwaMashu outside Durban, black townships were being rezoned to fall outside prescribed urban areas, removing the right of the inhabitants to live and work in the city

In other areas, development in existing townships was being frozen and new adjoining townships just beyond the prescribed area were being built.

~~151~~ (151) (1.7.78)
~~1.7.78~~
Union wins pay rise

Star 27/3/84
By Carolyn Dempster, Labour Reporter

The National Automobile and Allied Workers' Union yesterday achieved a 62 percent pay increase for its members at Miller Engineering, a components manufacturer in Pretoria

The wage agreement, which raises wages from 80 c to R1,30 an hour has been hailed by the union as a significant increase in view of the recession. It will come into effect this month and is operative until next March

A spokesman for the Fosatu-affiliated union said the agreement was the start of a drive by NAAWU to organise the components manufacturing industry

Action ^(1st)

RAM 29/3/84

threat

~~25~~ ~~43~~

against

company

Labour Correspondent

THE Building, Construction and Allied Workers' Union has launched industrial court action against British-owned company Johnson Tiles, claiming that its labour practices are "unfair" and that it has fired the union's chief shop steward at its Olifantsfontein plant.

BCAWU, an affiliate of the Council of Unions of SA, maintains overseas unions are taking an interest in the dispute.

The union is recognised by the company, but claims Johnson Tiles has not honoured the "spirit" of their agreement.

A company spokesman confirmed that the union had applied for a conciliation board to settle the dispute, the first step on the way to industrial court action.

He declined to comment further, saying the dispute had been referred to the company's lawyers and was now "sub judice", but said Johnson would defend the action.

The dispute follows continued tension between the union and several Olifantsfontein employers which led to unrest at some plants last November.

In a statement, the BCAWU claims that Olifantsfontein is "only 25km from Johannesburg, but its industrial relations lag 25 years behind it".

The BCAWU claimed that court action was made necessary by the company's "unfair employment practices and continual resistance to the union".

It said Johnson's British parent company, Norcrow, knew of the dispute and that a Norcrow representative recently visited the plant and was given a letter by workers on its "refusal to bargain in good faith or disclose information".

RDP 20/3/84 (ST) (19/3/84)

Union to hold strike ballots

Labour Correspondent
THE unregistered National General Workers Union says it will hold strike ballots at two Pretoria motor parts dealers because the motor industrial council has failed to intervene in recognition disputes between the NGWU and the dealers.

The union's general secretary, Mr Donsie Kumalo, said the NGWU had referred to the council recognition disputes with Nationwide Motor Spares and Pretoria Tyre Centre, as labour law required it to do.

One dispute had been re-

ferred to the council in January, and the other last month, he said. In both cases, the union alleged the companies were guilty of an "unfair labour practice".

"Labour law says the council must try to settle the dispute within 30 days — but they haven't even replied to our letters. This means we are entitled to go to the Industrial Court or hold a strike ballot," he said.

He said the union had opted for a ballot and added "The council does not seem to be interested in settling disputes if union recognition is

involved".

A spokesman for the council denied that it was unwilling to settle certain types of disputes. "We always make sure we carry out our disputes-settling duties in terms of the law," he said.

He added that he could not comment on the NGWU's claims because he did not have details of the specific dispute.

"But there is nothing in the law which says we must settle a dispute — it merely says that if we do not, the aggrieved party can take action," he said.

NUTW wins right to take dispute to Industrial Court

By Carolyn Dempster,
Labour Reporter

3/3/84

port from the majority of workers in
the New Germany complex

In an important development in the long recognition dispute between the Frame textile group and the National Union of Textile Workers, the Durban Supreme Court yesterday handed down a judgment allowing for the dispute to be heard in the Industrial Court

The ruling, in favour of the NUTW, means the case can be debated in the Industrial Court

Frame had fought against this since the union first brought an unfair labour practice claim against the Frametex Mill

The dispute is over the Frametex Mill's recognition of the Tucsa-affiliated Textile Workers' Industrial Union and not the NUTW which gained sup-

"It is a very important judgment because if the court had ruled in favour of the Frame Group it probably would have resulted in a violent response by the workers," said Mr John Copelyn, acting general secretary of the NUTW.

In April, the NUTW asked the Minister of Manpower to appoint a conciliation board to resolve the dispute

Frame opposed the request on the basis that the dispute be settled by a "trial of strength" between the two unions

The conciliation board failed to resolve the dispute

The NUTW then applied for an interim court order restraining Frametex Mill, with 3 500 employees, from recognising the Tucsa union

31/3/84

Reply on wages of sheltered workers

S. Post

~~157~~ ~~157~~ ~~157~~

SIR — I would like to comment on the letter from Mr Chris Beer under the heading "Pay rise needed for disabled workers" (Week-end Post, February 25)

An investigation has revealed that your correspondent was admitted as a sheltered employee to Service Products (N'Dabeni) in Cape Town, on November 3, 1980, where he was employed until he resigned voluntarily on January 12, 1982

In regard to the matters raised by Mr Beer, the department wishes to comment as follows

The Sheltered Employment Scheme administered by the Department of Manpower provides for the establishment of factories where persons may be employed who suffer from physical and mental disabilities and who, as a result of their disabilities, are unable to undertake or retain work in the open labour market, but who are nevertheless able to do worthwhile remunerative work under sheltered conditions

The various factories where persons eligible for sheltered employment are employed operate as autonomous bodies which

are subsidised by the department, and sheltered employees can, therefore, not be classified as public servants. The projects where they are employed are also not "Government shelters", as stated by your correspondent.

The aim of sheltered employment is to foster the self-respect and sense of independence of a disabled person and to give meaning and content to his existence by providing him with security in employment and wages

The conditions of service of sheltered employees are determined with the emphasis perhaps not so much on their productivity but on their willingness to work and to earn their own keep

The scheme also serves to prepare employees for ultimate selective placement in ordinary employment in the open labour market and the wages offered must, therefore, be such that the incentive to accept outside employment is not stifled

In determining the wages payable to sheltered employees, regard must, however, be had to the fact that the workers employed at sheltered employment factories do not possess the capabilities required to

maintain a quality and production level comparable to that of workers employed in the open labour market under competitive conditions, nor are they required to do so

As a result most sheltered employment factories operate at a considerable loss, thus requiring a substantial subsidy by the State towards operating costs to ensure the continuation of the sheltered employment scheme

In this connection sight must not be lost of the fact that employees in sheltered employment factories enjoy certain other privileges which, in terms of their monetary value, would amount to several rands — such as annual bonuses, the provision of protective clothing free of charge and free medical services, to mention but a few. Furthermore, employees with large families may apply to the Department of Health and Welfare for further assistance

It is considered that all these privileges contribute towards easing the lot of sheltered employees and must also be taken into account, apart from the wages they receive, if their employment conditions are to be viewed in proper per-

spective

They enjoy permanent employment irrespective of their production and losses incurred by factories and whether or not there is sufficient work to keep them fully occupied

Regarding the remark that sheltered employees are not allowed to become members of the Public Servants Association, it must be pointed out that membership of this association is restricted to public servants. Employees are, however, free to become members of other staff associations or trade unions at their own expense

The statutory public holidays are applicable to and enjoyed by employees of sheltered employment factories

The Department is fully aware of the needs of sheltered employees and continually endeavours to improve their conditions of employment within the limits of available funds. Thus, whenever salary increases become effective in the Public Service the necessary steps are taken to have their wages adjusted

P J VAN DER MERWE
Director General
Department of Manpower
Pretoria

D. Dispute

Frame Group: court ruling sets precedent

3/4/84

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JOHANNESBURG — In a key ruling, the Natal Supreme Court has rejected an application by the Frame Group of textile companies asking it to prevent a major union recognition dispute being considered by the Industrial Court

This means the National Union of Textile Workers (NUTW) is now free to take court action against the company for allegedly refusing to recognise it and allegedly favouring Tucsas's Textile Workers Industrial Union

In ruling against Frame, Mr Justice Booyesen also gave a boost to the court's power in cases where "unfair labour practices" are alleged

He endorsed a ruling by the court's deputy president, Dr D B Ehlers, who had found a labour practice could be "unfair" even if the par-

ty committing it had not violated a binding contract

The Industrial Court has heard argument that its role in some "unfair practices" cases is limited to deciding if an employer honoured the provisions of a workers' contract and that it has no power to intervene if he did

It is this view which has now been rejected by the Supreme Court

The case was brought by Frame after the Minister of Manpower agreed to a request by NUTW that he appoint a conciliation board to consider the union's claim that the company is guilty of an "unfair labour practice"

NUTW alleges Frame undertook to recognise it at its Frametex mill if it represented a worker majority and also agreed not to favour either it or Tucsas's TWIU who were waging a recruiting bat-

tle in the plant.

It charges that Frame broke this agreement

An application for the extension of an interim order restraining frame from recognising the TWIU was settled out of court

Frame agreed not to recognise TWIU until the Industrial Court case was settled and NUTW agreed not to regard the undertaking to recognise a majority union allegedly made by Frame as legally binding

Frame then asked the minister to scrap the conciliation board. It said that, because the union had agreed that the company had not violated a binding contract, there was no longer a dispute between the two sides

The minister refused and Frame then challenged his decision in court — DDC

Brits plant lays off 240 workers

By Carolyn Dempster,
Labour Reporter

B and S Engineering and Steelbrite of Brits — scene of a major labour dispute last year — has closed one of its two plants and retrenched 240 workers

The plant, Steelbrite 2, was closed down last Thursday

According to a Metal and Allied Workers' Union (MAWU) spokesman — it has majority membership at the two plants — negotiations for the re-employment of the retrenched workers were unsuccessful

The 240 retrenched workers received small severance pay

The closure is particularly significant in the

light of the dispute at B and S during 1982/3

MAWU's struggle for recognition by the steel furniture manufacturing company was resisted strongly, and a shop stewards' committee was dismissed as soon as the 12 members were elected by workers in July 1982

This was followed by a work stoppage to pressure management to reinstate the workers. Twelve were later taken back

The uneasy peace between B and S and MAWU was broken when shop stewards renewed efforts to achieve union recognition. Management dismissed the entire workforce on September 7 and told workers that if

they wanted their jobs back they could reapply. Of 600 who did, 400 were taken on

A total of 249 workers declared a dispute and asked for an Industrial Court order declaring the dismissal unlawful and unfair and demanding reinstatement

The dispute was not resolved for 20 months, with the 249 workers verging on starvation

The Industrial Court ordered the reinstatement of the workers, and ruled that they receive backpay for the entire period

Mr R Bingham, the managing director of B and S, was contacted repeatedly for comment on the plant closure, but was never available

3/4/84 Stan

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Carpenters quit in pay dispute

Labour Reporter

CAPE TOWN TIMES 5/4/84
#13 151

CONSTRUCTION of a new zoology building on the University of Cape Town campus came to a "virtual standstill" yesterday when nine qualified carpenters walked off their jobs after being refused a pay rise

The men, all members of the South African Woodworkers' Union, said yesterday they had resigned because they felt they were being "exploited" by the contractor, R H Morris

They said they were being paid R3 50 an hour, the minimum laid down in the building industrial council agreement, plus a 10c an hour merit bonus

A request for an increase to R4 an hour was turned down last week. After further talks, company officials promised them a meeting with Mr P Read, the managing director, yesterday morning

"But when officials could not guarantee that he would come this morning, we resigned," a spokesman for the group said yesterday

Mr S Joseph, union organizer, said he had again spoken to a company official later yesterday morning, saying the men were still prepared to return if their pay demand was met, but they refused again

Mr Joseph said the going rate for fully skilled carpenters was R3 80 to R4 50 an hour

Mr Read said yesterday the men had been paid more than the minimum rate laid down in the Industrial Council agreement

For more than a decade the National Union of Textile Workers has been locked in a recognition battle with the massive Frame textile group. Labour Reporter CAROLYN DEMPSTER reviews the epic struggle in the light of recent developments.

Textile union battle for recognition continues

Despite persistent opposition from the Frame Group, the battle for recognition in the group's complex of mills at New Germany, Natal, by the National Union of Textile Workers (NUTW) continues.

In the Natal Supreme Court last week, Mr Justice Booyen opened the way for the NUTW to take its case to the Industrial Court — exactly a year after the Fosatu union first applied for a conciliation board in a move to resolve the recognition dispute with Consolidated Frame Cotton Corporation Ltd. But this is just the latest incident. The battle for recognition, and the Frame Group's response to NUTW's concerted organising efforts in the mills, have a long and complex history.

This dates back to 1973 and the widespread strikes in the Durban area which radically changed the nature of labour legislation in South Africa.

According to NUTW general secretary Mr John Copelyn, many of the workers involved in the strikes were Frame employees and one of the first factories targeted for organising by the then new union was Frametex — the largest of the five factories in the complex with 4 000 workers.

To complicate matters, a Tucsa union — the Textile Workers' Industrial Union was also organising in the New Germany factories. Until 1979 this union was open only to Indians and worked closely with NUTW. With the change in legislation the relationship between the two unions changed.

DIFFERENCES

The major differences were that the older established Tucsa union had access to the New Germany factories while the NUTW did not. Frame had a relationship with the TWIU and was processing stop orders for their limited membership whereas the Fosatu union had no such relationship.

With its rapid growth in membership and other recognition successes in the textile industry, the NUTW was also variously regarded by employers as being the more militant of the two unions.

In brief, the initial attempts at recognition at Frametex led to two strikes — in 1974 and 1980. On the one hand NUTW claimed Frame was frustrating the unions efforts by intimidating workers. On the other hand, Frame said it was not prepared to become involved in any way in the competition between the two trade unions.

But, in April 1983, Frame told NUTW that it was prepared to recognise the Tucsa union because it had a majority in the Frametex Mill, even though the NUTW produced proof to the contrary.

As a result the NUTW applied successfully for an interim court order preventing Frame from recognising the Tucsa union and from continuing to deduct union dues.

LEGAL ACTION

At the same time the Fosatu union embarked on a legal course in an attempt to win redress and appealed to the Minister of Manpower to appoint a conciliation board. At stake were five allegedly unfair labour practices linked to Frame's refusal to recognise a representative union and an agreement which the union claimed they had concluded with Frame on the issue.

For exactly a year, the case has bounced from one civil court to another largely as a result of NUTW's determination to see the merits of the matter debated in the Industrial Court but, more precisely, because of Frame's persistent opposition. The corporation has refused a secret ballot as a test of representativeness, argues that Frametex forms a part of the complex which should be regarded as a whole for purposes of union recognition, and has three times tried to prevent the recognition dispute from reaching the Industrial Court.

Mr Selwyn Lurie, joint managing director of Frame, confirmed that Frame would apply for leave to appeal against Mr Justice Booyens's judgment.

But that is not the end of the story. The NUTW has also tackled Frame over retrenchments and is currently fighting for the reinstatement of about 25 workers who have been laid off since October last year.

(151) (169)
Dismissed
workers
each claim
R35 000
9/4/84

By Carolyn Dempster,
Labour Reporter

Some 300 of about 600 workers dismissed by African Cables, Vereeniging, in January this year are to make a bid for reinstatement in the Industrial Court tomorrow.

An out-of-court settlement offer of R35 000 by African Cables was rejected by the dismissed workers last month on the ground that each would receive only about R150.

The workers, members of the Engineering and Allied Workers' Union, have now demanded R35 000 each.

About 600 workers were fired after a stoppage in protest after the company announced in January that it would no longer be working short-time and employees were required to work on Fridays.

A breakdown in communication led to only half of the shift turning up on the Friday.

At the time the managing director, Mr P J Muller, said attempts to contact the union had failed and the workers by refusing to start the shift had dismissed themselves.

Many of the fired workers have between 15 and 20 years' service with African Cables. Subsequently the company re-employed more than 200 of those dismissed.

Metal unions put on 'iron gloves' for 1984 wage talks

By Carolyn Dempster
and Bill Levitt

The stage has been set for a head-on confrontation at this year's annual metal industry wage talks with the interests of 500 000 metal workers at stake

Union spokesmen have warned that this year they are not prepared to settle for paltry increases and will not easily back down on their demands at the April 10 meeting

On the other hand it is thought that the Steel Engineering Industries Federation of South Africa (Seifsa), representing employer bodies on the Industrial Council for the steel and metal industries, is likely to shelter behind the recession, a dropping gold price and the effects of the drought

It has been mooted that Seifsa will offer a minimum increase of

R1,53 across the board with hourly increases ranging from 15c to 20c

The Metal and Allied Workers' Union (Mawu) with a membership of 40 000 intends submitting exactly the same demands as last year

"The reason why our demands have not changed much is that in 1983 Seifsa did not give serious attention to what our members wanted. So we decided to tell them again this year," said Mr J Vilane, Mawu president

Mawu's demands are for a minimum living wage of R112,50 a week and an across-the-board increase of R22,50 a week

Also anticipating tough pay negotiations is the Confederation of Metal and Building Unions (CMBU) which submitted a separate set of demands

CMBU director Mr Ben Nicholson says as far as the confederation is concerned "some of our demands have just got to go through"

Among the demands are a 12 percent overall increase, a reduction in working hours from 45 to 42 hours a week, and raising leave bonuses for skilled and semiskilled members of the CMBU to 13th-cheque status

The multiracial South African Boilermakers Society is pushing for increases of between 24 percent for skilled workers and 66 percent for labourers

At present skilled members earn between R6 and R8 an hour. Semiskilled workers earn between R4 and R6 an hour

Workers get R50 000 to settle dispute

By Carolyn Dempster,
Labour Reporter

LABOUR BRIEFS

An out-of-court settlement of R50 000 has been awarded to 50 workers after a four-month dispute with the Jatex company in Rosslyn.

The settlement was reached shortly before the dispute was to be heard in the Industrial Court.

In an article in Fosatu Worker News, mouthpiece of the Federation of South African Trade Unions, it was reported the company agreed to take back 50 of the workers dismissed in December last year.

Jatex had also agreed to negotiate a recognition agreement with the National Union of Textile Workers (NUTW) when the union achieved over 50 percent membership at the plant.

The dispute began last year with the dismissal of nine Jatex workers, all of whom were active in the NUTW. When the workforce protested and demanded an explanation from the manager they were told they could leave.

Those who wished to have their jobs back could reapply the following day.

The NUTW then lodged an unfair labour practice claim against the company. For four months the dismissed Jatex workers have remained steadfast.

Although the entire workforce has not been reinstated Jatex has agreed to notify the union should any vacancies arise.

● The Metal and Allied Workers' Union is challenging the right of employers to refuse to bargain at plant level with unions which have a representative majority.

The case has been set before the Industrial Court and concerns the refusal by Maritzburg factory McKinnon Chain to bargain with MAWU outside of the Industrial Council.

In several instances over the past two years metal industry employers have negotiated agreements at plant level. This has often resulted in increases for workers substantially above those negotiated at the Iron and Steel Industrial Council.

● The eight mine-workers arrested at the Rietspruit opencast coalmine have been released on R500 bail pending the outcome of a joint inquiry by the mine management and the National Union of Mineworkers.

The eight were arrested and charged under the Intimidation Act after the entire Rietspruit workforce of 1 200 staged a stoppage last week.

A union spokesman said the dispute was over the recognition of shaft stewards, but a management statement said the stoppage was caused by a misunderstanding of procedure.

Union representatives have claimed that management took photographs of the striking mineworkers which they later handed to police, enabling them to make the arrests.

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ARG US 11/4/84 Dairybelle workers at the Epping depot this morning.

600 milkmen stop work — deliveries disrupted

Labour Reporter

MILK deliveries in the city were disrupted today when about 600 workers at Dairybelle dairies stopped work

Hundreds of workers from three Dairybelle depots gathered outside the company's main depot in Epping early today, demanding to speak to the management

Workers said they were demanding recognition of the trade union they had joined, the Retail and Allied Workers' Union (Rawu), as well as the reappointment of three migrant workers whose contracts had not been renewed

Several large retail stores in the city-Sea Point area, where Dairybelle operates, confirmed they had had no deliveries by this afternoon

Spokesmen for the major stores said they had been told by Dairybelle that "the trucks were running late" or that there was a "production problem"

Groote Schuur Hospital, also in the Dairybelle area, received its milk late

The atmosphere at the depot was tense. Hundreds of workers sat in the yard of the factory while security guards and supervisors kept a close watch.

Tension increased when a photographer from the community newsletter, Grassroots, was arrested at the plant

Mr Ryland Fischer said he had been taking photographs in the driveway of the depot when supervisors told him to leave

He said when he tried to walk back to his car a supervisor ordered him into the reception area and called the police

He has been charged with trespassing

Earlier an Argus reporter asking about the reasons for the stoppage was told by a supervisor to leave the area

"You have got no right to be here. This is no concern of yours," he said

Repeated attempts to speak to the manager of Dairybelle, Mr M Henning, were unsuccessful

The supervisor, who would not give his name, said Mr Henning was "too busy to talk to you and he does not want to comment"

Several workers who slipped out of the factory gates to talk to the Press, said they were demanding that management recognise their union

"We are not going back to work until they sign for the union"

They also said they were asking for a minimum wage of R300 a month

"Some of us already get that, but there are some who only get R240 a month. We work very long hours from early in the morning to late at night," said one man.

A spokesman for Rawu said workers were angry because three active union members had not had their contract renewed when they had expired

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Woman, 22, shot dead in Durbanville house

Crime Reporter

A 22-year-old woman was shot dead, allegedly during an argument in her lounge, and minutes later a man gave himself up to the police

Mrs Tina Arnold was found in the lounge of her home in Village Close, Kenridge, Durbanville, with two bullet wounds in the head at about 2.30pm yesterday

Police have taken possession of a 9mm pistol

A car parked in the driveway had been packed with women's clothing and a hand-drawn map of the area was lying on the floor

Shocked elderly neighbours Mr and Mrs George Donnelly described the drama that took place in the quiet close

"I saw the man drive up and

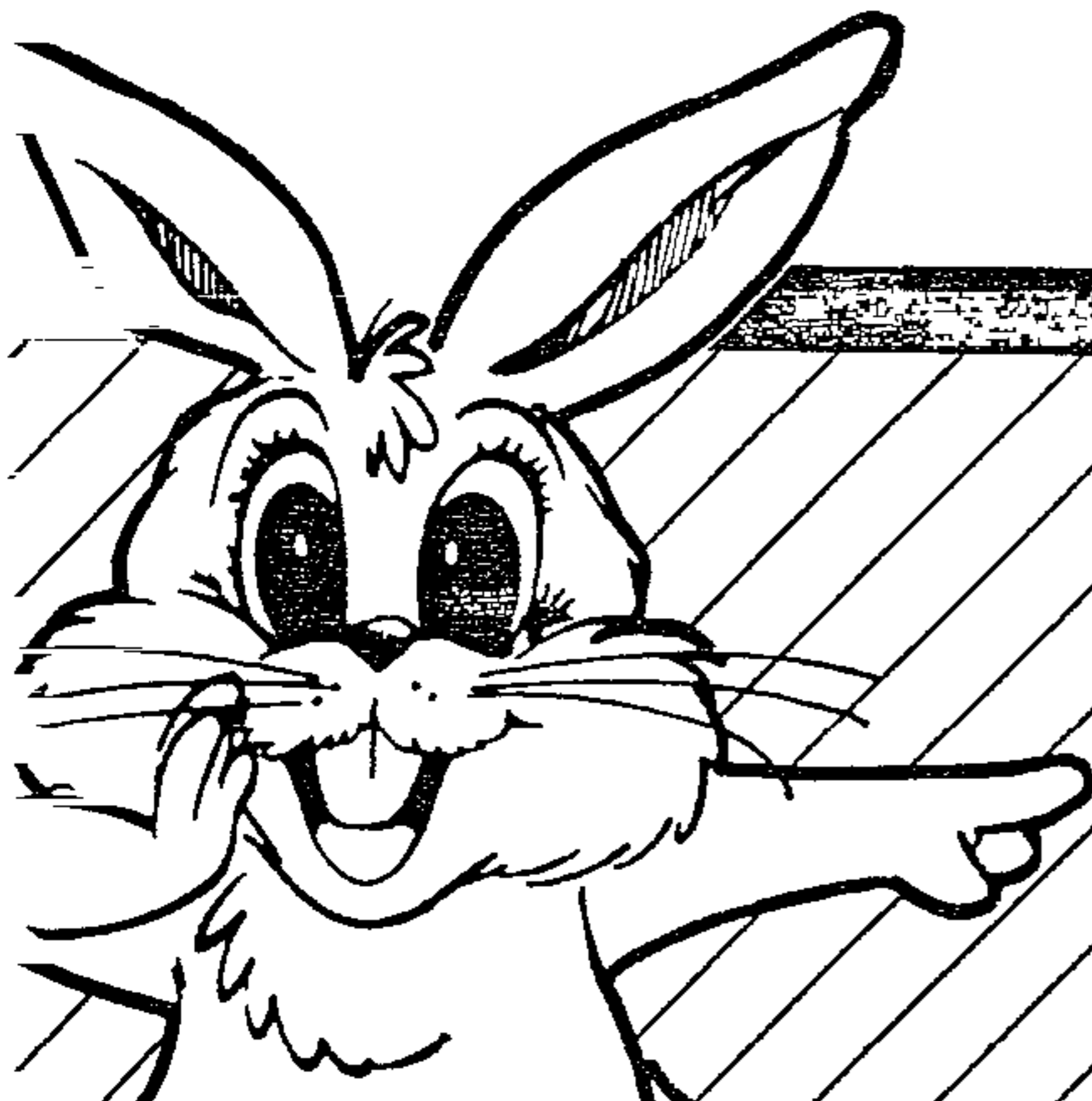
enter the house," said a shaken Mr Donnelly "Minutes later we heard shooting and the man ran across to our place and asked us to get help because he had shot someone"

The Donnellys and other neighbours said that Mrs Arnold had been "very pretty" but none had been her close friends. They saw her only when she drove in and out of

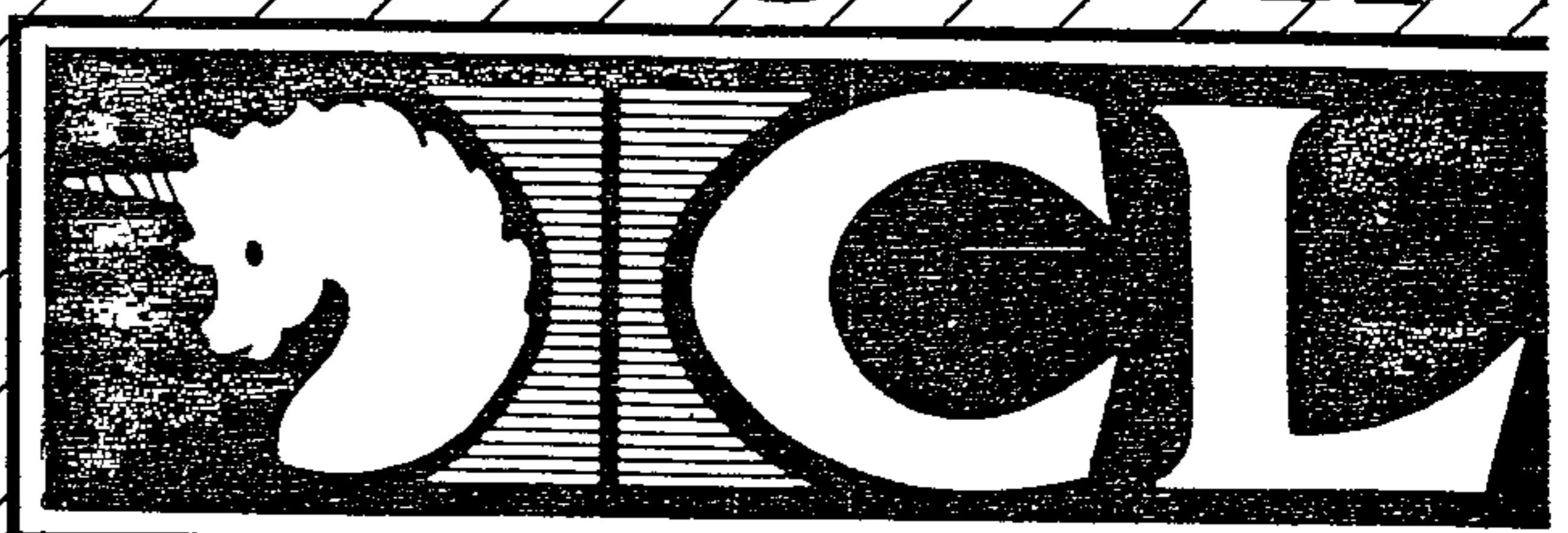
her driveway, they said

Durbanville police and members of the Cape Town murder and robbery team were at the scene soon after Mr Donnelly had raised the alarm. A man, who is expected to appear in court tomorrow, gave himself up at the scene

A murder docket had been opened, said Captain Jan Calitz, police liaison officer



YOU PAY



appointment of the Prime Minister Mr P W Botha as chancellor of the university

A week later she was reinstated on the condition that she retract all she said in the article

In the editorial, Miss Oosthuizen said that the appointment of the leader of a political party to the highest office of the university gave the institution a party-political image

She suggested in the editorial that "a more academic person" would have been more suitable to promote the image of academic freedom at Stellenbosch than someone with such strong political ties

Miss Oosthuizen has repeatedly said no insult to the Prime Minister was intended

I was driving to a... arms' Mr Andre Rossouw (19) said he was working nearby when he heard several shots and a scream He went into the yard and saw a woman lying on the ground Nearby was the body of a man He had a gun in his hand

Mr Rossouw said he went into the house, where he found Mrs Kleinhans She screamed that the child was dead

"Then I heard a scream at the front of the house and found a little boy on the ground He was bleeding and had his hand on his stomach"

The magistrate, Mr J A Loubser, found that Mrs Serfontein and Natasha had been murdered by Mr Serfontein At a separate inquest the court found that Mr Serfontein had committed suicide

Wage talks in metal industry reach stalemate

By Carolyn Dempster, Labour Reporter

The first round of wage negotiations covering about 400 000 workers in the metal industry reached stalemate yesterday with unions rejecting employers proposals out of hand

The official negotiations had been adjourned until May 1, the Industrial Council for the Iron, Steel, Engineering and Metallurgical Industry announced today

Although neither employers nor unions would comment on the proposals tabled by the Steel Engineering Industries Federation of South Africa (Seifsa), it is believed the employers' body offered a minimum increase of eight percent

This is well below the inflation rate and well below union demands

According to union sources, it is also the first time that the unions represented at the talks have joined forces to press for increases on the minimum rates for the lowest-paid workers

In a joint statement released by the Steel, Engineering and Allied Workers' Union and the Metal and Allied Workers' Union (Mawu) today, both unions expressed "total dissatisfaction" with the "inadequate response"

"In 1983 the wage increases granted left workers well behind inflation This new offer would cause workers' standards of living to drop even further

Unions are demanding increases of up to 60 percent Should employers fail to respond to some of the more urgent pay demands at the second round of talks, there is an increasing likelihood of a dispute"

Valente: no bus terminus

By Jackie Unwin

A residents' association newsletter claiming a massive bus terminus is to be built in Parkmore has been denied by the chairman of the Sandton management committee, Mr Ricky Valente

The Ward 5 (Parkmore) Residents' Association claimed a bus terminus was planned for the corner of 11th Street and Marie Avenue, where there is a bus stop

But Mr Valente said the statements in the circular were "without any factual basis"

"Parkmore needs a bus stop to handle the needs of Parkmore — no more and no less"

He said the bus situation in Sandton was being investigated and the number

of buses in Parkmore could be reduced by more efficient time-tables

The need for toilet facilities at the Parkmore bus stop might arise, but the matter would be canvassed with Parkmore residents

Parkmore councillor Mr Schalk Visser said he met with the residents' association committee in March and advised the committee of the situation regarding the bus stop

Mr J de Villiers, chairman of the Ward 5 Residents' Association, claimed Mr Visser had said the bus terminus would be built as soon as finances were available

A spokesman for the bus company said "As far as we know there are no plans to site a bus depot in Parkmore; but Sandton is doing a survey

Woman shot dead in her lounge

Own Correspondent

CAPE TOWN — A 22-year-old woman was shot dead during an argument in her lounge yesterday Shortly afterwards a man gave himself up to the police

Mrs Tina Arnold was found lying in her Kenridge home with two bullet wounds in the head at about 2 30 pm Police took possession of a pistol

A car parked in the driveway

had been hastily packed with woman's clothing and a hand-drawn map of the area was lying on the floor

Shocked elderly neighbours Mr and Mrs George Donnelly described the drama that took place in the quiet area

"I saw a man drive up and enter the house," said a still visibly shaken Mr Donnelly, "minutes later we heard shooting and the man ran across to our place and asked us to get help because he

had shot someone"

The Donnellys said that Mrs Arnold had been "very pretty" but that they had not been close friends

"All we saw of her was when she drove in and out of the driveway," they said

Durbanville police and members of the Cape Town Murder and Robbery Squad were soon at the scene and the man gave himself up He is expected to appear in court tomorrow

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RACING.....Page 16
SPORT.....Page 17

Crucial ruling on dismissals due on Monday

12/4/84
5 few
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By Carolyn Dempster,
Labour Reporter

The Industrial Court is to hand down a decision on Monday regarding the 327 African Cable workers who were dismissed in January

This was the biggest single application by workers for reinstatement yet heard by the court and this week's hearing in Johannesburg took two days

The case is likely to point the way for the future course of applications to the court arising from mass dismissals

Evidence at the hearing outlined a mass dismissal which, say labour observers, should never have happened

On January 10 this year 590 semiskilled and skilled workers out of a workforce of 1200 were dismissed from the Meyerton plant of African Cables

The action followed a change in the work schedule from a four-day week (short-time) to a full week. The workers claimed management had not consulted them about the change, as they had promised, and as a result almost the entire shift failed to clock in on Friday January 6

Under the short-time system they would not normally have reported for work on the Friday but, according to management, they should have been at work after the change

On the following Monday the workers returned but stopped work mid-morning and asked for the managing director, Mr P Muller, to explain to them why neither the works council nor the workers had been consulted about the change

Mr Muller refused to

address the workers en masse but said he would speak to small groups or to the works council. This was not acceptable to the workforce

Next day it was announced by management that before Mr Muller would speak to any representatives workers would have to sign a letter, and the outcome of the Industrial Court hearing depends largely on the nature of that letter whose contents are not altogether clear

According to management their purpose was to get workers to agree to return to work under conditions already stipulated by the company

But many workers, suspicious of the motive behind the letter, refused to sign. Those who did sign were immediately taken back. The 590 who refused were dismissed on the Wednesday

Dispute stops work at factory

ARGUS
12/4/84
151

Labour Reporter

PRODUCTION at a wool-packaging plant stopped today when most of the workers left after a dispute on short time.

Workers at the Boere-makelaars Koop BPK (BKB) in Epping said they had been working short time for about five months

"We don't work on Wednesday afternoons. But the management has sometimes brought casuals in. Yesterday afternoon they asked about 50 workers to stay on," said a spokesman for a workers' committee

"Dismissed"

"The workers said they were not prepared to do so until management took all the workers back on full time. The 50 workers were dismissed this morning

"All the workers sat down and asked to speak to the general manager. He refused to speak to us and we were given half an hour to start work or leave"

The workers, who belong to the Fosatu-affiliated National Union of Textile Workers (NUTW), have denied they are on strike

Not locked out

The regional general manager, Mr H J Scholtz, said the management had not locked them out.

"The workers went on a sit-down strike," he said

The dispute over short time has been brewing for several months. Workers say they are angry that the management employs casual workers on Wednesday afternoons and on other days

"We have been getting only R37,25 a week since we started short time. It seems to us there is enough work to put us all back on full time," the spokesman said

Mr Scholtz said there was not enough work to employ workers full-time

"But we have told them that we can rotate full-time work, so they all get a chance," he said

The workers have denied they have been consulted

Milkmen strike after 2 are fired

CAPE TIMES 12/14/84 (151) 152 151

By CHRIS BATEMAN
MILK deliveries in the City and northern areas were disrupted yesterday as 600 deliverymen at Dairybelle dairies went on a day-long strike demanding the reinstatement of two co-workers and the recognition of a labour union.

The strike followed several meetings between workers and officials of the Retail and Allied Workers Union (Rawu) and last week's non-renewal of year-long contracts with two migrant workers.

Several hundred workers milled around outside the Epping dairy while company security officials tried to prevent journalists from speaking to them — in one case calling police who eventually charged a Grassroots newsletter photographer, Mr Ryland Fisher, with trespassing.

The workers then returned to the dairy to be

addressed by the depot's general manager, Mr Maarten Henneng.

In an interview afterwards Mr Henneng said the two workers had "in spite of many requests, not done their job effectively" and he refused to renew their contracts.

The workers had demanded that he sign a contract with the union, which he would not do while "they hold a shotgun to my head".

He would meet union officials today, he said.

Mr Henneng was confident that workers would return today.

A major retailer and a former secretary of the Cape Town and Sea Point Traders Association, Mr Abduragham Khan, last night said he would boycott Dairybelle products if the two workers were not reinstated.

A United Democratic Front spokesman called for the "immediate recognition of the perfectly reasonable demands

- sounds
- 6 15 Ezabasha/Olutsha (Youth Magazine Programme)
- 6 32 The Word For Soweto
- 7 00 Izindaba (News)
- 7 13 Ibuzwa Kwabaphambile (Social Literacy) Learning to drive isn't as easy as it might seem. We see how to get a driving licence
- 7 35 Ezisematheni/Undaba-Mlonjeni (Actuality)
- 7 42 Durban Regional Round-up
- 8 03 Kuselebanj Ekhishini (Women's Magazine)
- 8 13 You And The Law Tonight we look at the legal implications of turning 21
- 8 20 Free Enterprise Mr Makheta explains how he started off his business and how he managed to rise above the average, small shopowner to become the owner of a supermarket
- 8 32 Ezemidlalo (Sport)
- 9 00 Izindaba (News)
- 9 28 Imozulu (Weather)
- 9 31 Ezenkolo/lphunga Elimnandi (Epilogue)

★Times Choice★

★ TONIGHT'S CHOICE — TV1 at 9 45pm Portfolio

TV 2 review

WITHOUT the beautiful choreography of University of Cape Town graduate in classical dance Andre O'Neil, I doubt that the new series Suga Shek would have been so exciting.

Last night was the second episode of this dazzling production and although it was only meant for the young adult viewers have also found it excellent.

The programme had a little bit of everything but for me the modern dance sequence was lovely.

Izigemegeme ZikaJantyi (Iron Horse) has certainly given Wednesday viewing a new lease of life. When one considers the mind-exhausting item programmes we get every night, cowboys — even though we have to bear with the inadequate Zulu dubbing — are welcome.

This channel scored another winner for sport fans with the live coverage of the Manchester United/Juventus soccer game from Old Trafford.

JOE GUWA

Police disperse crowd of 1 000

CAPE TIMES 12/16/84 321

Own Correspondent
PORT ELIZABETH — Trouble flared at the Cradock township of Illegible yesterday where a 1 000-strong singing and chanting crowd was dispersed with tearsmoke.

There were reports last night that a shopkeeper's house was stoned and two youths — aged 14 and 15 — were picked up by the police during the disturbance.

According to Lieutenant-Colonel Gerrie van

Rooyen, police liaison officer for the Eastern Cape, nearly 1 000 people stormed and stoned police after they were warned to disperse, following a march through the township.

He said the trouble started when about 25 people returning from the trial of Mrs Sheila Calata, wife of one of the men detained in recent Cradock unrest, Mr Ford Calata, gathered in a group outside the township.

Too late for classification

DEATHS

CLOETE — Fanie past District Governor (1967-68) Lions International District 410A, passed away peacefully April 9, 1984. Deeply mourned and always remembered for his outstanding service to the underprivileged by all his fellow Lions. Sincere condolences to Salome and all his family.

DE GRUCHY — Constance Havergal passed away peacefully on Wednesday, April 11 1984. Deeply mourned by Leslie, Rosemary Susan Allen and Richard. Funeral service to be held at Holy Redeemer Church, Sea Point on Friday April 13 at 10 30am. Cremation private. Donations may be sent to Holy Redeemer Church Fund.

WERTH — Ench passed away suddenly on April 11 1984. Deeply mourned and sadly missed by his sister Frieda Kosie and family.

He said the crowd tried unsuccessfully to get pupils to leave schools, following the conviction of Mrs Calata, who was sentenced for wearing an illegal T-shirt.

Mrs Calata, who appeared in the Cradock Magistrate's Court yesterday morning for wearing a "Free Mandela" T-shirt, was found guilty and fined R250 (or three months) with a further three months conditionally suspended for three years.

A 'different' art exhibition

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Several of the workers who marched from the BKB Depot in Epping, outside their hostel in Guguletu yesterday.

CAPE TIMES 13/4/84

Wool packers walk off the job

By CHRIS BATEMAN
MORE than 140 Epping wool packers stripped off their working overalls and marched about 8km to their Guguletu hostel yesterday after 60 of them had been fired for refusing to work shorter shifts.

The general manager of BKB wool brokers in Epping, Mr Gideon Scholtz, said afterwards that he considered all the workers fired unless they returned to work today.

The month-old dispute over rotational shifts on a Wednesday afternoon came to a head when Mr Scholtz fired 60 of the workers who refused to work the Wednesday afternoon shift this week. It was the fourth week the 140 workers had not worked the shift, which has been covered by casual outside labourers.

'Pleaded'

A spokesman for the National Union of Textile Workers, who claim to represent most of the workers, said the workers had unsuccessfully pleaded with Mr Scholtz to reconsider full-time shifts before walking out.

"We consider this a

lock-out, not a strike," she said.

Mr Scholtz said the trouble began in December when his depot experienced a marked drop in wool bales.

He had told the workers that "either we reduce numbers or we work short-time" and they had agreed to the latter, all working half-days on Wednesdays.

At the end of February, wool receipts had increased and he had introduced a rotational system of shifts on Wednesday afternoons.

They objected

The labourers objected to this and began refusing to work the shifts. He was "forced to bring in the casual labour".

He said 75 workers were "proven" members of a separate local union and accused NUTW of "trying to get in on the act now".

A NUTW spokesman said the workers were paid an average R1 an hour and "the extra few hours on a Wednesday afternoon makes all the difference to them".

The NUTW had submitted a list of their members to Mr Scholtz late yesterday and were awaiting the outcome.

CARLETON TIMES 13/4/84
**Dairy
strike
truce**

Staff Reporter

AN UNEASY truce prevailed yesterday between the newly-formed Retail and Allied Workers' Union (Rawu) and the management of Dairybelle dairies in Epping, where 600 milkmen went on strike on Wednesday.

The milkmen returned to work yesterday after receiving assurances by the general manager, Mr Maarten Henneng, that he would "deliberate" with the union in an attempt to establish if they were representative of the workers.

The workers initially demanded that management accept the union as their representatives and that two migrant workers whose year-long contracts management refused to renew, were reinstated.

Mr Henneng blamed Rawu for the strike, accusing them of "agitating" the workers, and declined to meet with union officials yesterday.

A spokesman for the newly-formed union, Mr Alan Roberts, said his officials were "merely acting on workers' instructions".

Cape Times 13/4/84
**Photographer
charged**

Crime Reporter

PHOTOGRAPHER

With a community newspaper, Grassroots, was charged with trespassing after he had gone to photograph a strike at the Dairybelle dairy in Epping on Wednesday.

Mr Rylands Fisher, 23, claims he was held in the foyer of the firm for about two hours before being taken to the Pine-lands police station, where he was charged with trespassing.

Captain Jan Calitz, a police liaison officer, said police had arrested Mr Fisher after Dairybelle personnel had summoned the police.

Mr Fisher was released and was given the option of paying a R50 admission of guilt fine or appearing in court on the charge on April 25.

Union (SFAWU) has already declared a dispute with employers C G Smith Negotiations at Industrial Council (IC) level with a number of other unions go into their third and final round of talks on Friday

"If we don't reach agreement," says Barrie Horlock, vice-chairman of the employers' association, "we could have another dispute on our hands"

Horlock says that in terms of an agreement struck last year, C G Smith is negotiating directly with SFAWU over wages at three mills where the union has majority representation This union is not a party to the IC wage talks

At the same time, the company and other employers in the industry are negotiating at IC level, principally with the National Union of Sugar Manufacturing and Refining Employees (NUSMRE) and a host of smaller unions in the engineering, electrical and boilermaking sectors These talks are believed to be close to deadlock

In the case of SFAWU the union is said to be holding out for a minimum wage of around R376 a month — including a feeding allowance According to Horlock this represents an increase of 50% at the labourer level — although less at skilled levels The company's top offer is a 10,5% overall increase "As you can see we are poles apart," says Horlock, who is also C G Smith's personnel director

Official wage negotiations through the IC have run into similar obstacles Employers are offering wage increases of the same order but unions, in particular the NUSMRE, are demanding substantially higher increases

Exemptions

Having wage talks at two levels has further complications Some of the mills where the SFAWU is representative are also covered by the IC agreement This means that exemptions are needed for wage deals struck outside the IC

Though talks have been "tough on both sides," Horlock is optimistic that the differences can be overcome He notes that similar difficulties were overcome last year

A promising indicator is that members of the Fosatu Chemical Workers Industrial Union at the Smithchem factory, which adjoins the Sezela sugar mill, this week settled for an average increase of 10,5% "That might inject some realism into discussions," hopes Horlock

Employers maintain that because of the poor financial position of the sugar industry, they cannot afford to go beyond their current offer.

Says Horlock. "We cannot compete with the automotive industry which is paying such high rates What employees must understand is that, at least in the short term, the sugar industry is not going to be the most lucrative place to work"

The industry has been badly affected by both droughts and floods and has a weak international market

SUGAR INDUSTRY

Tough wage talks

Wage talks in the sugar industry are making heavy weather One union, the Fosatu-affiliated Sweet, Food and Allied Workers

~~12/13/84~~
FM 13/4/84

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Another evening of long bus queues

~~AGUS 17/4/84~~ ~~17/4/84~~ ~~17/4/84~~

Staff Reporter

CAPE Town's 250 000 bus commuters faced another evening of long queues today as City Tramways and the bus drivers' union appeared deadlocked on an overtime dispute that has disrupted services since yesterday morning

Representatives of the two sides discussed the drivers' refusal to work overtime at an Industrial Council meeting today, but there was no sign that the work-to-rule would ease

After a lengthy meeting of the council and officials of City Tramways and the Tramway and Omnibus Workers' Union today, union secretary Mr D C Benade said "Little progress has been made"

CONFIDENTIAL

He would not disclose details of discussions as the matters raised were confidential

He said "The problem has not been solved"

The Industrial Council meeting had been called to discuss

the drivers' grievances generally. While yesterday's decision by drivers to refuse to work overtime was not on the agenda, it was raised at the meeting

A spokesman for City Tramways was not available for comment

Union officials estimated that today's work-to-rule had affected Tramways services by about 50 percent

JOSTLED

Earlier today thousands of daily commuters jostled and jumped queues but reached their destinations late for the second day running

Disruptions this morning did not appear as bad as yesterday's, when many people had to queue up to 90 minutes longer than usual. Many others opted to walk home when faced with queues at the terminus

An executive member of the busmen's union has said drivers would refuse to work overtime "until our demands are met"

Bus dispute goes on in spite of plea

Staff Reporter

THE Cape Town Chamber of Commerce has appealed to City Tramways and the Tramway and Omnibus Workers' Union to settle their dispute on overtime and restore full services.

However, at an emergency meeting today, the busmen decided to continue the overtime ban

The dispute over a long-standing demand for more wages and other grievances has disrupted bus services in the Peninsula since Monday. Thousands of workers have been up to an hour late for work, many of them more than once.

"It is incumbent on the two parties to settle their dispute as quickly as possible," the director of the chamber, Mr Brian MacLeod, said today.

"I know it is sometimes very difficult to do so, but the parties must endeavour to settle the dispute."

Emergency

The union's executive committee decided at an emergency meeting today to continue the ban on drivers working overtime. This was in accordance with a unanimous decision taken at a general meeting of the union at the weekend.

"Our chaps are in an ugly frame of mind because of the ridiculous offer made by the company," said Mr D C Benade, secretary of the Tramway and Omnibus Workers' Union.

Contingency measures by City Tramways to beat the ban on overtime could not cope with queues in some Peninsula areas today and thousands of commuters were again late for work.

Delays

Services were running close to normal on many routes, but passengers in some Cape Flats areas particularly Hanover Park and Nyanga, were delayed by as much as an hour. Queues were up to three times as long as usual.

In some areas the scheduled service was replaced by a controlled system of diverting buses to routes where the demand was greatest.

A bus company official at Hanover Park said today that the disruption was "definitely worse than Monday." "Today we don't even have spare buses."

Busmen:

Minister may act

CAPE TIMES 18/1/51
151
Staff Reporter

TALKS between the Tramway and Omnibus Workers' Union (Cape) and the employers' association of which City Tramways is a member, bogged down yesterday when neither side would budge from their demands, according to a union spokesman

Meanwhile, the overtime ban and partial work-to-rule still stands, said union secretary Mr D C Benade yesterday. Drivers had decided on Sunday to implement this with immediate effect, he said

Industrial Council secretary Mr Dennis Biccard announced after yesterday's talks with the Tramway and Omnibus Workers' Union "The matter has been referred to the Minister of Manpower for arbitration in terms of the Labour Relations Act, because no settlement has been reached in the dispute"

Industrial Council negotiations relating to wages and working conditions of busmen had been held between the parties involved, he said

In terms of the Act, the decision of the minister is binding and final. This means that the union will not be able to strike legally if they are not satisfied with his decision

Earlier yesterday, Mr Benade said he would attend an emergency meeting of his union committee this morning, and a fresh move in the dispute could be expected to emerge from this

Dispute to hit Easter bus trips

ARGUS 19/4/84

151

Staff Reporter

SOME special hire and Easter weekend bus trips will be affected by the dispute between City Tramways and the Tramway and Omnibus Workers' Union over overtime

Disruptions to daily services, caused by drivers refusing to work overtime, continued into the fourth day today

Mr Bob Krause, liaison officer for the company, could not say how many special trips, booked well in advance by many organisations and individuals, would be affected

The general manager of Tramways, Mr Nic Cronje, said in a statement today "The present situation has an effect not only on normal scheduled services, but it can also affect special hire trips where overtime is involved

"The company is doing everything in its power to ensure an absolute minimum of disruption and inconvenience to its customers. The situation is being continuously monitored and clients are being kept informed to the best of our ability"

The dispute, which began on Monday, has significantly affected the company's normal service. During the past four days, thousands of city commuters have faced delays of up to 90 minutes

Shorter

However, queues were noticeably shorter today. Mr Krause said the company had re-scheduled buses and changed shifts to routes of greatest demand

The company has refused to comment on the statement yesterday by the secretary of the drivers' union, Mr DC Benade, that the situation was "potentially explosive" and that drivers were in "an ugly frame of mind". City Tramways responded only by saying that the matter had been referred to the Industrial Council

The dispute has been referred to the Minister of Manpower for arbitration in terms of the Labour Relations Act.

Deadlock

in sugar
industry

(51)
wage
talks

19/4/84
By Carolyn Dempster,
Labour Reporter

Official wage negotiations covering some 11 000 workers in the sugar industry reached deadlock in Durban this week after unions rejected the final offer made by employers

The deadlock came after weeks of negotiations and after a private meeting between two major sugar employers and unions had failed

The new Industrial Council agreement was due to be implemented on April 1

In a statement released yesterday, Mr Barry Horlock, vice-chairman of the employers' association, said in view of the fast-approaching April pay day, employers had decided to implement their final offer despite the deadlock

"Within the next 48 hours employees throughout the mills will be advised of this decision," he said

OFFER

The offer amounts to an increase in minimum wages of 10 percent, and not less than eight percent on current rates, the introduction of a washing allowance, the introduction of weekly, fortnightly or monthly pay to be negotiated at each mill only for members of the National Union of Sugar Manufacturing, Refining and Allied Employees, and recognition of June 1 as a public holiday this year

Mr Horlock said he hoped the move would maintain industrial peace, but it was not without risks as the industry could not operate indefinitely without an agreement

The unions have called for another meeting under the auspices of the Industrial Council on April 27

Union rivalry in Springs settled after secret ballot

By Carolyn Dempster, Labour Reporter

Months of intense inter-union rivalry at the Irvin and Johnson plant in Springs ended yesterday when a secret ballot revealed majority support for the Sweet, Food and Allied Workers' Union.

The union, affiliated to the Federation of South African Trade Unions, has been battling the Cusa-affiliated Food and Beverage Workers' Union for more than six months in a bid for support from the 652 factory workers.

As a result of the rivalry, the management of Irvin and Johnson and officials of both unions decided to hold a ballot to assess union support.

All parties agreed that a negotiated agreement would be signed once the union with majority support submitted signed stop orders indicating majority paid-up membership.

A joint statement was released yesterday by Irvin and Johnson's group industrial relations manager, Mr Trevor Brodrick, and the national president of SFAWU, Mrs Chris Dlamini, announcing the ballot indicated 33,74 percent support for FBWU and 51,53 percent support for SFAWU.

SFAWU then submitted stop orders indicating a majority membership.

"Both procedural and substantive agreements will now be negotiated between Irvin and Johnson and SFAWU. In the interim SFAWU shop stewards have been formally recognised by management," read the statement.

Wages
row at
KwaZulu
firm

Labour Correspondent

IN THE first move of its kind, the Sweet, Food and Allied Workers' Union (SFAWU) — affiliated to the Federation of SA Trade Unions — has declared a formal wage dispute with Imbali Brewery, a company owned by the KwaZulu Development Corporation (KDC)

This is the first time a union has used machinery in labour law to declare a dispute with a company owned by a "homeland" development corporation

Worker rights embodied in labour law do not apply in the "homelands"

Declaring a dispute gives workers the right to strike legally or use the industrial court if the dispute is not settled

The union said in a statement yesterday it had been able to declare a dispute with the company because, although it was owned by the KDC, Imbali, the town where it is sited, is not part of KwaZulu.

It said workers were demanding a minimum wage of R300 a month and had rejected a company offer which would set the starting wage at R180

Meanwhile, the union's general secretary, Mr Jay Naidoo, also announced yesterday that the SFAWU had declared a wage dispute with Tongaat Milling at its Estcourt plant.

He said the SFAWU was demanding a "living wage" of R376 a month. Workers had rejected a company offer to raise the present minimum of R195 by 12,8%

New bid to resolve bus dispute

ARC 43 24/4/84 (51) (15)

Staff Reporter

CITY Tramways and the Tramway and Omnibus Workers' Union agreed today to try again to resolve their dispute, which is disrupting bus services

They will hold a second meeting with the Industrial Council on Thursday

Mr D Benade, secretary of the union, said the decision to meet the council was taken during a three-hour meeting with City Tramways today at which drivers' grievances were discussed

The Industrial Council last week tried unsuccessfully to resolve the dispute and the matter was referred to the Minister of Manpower for arbitration in terms of the Labour Relations Act

Neither parties would give details of today's meeting

However, Mr Benade said "I am a supreme optimist"

Commuters returning to work after the Easter weekend today faced long bus queues again as the overtime dispute between City Tramways and its drivers entered its second week

UDF in support of bus drivers

Staff Reporter

THE United Democratic Front has come out in support of City Tramways bus drivers, whose refusal since last Monday to work overtime continues to disrupt bus timetables throughout the Peninsula

Mr Jonathan de Vries, UDF publicity secretary for the Western Cape region, said a UDF pamphlet distributed at the Easter weekend, mainly to bus drivers, read

"While the bosses may be dissatisfied with the bus drivers, they can rest assured that the people of Cape Town have long been dissatisfied with City Tramways"

Although the action of the bus drivers was causing many people extra hardship, "our people also recognize

the justice of their demands", the pamphlet read

It added that every worker in South Africa should have the rights for which the bus drivers were struggling — the right to a living wage and to decent working conditions

"Increases must come from the profits of Tramways, not through increased bus fares. We believe there is more than enough money in the pockets of the bosses and shareholders to pay for these increases," it said

Mr D C Benade, secretary of the Tramways and Omnibus Workers' Union, said he had also received a letter of support from the Trade Union Council of South Africa (Tucsa) to which his union is affiliated

The chairman of the drivers' union, Mr Moe-gamat Soeker, said services in the black areas had been hardest hit by the partial work-to-rule

"At Nyanga this morning there was chaos," he said yesterday, "and the pirate taxis must be making a fortune"

The Maitland and Klipfontein depots were worst hit, and commuters served from these depots waited 45 minutes or more on average yesterday morning, he said

Yesterday, City commuters reported waits of an hour last week for buses which usually ran every 15 minutes

"Why can't City Tramways give these guys what they are demanding?" asked one commuter "It is disgusting that one company can hold the entire city to ransom"

Mr Bob Krause, City Tramways PRO, reported "no change in the situation" He declined to confirm whether City Tramways was hiring more drivers so that the previous level of service could be reached without requiring them to do overtime

He added that City Tramways was not prepared to negotiate in the public media

It was impossible to quantify the disruption of the service in any way, Mr Krause said, as it would be too complex and expensive an operation

"Under normal circumstances, we run 10 000 trips a day over 350 routes," he said

Argus 25/4/84

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Buses late: Big traffic jams in city

Staff Reporter

TRAFFIC jams clogged entrances to the city in the rush hour today as thousands of commuters who normally travel by bus took their cars to work to avoid delays caused by the bus drivers' dispute.

The increased traffic put further pressure on the city's limited parking facilities and there were long queues outside parking garages.

Yesterday afternoon traffic was reduced to a slower-than-normal crawl to the southern suburbs and Cape Flats, many motorists who chose to travel by car got home later than they would have had they waited for buses.

The dispute between City Tramway and driv-

er members of the Tramway and Omnibus Workers' Union — the drivers are refusing to work voluntary overtime — has disrupted Peninsula bus services for eight days.

But the parties have agreed to call in an industrial council tomorrow.

The traffic manager, Mr Harry Attwood, said today "We have noticed a definite increase in the number of vehicles on the road during the past few days I imagine that it is due to more people using their own transport as a result of the bus dispute."

"Not serious"

But he described the situation as "not serious", with the traffic peak lasting "only about 15 minutes longer".

The Argus received many calls from motorists complaining about extra-long queues outside parking garages and a longer than usual bumper-to-bumper journey into the city centre.

Many believed that congestion was the result of commuters — unable to take the fatigue and frustration of long bus queues — making their own transport arrangements and forming lift clubs to get to work on time.

Regret

A Tramways and Omnibus Workers' Union spokesman has expressed regret that commuters have been inconvenienced.

After its unsuccessful attempt to resolve the dispute last week, the industrial council referred the matter to the Minister of Manpower for arbitration in terms of the Labour Relations Act.

Neither parties would comment on tomorrow's meeting.

his home to try to solve the Gerickes' marital problems

'Threatened to kill her'

"Denise told her side of the story, saying that her husband continually hit her children and threatened to kill her and her children. When asked to give his side of the story, Deon got up and said to Denise they should leave.

Denise refused, saying she was scared of him. Deon then said he would never divorce Denise and would rather wipe out the lot of us."

The case continues today. Justice Vivier sat with two assessors, Mr H J Luttig, Mr F J M Botha, Mr G D van Schalkwyk SC, assisted by Mr H Botha and instructed by Mr J F van Niekerk, of Erbauers, appeared for Mr Gericke. Mr T J Prins appeared for the State.



"Diplomatic immunity is one thing. Diplomatic impunity is another!"

one South African, one Minister, Mr P W Botha

Bus commuters wait in rain

DRIVING rain, which set in just before the end of the working day yesterday, added to the discomfort of hundreds of City bus commuters.

Bus commuters have had to endure long delays since the service was disrupted by a partial work-to-rule by disgruntled bus drivers who are refusing to work overtime.

During the afternoon rush-hour yesterday, commuters waited in long, tightly-packed queues in the available bus shelters.

A meteorological office spokesman at D F Malan Airport said that only the first part of a cold front had reached the City and yesterday's temperature was "still relatively mild".

Car smash on wet N1

Staff Reporter

EARLY a dozen motorists escaped serious injury in an 11-car pile-up on the Cape-bound lane of the near the Muizenberg off early last night.

The pile-up, in pouring rain, happened soon after a car skidded into the truck.

The pile-up, beginning soon after 6:30pm, lasted over several minutes, blocking one lane.

Di's brother bares all

LONDON — Viscount Althorp, younger brother of Princess Diana, admits he has erotic dreams about women and is not averse to a "little bodice-ripping" himself.

"I often fantasize about a girl I'm interested in," the 19-year-old viscount confessed on a television show, Men Only, to be screened in July.

"And then, when we're actually together, I fantasize about being away from her

and in a Roman orgy or something. That's the trouble."

He told presenter Paula Yates when the show was videotaped that he was often the victim of pushy mothers who wanted to marry him off to their daughters — but he had become very wary.

It was usually the girls who did the seducing.

"You're grabbed by some raging nymphomaniac who is some

three to four years older than you," he said.

But he admitted "Sometimes you know that if you're going to get anything you are going to have to pounce. And if it's a bodice that gets in the way."

A spokesman for Yorkshire TV said later that Viscount Althorp, making his chat-show debut, was "very honest in his answers for a young man of 19". — Sapa-AP



CLASSIFIED ADVERTISEMENTS BEGIN ON PAGE 20

BUSINESS BRIEF

Gold (close) \$382.75
 FT index (close) 887.60
 RDM 100 1070.50
 Dow Jones 1163.53

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The Facts correction service,
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was knocked down for R476 000 to an undisclosed overseas buyer at an auction yesterday. The auction was attended by about 75 people and the auctioneer, Mr Michael James, opened the bidding at R300 000. The final offer was made by the bidder, architect Vaughan Burrows, which include plaster and metal seaweed balconies, generated by his wife and brother, architect Vaughan Burrows. Curved walls are a predominant feature of the interior with a case winding up to an info lounge, bedroom and family room.

"The driver stopped the bus to investigate the bus through the door and two through different windows. The driver and some passengers left the bus and the bus ran back about 120 metres and hit eight people were the bus caught alight. Bombs at the bus and three several petrol soon after, three youths thrown through the door. The driver stopped the bus to investigate the bus through the door and two through different windows. The driver and some passengers left the bus and the bus ran back about 120 metres and hit eight people were the bus caught alight.

Unfair labour practices: Tighter definition mooted

Political Staff

HOUSE OF ASSEMBLY — The National Manpower Commission has recommended a tighter definition of unfair labour practices including the outlawing of consumer boycotts by workers during disputes.

At present an unfair labour practice, a concept introduced after the report of the Wiehahn Commission of Inquiry in 1979, is undefined and this has caused some problems as it has been left to the Industrial Court to define it.

The National Manpower Commission, whose report into levels of collective bargaining and



National Manpower Commission report

works councils, the registration of trade unions and the industrial court was tabled in Parliament yesterday, said the definition of an unfair labour practice should create new rights.

However, some flexibility should be incorporated and the final authoritative interpretation of the concept should rest with the Industrial Court.

It said unfair labour practices should be designed to protect individuals as well as organizations and that there should be direct access to the court in cases of disputes involving unfair labour practices. It also said that al-

though a list of unfair practices should be given in the definition "this list must be capable of amendment as circumstances change".

It said the following practices should be included in the definition.

- "Employer interference in union affairs and union interference with employer affairs, such as an employer supporting, aiding or interfering in the establishment, management or administration of a union, or a union refusing to negotiate with management until a particular member of management is dismissed"
- "The victimization of the members, officials and office-bearers of trade unions, works councils or other similar organizations of workers."
- "The use of unconstitutional, unfair and misleading recruiting methods and arguments by a union or employers' organization."
- "The unjustifiable dismissal or termination of employment of workers and the replacement of employees with workers of another race group where the "ostensible purpose" is to provide less favourable terms and conditions of employment."
- "The unjustifiable refusal by a union or em-

ployers' organization to grant membership to a person who satisfies the criteria for membership of the organization concerned"

● "Secondary product boycotts by a trade union or employees resulting from a labour dispute."

● "The abuse of organizational or negotiating power by a trade union or a group of employees to the detriment of other groups or individuals, for example a union using its bargaining power to compel an employer to deal only with it and not to negotiate with a minority."

● "The black-listing of employees and employ-

Minister contacted over bus dispute

Staff Reporter

A DEPARTMENT of Manpower official confirmed yesterday that a letter to the minister had been received in connection with the City Tramways bus drivers' refusal to work overtime, which started on Monday, April 16

The letter was from the secretary of the Industrial Council for the Road Passenger Transport Industry, Mr D G Pickard, who referred the matter to the Department of Manpower.

The minister has the power to refer the matter to an industrial court or leave it to the arbitration of a separate tribunal

However, yesterday the chairman of the Tramway and Omnibus Workers' Union, Mr Moegamat Soeker, said

"We are still busy on an Industrial Council level" Talks would continue today, he said

Not a 'dispute'

Another letter would be sent to the minister to counter the one already sent, which asked the Department of Manpower to intervene in the matter, he said

None of the parties involved had declared the issue a "dispute" yet, and his men would continue to "work to rule," he said

"The whole thing is being dealt with at an Industrial Council level, which has referred it to the Minister of Manpower," said a City Tramways spokesman, Mr Bob Krause

Commuters reported waits of more than 30 minutes yesterday

"We are doing our best," Mr Krause said

MINE TALKS CONTINUE

Fm 27/4/84 (51) ~~151~~

Negotiations between the Council of Mining Unions (CMU) and the Chamber of Mines for the 1984 agreement on wages and working conditions for some 25 000 mineworkers continued this week.

The CMU is demanding a 15% increase in basic wages and a total package increase of 22%.

Yesterday's meeting was the third between the two sides since negotiations started on April 16, and they took place in an atmosphere permeated by union dissatisfaction with the chamber's response to their demands.

Although neither side is officially releasing details, the *FM* understands that when the parties met last week, the chamber offered an 8,5% package increase.

Mine pay impasse could result in industrial action

157
Star 27/4/84

By Carolyn Dempster, Labour Reporter

The Council of Mining Unions is to apply for a conciliation board today after a deadlock in wage negotiations with the Chamber of Mines at yesterday's third round of pay talks

If the conciliation board fails to resolve the dispute, the CMU — which covers white workers in the mining industry — could move to industrial action.

Mr Arrie Paulus, chairman of the CMU, confirmed the parties were deadlocked on the issue of a 25-year ceiling placed by the chamber on the 0,5 percent increment for every year of service.

The council's original demand for a 15 percent increase plus fringe and service benefits was originally met by a chamber offer of 8,5 percent with no benefits.

At yesterday's meeting, the chamber agreed to increase its offer to 10 percent and the council dropped its demand to 10 percent and relaxed its benefit claims. But the issue of service benefits proved the rock on which the talks foundered.

The chamber is due to meet with the National Union of Mineworkers next week in the start of pay talks covering some 50 000 black mineworkers in the industry.

Bus dispute talks fail again

ARCUS 27/11/84 Staff Reporter

CITY Tramways and the Tramway and Omnibus Workers' Union, which represents the company's drivers, have again failed to resolve their overtime dispute

Yesterday the parties met the industry's industrial council for a second time without reaching accord. Mr D C Benade, secretary of the union, said. "We've really got problems now."

He would meet his executive soon, to reassess the situation, and "we will probably have to call an urgent general meeting and do what has to be done".

It is understood that City Tramways asked for an official dispute to be declared, in order to take the matter to an industrial court. But drivers' representatives had "little faith" in the court

Thousands of commuters waited for up to an hour in queues today as the dispute entered its 12th day

RSM 28/4/84

Chamber, mining unions agree over whites' pay (151)

By PHILLIP VAN NIEKERK

WITHIN 24 hours of the Council of Mining Unions (CMU) declaring a dispute with the Chamber of Mines, the two parties reached agreement yesterday on pay and working conditions for more than 22 000 white workers in the industry.

The agreement opens the way for the next round of annual pay talks in the industry which is to be with the mine officials unions, followed in mid-May by pay talks for the industry's 450 000 black workers.

The round of pay negotiations, including yesterday's agreement, affects all workers on gold and coal mines which are members of the chamber.

The CMU, composed of eight miners' unions, declared the dispute on Thursday after talks deadlocked over a ½% difference between the chamber's total package deal of 10% and the CMU's demand of 10,5%.

While both parties had agreed on a standard wage increase of 10%, the CMU was holding out for the abolition of a 25-year ceiling on the 0,5% service increment for each year of service. This abolition would have added 0,5% to the total wage bill.

In a joint statement yesterday the chamber and the CMU said they had agreed the standard pay increase from May 1 would be 10%.

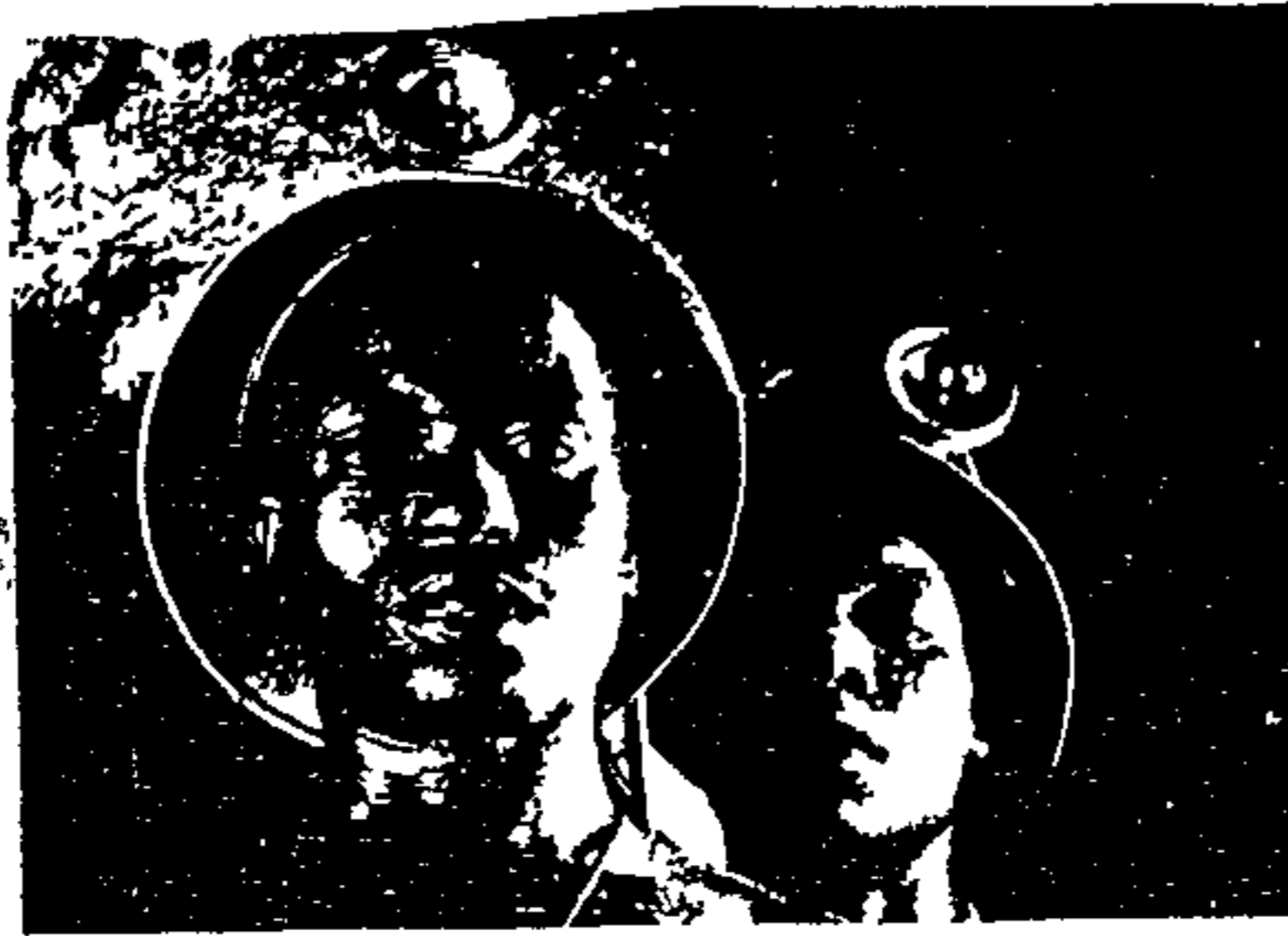
In addition the 25-year

ceiling on the 0,5% service increments would now be increased to 30 years. According to the statement this will increase the maximum service increment from 12,5% to 15% of standard rates.

Mr Arrie Paulus, chairman of the CMU, said he was "not satisfied" with the increases and that he would like to have got more, particularly as inflation would be back to 12% within two months.

He believed, however, they had done reasonably well given the present economic circumstances.

The CMU's initial demand was for a 15% increase in standard pay coupled with demands for a number of improvements in fringe benefits.



Unions back bus drivers' work-to-rule

Staff Reporter

FIVE major unions in the Western Cape have given their full support to the "work-to-rule" action taken by Cape Town's bus drivers

In a joint statement from the National Automotive and Allied Workers Union (NAAWU), the National Union of Textile Workers, the General Worker's Union, the Cape Town Municipal Workers Association and the Food and Canning Workers Union, City Tramway's is accused adopting a "consistently unco-operative attitude towards its drivers and entire communities depending on it for transport"

"The bus drivers of City Tramways, like many workers in South Africa, are struggling for higher wages and improved working conditions," the unions say

"The drivers have for many years been subject to unsociable hours of work, long waits between shifts and no overtime pay for working weekends"

The unions claim that the drivers' action is a direct result of the "inadequate response of the bosses"

"Even though many of our workers have suffered increasing inconvenience as a result of the work-to-rule, we support that the greed and uncompromising attitude shown by the company should not go unchallenged

The unions also accuse City Tramways of charging "ridiculously high fares at a time of vast unemployment and widespread suffering as a result of the ever-increasing cost of basic necessities".

Miners pay row ends

By Carolyn Dempster,
Labour Reporter

The pay dispute between the Chamber of Mines and the Council of Mining Unions ended shortly after it began yesterday when both parties reached agreement on wage and service benefits.

The CMU, which represents eight unions and 22 426 white employees in the mining industry, was due to apply for a conciliation board to resolve the dispute after talks deadlocked on Thursday.

However, a set of amended proposals brought by the chamber was accepted by the council and the move to make the application was halted.

As from May, white mineworkers will receive a pay increase of 10 per-

cent across the board. In addition, the service increment has been increased from 12,5 percent to 15 percent of standard rates, which means a 0,5 percent increment a year on standard rates up to 30 years of service.

Sick leave regulations have been amended so that a union member will receive leave pay as from the first day of sickness or accident, unless he has an unsatisfactory attendance record. Under the previous regulations, leave pay was awarded only if the worker had a satisfactory attendance record. Written reasons will have to be given to union members by management if pay is withheld.

Talks between the chamber and the black National Union of Mineworkers on pay and service issues start next week.

Star 28/4/84 151

Oil's not well with Mizelly

By Janine Walker



Barbara Bel Geddes

Ever since the new season of "Dallas" started on TV1 five weeks ago viewers have not seen the indomitable Mizelly.

It's supposedly because of the war over Ewing Oil that the suave Clayton Farlow took Miss Ellie away from all the bubble, bubble, oil and trouble.

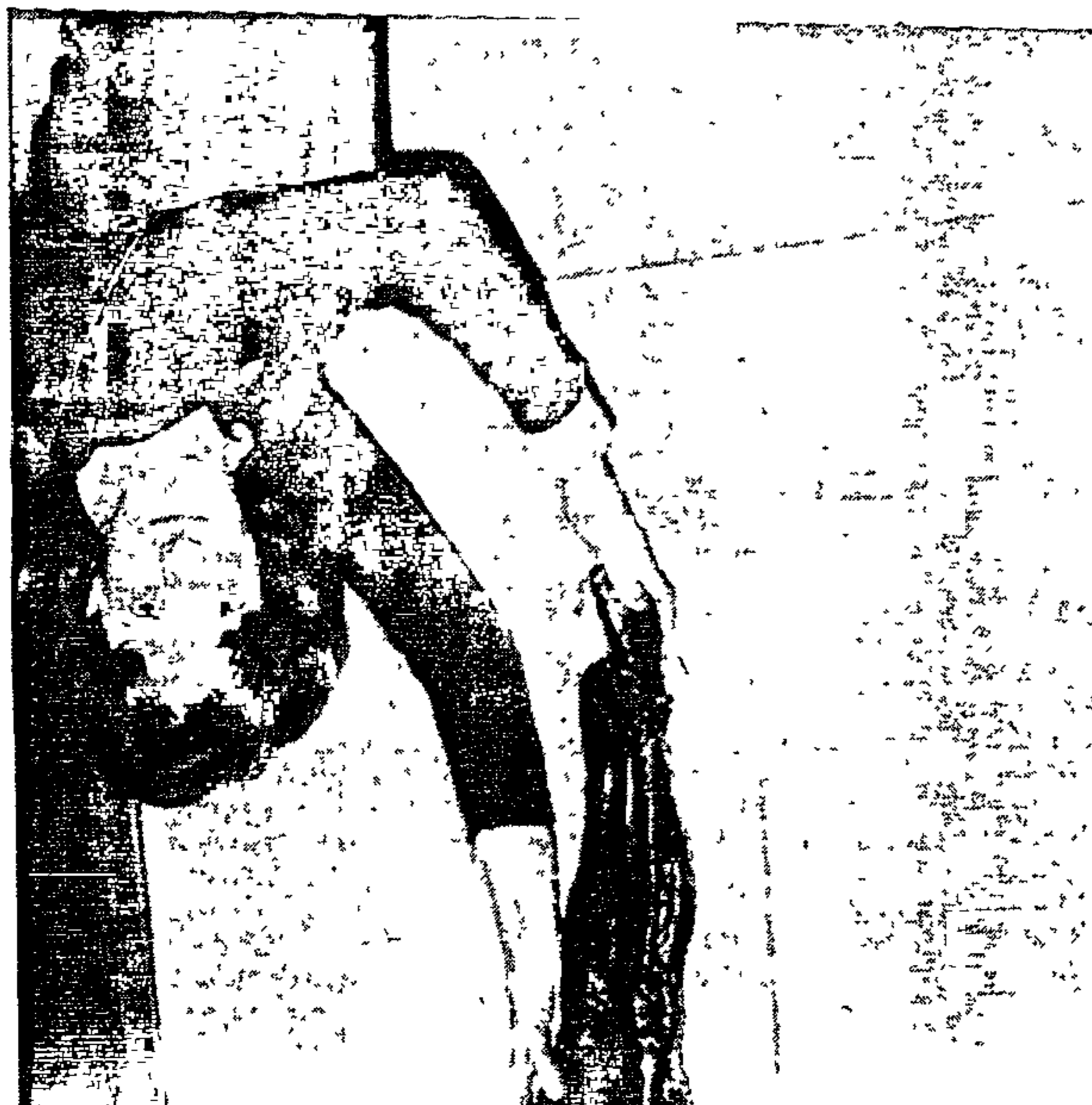
In real life it's because veteran actress Barbara Bel Geddes suffered a major heart attack last year and was reportedly told by doctors to "take things easy and have a break".

And one cannot take things easy in Southfork — on celluloid or in real life.

So when are viewers going to see her again? She'll appear now and again just as her middle son Gary kept cropping up in "Dallas" before he was offered a series of his own, "Knots Landing".

Sudden
bedroom.
It's a pl
It's whe
choice. Brass
child. Furnitu
wallpaper and
A Forty

JOHANNESBURG: F&S
SANDTON: Sandton City. 78
DURBAN: La Lucia Mall. 10
All prices exclude G.S.T.



shewokunze, Deputy Commissioner, suggested the emeralds allegation as pretext for the Prime Minister to remove from the Cabinet and replace "able Minister".
He alleged that the emeralds were held by the police as exhibits and used in "trapping" cases. He also alleged that the release of the emeralds was illegal and that the Minister had ordered the release of illegally possessed emeralds.
The Minister headed the Home Affairs Department with Dr. Ushewo-Chief Superintendent Sibanda and said that all the allegations levelled against the Minister were unfounded.
The Minister was moved to the Ministry of Cabinet reshuffle last year.

Cape Times

28/4/84

Pay dispute: Papers delayed

Staff Reporter

WORKERS at Allied Publishing, the distributors of a Cape Town afternoon newspaper, stopped work for between 15 minutes and an hour yesterday morning, and the City Late edition of the paper came out later than its usual time.

A spokesman from the Media Workers' Association of South Africa, who did not want to be identified, said 75 workers who opened their pay envelopes yesterday at 11am had been angered when they found they had "in effect, not been paid for Good Friday."

"No-one worked on Good Friday, but it is a paid holiday. What management did pay us for was made up out of our overtime payments."

"It was this which upset the workers, who immediately agreed that no-one would go out until the matter had been settled," he said.

By noon, management had agreed to correct the pay anomaly, and work continued as normal, he said.

Mr John Rayner, Cape provincial manager of Allied Publishing, said "A grievance was expressed over payment for a public holiday. It was dealt with in a manner satisfactory to all parties concerned."

"There was no work stoppage, only a 15-minute delay while some people expressed their opinions."

Shooting: Husband 'was not himself'

By JUSTINE NOFAL
GEORGE — Three defence witnesses told the Supreme Court here yesterday that Mr Deon Gericke, 33, charged with attempting to kill his wife and her eight-year-old son, was "not himself" on the evening of the incident and two witnesses said he "could have been on pills or drugged."

Mr Gericke has pleaded not guilty to two charges of attempted murder.

Mrs Denise Gericke, 34, a tetraplegic as a result of a bullet wound in her fourth cervical vertebra, and her son were shot in their home near George on December 27.

A nurse, Miss Maria Terblanche, told the court that "between 6 and 7pm on December 27 last year Deon visited me at home. I know him through business. He bragged about his wealth, which he never did before. He said he and Denise were splitting up and the divorce would come through on January 7."

"He was acting differently. I asked him if he had taken pills, but he never spoke to me about personal problems. He had a beer and left."

Mr Gericke told the

court he drank tea when he visited Miss Terblanche.

Cafe owners Mr and Mrs Johannes Cilliers said Mr Gericke had called at the cafe on the evening of December 27. They said he was a regular customer and often brought his wife's son with him after fetching him from judo lessons.

"He looked tense and was sweating," said Mr Cilliers.

'Heartsore'

Mrs Frederika Cilliers said "He said he was heartsore over Denise and could not bear it."

"He said he had considered suicide the previous Friday night and had taken four or five tranquilizers on Saturday morning, which made him sleep till Sunday afternoon. He seemed distant, as if he was drugged. He wasn't the Deon we knew."

The hearing continues in the Cape Town Supreme Court on Monday.

Mr Justice Vivier sat with two assessors, Mr H J Luttig and Mr F J M Botha. Mr G D van Schaikwyk, SC, assisted by Mr H Botha and instructed by Mr J F van Niekerk of Silberbauers, appeared for Mr Gericke. Mr T J Prins appeared for the State.



Garfield the cat today as Sea back row (from Jacobson and Glengariff Road)

Afte Kem

Staff Reporter

WHEN Miss Kempson joined millinery department on the whole, Garlicks in 19 had no idea would retire same store 58, er after becoming cashier.

Miss Kempson spent her last big department yesterday, and colleagues in the restaurant goodbye to this woman who has been there as long as...

GREAT NEWS

Quality colour
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Power station scheme praised

Municipal Reporter

A PRESENTATION by two University of Cape Town students on their ideas for saving the old Table Bay power station from demolition was praised in the City Council this week.

Their plan is to recycle the building by con-

"It should be seen in the light of an earlier council decision that a swimming pool for the central City area is second on the priority list," Mrs Kantey said.

"I hope this debate will not be smothered and that we will seriously consider this suggestion."

CAPK TIME 30/4/84
151

Bus drivers to continue Wage action

Staff Reporter

AT A meeting held between bus drivers and the Tramway and Omnibus Workers' Union at Gatesville, Rylands, yesterday drivers resolved to continue their "work-to-rule" action and refuse to work overtime till City Tramways agreed to their demand of a 15 percent pay increase.

The resolution said the situation would return to normal only if the company was pre-

pared to negotiate and meet the demands of the 15 percent increase and to make it retroactive to May 6, the expiry date of the agreement.

Drivers have been refusing to work overtime for two weeks now in protest against wage negotiations and shifts spread over "too many" hours.

The work-to-rule has considerably disrupted bus schedules. Commuters have regularly had to wait an extra half-hour or more for buses, and some routes are no longer served by the same number of buses.

Meanwhile, negotiations between the drivers' union and City Tramways have reached a deadlock. The dispute has been referred to the Minister of Manpower for arbitration.

The secretary of the drivers' union, Mr D C Benade, said the union "did not agree with the way the dispute was taken to the minister".

He said drivers had a "bad experience" with the Industrial Court two years ago, when the court determined they should have only a 5 percent increase.

Thousands late for work as bus drivers' dispute goes on

AKG us

30/4/84

(RSI)

(12)

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THOUSANDS of commuters were late for work again today — some by as much as an hour — as the bus drivers' overtime dispute continued.

At a weekend meeting many drivers threatened to stop work, but were persuaded to stick to the overtime ban and work to rule.

Commuters said delays were particularly bad on routes into Cape Town from Milnerton, Mowbray, and Manenberg and between the city and Sea Point.

Peak traffic

Traffic manager Mr Harry Attwood reported heavier-than-usual morning peak traffic in Claremont and Rondebosch along Campground Road, and Vanguard Drive in the Bonteheuwel/Langa area.

Although many more people than usual appeared to be driving to work, there were no major traffic disruptions.

Some bus drivers said buses had been diverted from Mowbray and Manenberg to cope with the disrupted Sea Point service.

Routes affected

But City Tramways public relations officer Mr Bob Krause said it was not possible to isolate particular areas where buses had been diverted.

"Every one of our 10 000 daily trips on 350 routes has been affected to some extent. We are doing our best to re-schedule buses where the demand is highest."

Bus drivers resolved at a weekend meeting of the Tramway and Omnibus Workers' Union to continue their overtime ban until City Tramways management agreed to their demand for a 15 percent pay increase.

Arbitration

City Tramways has referred the dispute to the Minister of Manpower for arbitration in terms of the Labour Relations Act.

Mr D C Benade, secretary of the Tramway and Omnibus Drivers' Union, said the drivers had called on the union to dismiss "scabs" — drivers who were defying the

Mr Harry Attwood

strike, but he had told them to "ostracise" rather than "toss them out"

Mr Benade said the main difference between the drivers and City Tramways was the union demand for a 15 percent increase to compensate drivers for having to upgrade their driving licences from heavy-duty to extra-heavy-duty.

The increase, he said, would merely bring the drivers into line with the wage board's minimum determination for drivers with extra-heavy-duty licences.

City Tramways has offered drivers a six percent increase and another two percent for drivers of new buses with increased standing-room.

Mr Krause refused to comment, remarking only that City Tramways did not conduct its negotiations through the media.

The work-to-rule campaign being carried out in conjunction with the overtime ban involves sticking rigidly to all traffic regulations.

● Federation supports bus drivers' action — Page 5.

Staff Reporter

Cape Times 1/5/84

'Change registration system'

By BARRY STREEK

HOUSE OF ASSEMBLY — The system of registration for trade unions could be scrapped if the government accepts a recommendation of the National Manpower Commission

The commission wants the formal registration procedure replaced by a system where any organization wanting to operate as a trade union or as an employers' organization should comply with minimum legal requirements

This proposal was contained in the commission's report into levels of collective bargaining and works councils, registration of trade unions and employers' organizations and the industrial court.

'Catering for race'

The report, which was tabled in Parliament yesterday, urged the existing requirement that the race of union members is stipulated in the registration of unions "should not feature in the requirements, explicitly or otherwise, although organizations would indeed always retain the freedom to cater for only one race should they so wish"

It also said that existing provisions for objections for the registration of unions should not be retained and "no proof of representativeness would be required" However, requirements about constitutions, membership registers and financial statements should remain in force

The commission said it could be argued that the present system of registration should be retained as it had proved itself over a long period of time

But the events of recent times were making new demands on the system and many of the newer unions had registered "rather reluctantly"

A significant number of unions had also remained outside the statutory system and had indicated, mainly because of the issue of race and representativeness, "they will not, in the foreseeable future, seek registration and will, therefore, continue to operate outside the statutory framework"

"Moreover, the potential for a substantial in-

crease in the number of unions and their membership is great, in that at most 16 percent of the relevant black labour force is at present organized in trade unions while black workers comprise by far the largest part of the total relevant work force

"It is an open question whether the existing system would meet with their requirements once they have become organized"

The majority of the commission felt that it would be more satisfactory if there was no formal "registration/certification/listing on the part of the State, but only statutory provision that any organization wishing to operate as a trade union/employers' organization, inter alia for purposes of collective bargaining, should meet certain minimum requirements, and which would at the same time simplify the current statutory and administrative procedures relating to registration"

It said the existing definition of a trade in the Labour Relations Act should be retained in the proposed system so that "an organization will not be able to operate as a trade union without clearly specifying its interests by undertaking, industry, trade or occupation and area"

Unitary system

It also felt "some form of compulsion" was preferable "in that the protection of the interests of the members of the various organizations as well as those of the community at large, should be overriding"

A unitary system of labour relations should be the aim and the statutory provisions "should at least lay the foundation for such a system"

For this purpose "a certain degree of State intervention is required in the initial stage of statutory recognition of the existence of such organizations"

However, the commission said, the existing requirement of linking the representativeness of a trade with registration "negates the principle of freedom of association, particularly where minority groups are concerned"

Buses: 'No official dispute'

151
Cape Times
2/5/84

Staff Reporter

THE Tramway and Omnibus Workers' Union yesterday denied that an official dispute had been declared between the union and City Tramways, following the bus drivers' refusal to work overtime which is running into its third week.

The union was responding to a full-page City Tramways advertisement placed yesterday in all major dailies, explaining that the disruption in bus services in the City was due to a "dispute" existing between the company and the drivers' union.

Drivers refused to work overtime after their demands for a 15 percent pay increase was turned down.

"We maintain that no official dispute exists," said Mr D C Benade, Tramway and Omnibus Workers' Union secretary "I can prove that beyond any doubt."

The Industrial Coun-

cil could only declare a "dispute" when a resolution was moved, seconded and approved by a majority vote, said Mr Benade. This, he said, had not taken place and therefore a dispute could not be declared.

A spokesman for City Tramways said that the matter was referred to the Industrial Council, who had referred it to the Minister of Manpower for arbitration.

● Meanwhile, Mr Johnson Mpukumpa, chairman of the Nyanga Men's Hostels and Workers' Association, has appealed to employers not to take a "hard line" against workers affected by the disruption in bus services.

"People are struggling to get to work," he said.

At the same time, he declared the association's support for the bus drivers in their fight for better pay, and called on City Tramways management to meet the drivers' demands.

CATG Train
es, Friday, May 4, 1984

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~~333~~

Drivers' union slates bosses

By EBRAHIM MOOSA

CITY TRAMWAYS had adopted a "provocative and dangerous attitude" by making pay negotiations subject to bus drivers working overtime again, the Tramway and Omnibus Workers' Union secretary, Mr Dirk Benade, said yesterday

This follows the calling-off of the overtime ban in support of higher wages by the drivers' union on Wednesday

"I am sorry that I called off the ban yesterday (Wednesday), because quite a lot of my members are not happy that I did so," said Mr Benade

The ban on overtime was called off in the hope that the company would negotiate their pay demands and sign a new agreement with the union, since the current one expires on Sunday.

Lifting the ban on overtime did not mean ordering the men to do overtime, said Mr Benade. Working overtime was "completely voluntary". The company was now demanding that drivers work overtime

before any negotiations took place

"This is blatant intimidation which could be easily construed as unfair labour practice," he said

Drivers refused to work overtime from April 16 after their demand for a 15 percent wage increase was turned down by City Tramways management. The matter has now been referred to the Industrial Court for arbitration which will start its hearing on May 17.

Yesterday, drivers worked overtime at a few depots only and the commuter service is not yet running normally on all routes. Many drivers

felt that the ban on overtime should remain until their demands were met.

A spokesman for City Tramways, Mr Bob Krause, yesterday said the company was monitoring the situation and taking buses from scheduled services for use in problem areas. It would take some time for services to return to normal.

Drivers will be informed of the latest position in their dispute with City Tramways at a general meeting on Sunday at 3pm, in the Garment Workers' Hall, Industria House, Victoria Road, Woodstock.

AKG 4/15/84

Attempts to end bus row fail again

Staff Reporter

AN attempt by City Tramways and the Tramways and Omnibus Workers' Union to settle an overtime dispute failed in confusion today — and it now appears the dispute may be settled only by an industrial court meeting later this month.

After union secretary Mr D C Benade had called on Wednesday for drivers to end their overtime ban, City Tramways agreed to resume negotiations with the union over drivers' grievances.

But today Mr Benade claimed that City Tramways' general manager, Mr N Cronje, had called off today's meeting because drivers were ignoring Mr Benade's call.

City Tramways "categorically" denied it had cancelled the meeting.

It said in a statement

today that no union officials turned up for the meeting, and "it now appears that the matter will only be settled by an industrial council which will take up the matter later this month".

Mr Benade accused City Tramways of turning the dispute into a "highly dangerous and provocative situation" by making the working of overtime a condition for negotiation.

"We will not allow this to happen," he said.

The dispute is now in its third week. It has become increasingly clouded in confusion and the union has called an urgent general meeting for Sunday to discuss the situation.

Meanwhile, services were disrupted again today as many drivers ignored Mr Benade's call for an end to the overtime ban.

funding should be sought and can be found. It will therefore aim to promote the concept of mediation on as wide a base as possible, not only to develop industrial relations in South Africa, but also in order to achieve this objective.



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May '84

**MEDIATION:
A RESOURCE
TO COLLECTIVE
BARGAINING**



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SA BOILERMAKERS' SOCIETY

MS. LORETTA VAN SCHALKWYK (ALT)
UNIVERSITY OF NATAL

*Mr Camay to confirm nature of future participation

3.4 Financing the service

There are many services the need for which is not in doubt — for example, care of the aged or of those suffering from occupational diseases. But large question marks usually hang over how such services are to be adequately funded.

For IMSSA the problem is compounded by two factors: the first is that unlike the care of the aged and other welfare projects, the independent and private nature of the Service precludes financial support from Government sources. The second problem arises from the fact that the Service specifically aims to make its mediators available to all who wish to use them, irrespective of their financial situations. In simple terms, that means that fees charged the parties can never cover the cost of running the Service. To continue operating, the shortfall must be made up through private donations.

IMSSA has been funded by the Ford Foundation of America over the last three years and the Foundation has agreed to continue its support for a further two years. Though most generous, this grant will cover only half the Budget requirements to appoint a Director, employ research and administrative staff and subvent the cost of mediation.

The Steering Committee believes the value and relevance of a mediation service to industrial relations/collective bargaining is such that local

Adv. A. Lamprecht and Mr. L. Douwes Dekker. The Service will be registered in terms of the Fund Raising Act.

3.2 Services

IMSSA will initially render a service through a Panel of part-time mediators. The four-year Budget also provides for the selection, training and development of full-time mediators who will in addition be available for advice on technical matters in industrial relations.

By August 1983, eight persons had agreed to their names being placed on IMSSA's panel of part-time mediators. These are: Prof. S.M. Swart, Prof. Roux van der Merwe, Adv. P. Pretorius, Prof. J. Piron, Prof. P. Le Roux, Prof. J. Leatt, Mr. G. Giles and Mr. H. Botha. IMSSA will provide research and information as well as administrative back-up to mediators and be responsible for promotion of the concept of mediation.

3.3 Procedure

When IMSSA receives a request from both parties, a mediator, or, in certain circumstances, a list of names from which to choose a mediator, will be provided. The fee for the service of the mediator ranges from R250 to R500 per day and will be subsidised, by arrangement, up to R200 per day. The parties bear the costs of travel and subsistence in terms of ratios agreed upon between themselves.

AN INDEPENDENT MEDIATION SERVICE FOR SOUTH AFRICA

1. Introduction

Collective bargaining is regarded as an essential institution in democratic societies which subscribe to a private enterprise-type market economy. In most cases the process of collective bargaining leads to settlement of disputes and a compromise being reached between the conflicting rights and interests of employers and unions. But sometimes it does not, and deadlock, in which neither party will give way, results. What alternatives are then open to the parties? The withholding of labour on the part of the workers or lock-out on the side of the employer are choices. The parties may also consider arbitration and hand over to a third party to make decisions for them. Or there is another alternative, mediation. By choosing mediation neither party relinquishes its right to make its own decisions, while the mediator seeks to re-open and maintain the flow of negotiation towards reaching settlement.

In making such a choice, the parties accept that notwithstanding the right and the opportunity to exercise the process of collective bargaining, they will not reconcile their differences without help. They choose mediation for several reasons —

- it is a resource in the process of and not an alternative to, collective bargaining;
- it is a process closely aligned to the fundamental principles of a democratic society;

- it is a voluntary service, i.e., there is freedom to choose the process of mediation;
- the principle of impartiality is enshrined in the aims and objectives of the agency offering a mediation service while its use does not deny the right to strike or to a lock-out;
- the resource provides an alternative to the more costly actions of strike, lock-out, arbitration or litigation;
- it leaves the parties with the unfettered right to make their own decisions. That is why irrespective of the stage of development reached in industrial relations systems, it is appropriate to provide mediation services;
- it is recognised in countries which have reached an advanced stage of evolution in industrial relations such as the United States, the United Kingdom and several European countries. The need for a mediation service is even more evident in countries like our own where the balance of power between worker and employer organisations is far from being in equilibrium.

Mediation does not guarantee that there will be no strike or legal action but its timely intervention may prevent either by both restoring the direction of the parties' relationship and maintaining its flexibility for the future. Last year, 1982, there were 394 strikes involving 141 000 workers. How many could have been prevented by mediation cannot be known but it is a relatively inexpensive procedure that, if it had been resorted to, might possibly have saved workers and employers millions of rand in lost pay-packets and

clause refer to mediation. Where the parties use mediation it is often found that the essential relationship-building dimension of union and management interaction is enhanced. This is important to the respective goals of the parties, viz. productivity for management and increasing participation in decision-making for labour.

Formal mediatory intervention will not always be necessary or requested: the mediator may be informally consulted by the parties or his mere availability will be sufficient for the parties to find their own negotiating range. Now and for the future, maintaining the flow of negotiation between the parties is the chief objective of the mediation service.

3. THE INDEPENDENT MEDIATION SERVICE OF SOUTH AFRICA — HOW IT WORKS

3.1 Trustees

IMSSA activities will be guided by a Board of Trustees consisting of academics and management and trade union representatives. The Board has been established and the initial members have been drawn from the Steering Committee. Since joint labour-management policy guidance is essential, the Board of Trustees will be augmented by additional representatives from both parties from time to time. The Trustees at present are Mr. T. Heffer, Mr. A.J. van der Watt,

- mediation recognises the principle of self-governance where the regulation of the relationship is left in the hand of management and trade unions.

In a press statement it was announced that the Committee's investigations had highlighted the existence of a need for a private independent mediation service and that agreement had been reached to establish such a service for South Africa on a non-profit basis. The service, named the Independent Mediation Service of South Africa (IMSSA), would have a full-time Secretariat initially guided by the Steering Committee and in due course by a permanent Board of Trustees made up of leading academics, trade unionists and industrial relations practitioners. A Panel of Mediators would be formed by inviting experienced persons to offer their services on a part-time basis — these services to be made available through the Secretariat. The latter would as a longer term objective undertake the selection and training of full-time mediators for the Service.

By September 1983, IMSSA had been involved in fifteen successful mediations. The companies concerned are from manufacturing and service sectors and the unions from those both established and emergent.

For the future, the advantages of a mediation service will become increasingly apparent. A significant number of some of the 300 recognition agreements entered into during the post-Wiehahn period by implication or in a specific

production-time. Furthermore, if the parties negotiate their own settlement with the help of a mediator, the potential for maintaining a long-term mutually satisfactory relationship is considerably enhanced.

2. **MEDIATION IN SOUTH AFRICA**

2.1 **Background to Establishing the Service**

The inexperience of management and unions, following acceptance of the major recommendations of the Wiehahn Commission, led to unnecessary confrontation and hostility. Resistance to change by management meeting head-on with the flexing of the muscles of new unions appeared to require a resource to facilitate relationship-building. This brought together a number of leading trade unionists and industrial relations managers in 1981 to discuss the feasibility of a mediation service in this country.

In July and September 1981, two workshops were attended by prominent leaders from emerging and established unions, industrial relations specialists, and representatives from resource organisations. All representatives attended in their personal capacity.

A number of concerns were expressed in regard to certain developmental aspects of industrial relations in South Africa.

Emphasis was however placed on the principle that mediation is part of collective bargaining and would evolve in terms of that process. The parties all agreed that the government was not the appropriate agency to provide such a facility and that an independent mediation service had potential.

A joint Steering Committee of labour and management was set up to investigate the possibility of inviting experts from the United States of America and the United Kingdom to come to South Africa. The objective was that they should address seminars on the operation and purpose of mediation and run workshops for potential mediators.

In June 1982, through the assistance of the Federal Mediation and Conciliation Services (USA), Mr J.M. Power, Director of Training and Development, was invited to South Africa for two-and-a-half weeks and addressed:

- two joint meetings of trade union and employers' associations — 62 participants;
- five employers' associations — 219 participants;
- six union groupings — 104 participants;
- labour lawyers on two occasions — 17 participants.

Fifteen people interested in the dynamics of mediation attended a five-day case study workshop. Mr. Power's talk was circulated to some 750 companies and institutions.

By August 1982, the considerable interest and support for the idea of establishing a private mediation service resulted in the Steering Committee being augmented by representatives of five academic institutes involved in industrial relations.

Through the assistance of the Advisory Conciliation and Arbitration Services (UK), Mr. A. Kerr, the retired Chief Conciliator for that body,

came to South Africa for a period of three weeks in October 1982. Mr. Kerr addressed:—

- three joint meetings of trade unionists and employers' associations — 76 participants;
- four employers' associations — 218 participants;
- five trade union groupings — 84 participants;
- four individual companies — 17 participants.

Twelve persons attended a three-day case study workshop on the mediation process. A special one-day workshop on mediation was attended by delegates from 20 Industrial Councils. Mr. Kerr also prepared a proposal document for the consideration of the Steering Committee on the requirements of a mediation service. Mr. Kerr's talk and a cross-section of the questions raised were circulated to companies and institutions.

2.2 **IMSSA is instituted**

By 1983, the interest in and potential value of establishing an independent mediation service in South Africa had been significantly substantiated. In January of that year, the Steering Committee agreed to establish such a private service in terms of the following principles:

- a mediation service must be independent and impartial;
- mediation intervention is dependent upon the voluntary and mutual agreement of both parties;
- mediation is a resource assisting the process of collective bargaining;

IMSSA will not be attached to any institution or university. In the initial period before the appointment of a full-time Director, parties interested in mediation who have not already been contacted by IMSSA, are cordially invited to obtain information from

Mrs June van Lingen
P O. Box 31170, Braamfontein 2017
Telephone. (011) 643-6641

LABOUR RELATIONS

Guarantees needed

On the face of it, the National Manpower Commission's (NMC) call for the abolition of formal registration procedures for trade unions and employers' associations may be no bad thing. But unless there are strong guarantees that only disclosure of membership lists, constitutions and financial statements will be imposed on these bodies, the proposal could face considerable resistance.

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It would then be seen as a retrograde step by government, at precisely the time that the positive aspects of the restructuring of labour relations in SA over the past decade are being widely appreciated. Signals that SA may gain readmission to world labour forums would be aborted if Pretoria was seen to be tightening up a system that, when all is said and done, is working well.

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At least one recommendation is long overdue. This is that "race as a criterion in respect of the interests for which registration may be obtained at present, should not feature in the requirements (explicitly or otherwise)".

Also welcome is the suggestion that "the Labour Relations Act should not provide for objections to the operation of an organisation meeting the requirements, and, in consequence, no proof of representativeness would be required". At present, registered unions can successfully object to the registration of new unions if they are not representative. This procedure has all too frequently been used to block out new unions where established ones are already present. In other words, it entrenches the principle of the closed shop at the expense of younger and in many respects more dynamic unions.

The NMC also said that linking representativeness with registration "negates the principle of freedom of association, particularly where minority groups are concerned. If representativeness were to be the criterion for registration, the decision-making power of the individual to associate with whom he pleases would shift from him to the State."

"Nor should State registration be linked to recognition. If it were, this would negate the principle of freedom to bargain or not to bargain, a choice which, in the opinion of the NMC, concerns only the employee and employer parties involved."

The State should assume only a facilitative role in collective bargaining, the NMC suggests, and should not usurp the functions of other parties. This should lead to a greater emphasis on resolution of disputes at plant or

company level, though whether the process can be a tidy one is open to question. It is, however, a recommendation in keeping with the current — laudable — idea that government should reduce its unacceptably high degree of interference in the labour sphere. But there is a sting in the tail.

The majority of the commission felt that all these problems could be overcome if there were "no formal registration/certification/listing on the part of the State, but only statutory provision that any organisation wishing to operate as a trade union/employers' organisation for purposes of collective bargaining, should meet certain minimum requirements."

This would also, it said, simplify the current statutory and administrative procedures in the registration process.

The trouble with this proposal is that it could give Pretoria the power to impose all sorts of *additional* conditions on the minimum legal requirements for unions and employers' associations. This could easily force effective registration on unions — meaning that they could not operate without the sanction of a government-appointed registrar. According to the NMC "a significant number" of unions said they would not "in the foreseeable future" seek registration.

If the new system is accepted by government, it could promote greater freedom in labour organisation — a move which can only be welcomed. But everything could be lost if there is any suspicion or fear that the "minimum statutory requirements" will later be toughened up. An unequivocal guarantee that this won't happen will make the NMC proposals positive and credible.

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City bus drivers firm on overtime

By EBRAHIM MOOSA

THE pay dispute between City Tramways and the drivers' union, the Tramway and Omnibus Workers' Union, which has hit bus services in the City, has still not been resolved. City Tramways general manager, Mr N S Cronje, accused union officials of failing to attend a scheduled meeting at 10am yesterday which, he said, "would have dealt inter alia with the current dispute situation and other matters pertaining to it".

It now appeared as if the matter would be settled by the Industrial Court, which sits on May 17, said Mr Cronje.

However, union secretary, Mr Dirk Benade, denied yesterday that a meeting had been called.

Conceding only that a

"tentative" meeting had been scheduled for yesterday, he said that it had in fact been called off by Mr Cronje himself on Wednesday, because Mr Cronje had insisted that the men continue working overtime as a pre-condition for any talks.

A City Tramways spokesman, Mr Bob Krause, said "We categorically deny that this was the case."

Yesterday, drivers at most depots still refused to work overtime, although Mr Benade unilaterally called off the "work-to-rule" decision on Wednesday.

● A general meeting will be held at 3pm tomorrow, in the Garment Workers' Hall, Industria House, Victoria Road, Woodstock, to inform drivers of the latest position in their dispute.

Workers cry 'fowl' over farm rule

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IS THE slaughter house at Rainbow Chickens a farm or a factory?

That's the question to be decided by the Industrial Court, and the outcome could vitally affect hundreds of workers.

The issue was raised this week when seven workers from Rainbow Chickens, sacked on February 6 when they refused to do overtime, applied to be re-instated.

Lawyers for the Chicken giant said the court had no jurisdiction over the seven men because they were farm workers and are therefore excluded from taking action through the court.

The seven want to be re-instated because they claim their dismissal was an unfair labour practice, and that they were given no hearing before being sacked.

Their lawyers, Durban's legal resources centre, argued that they were busy with industrial rather than farm work, and that the court could therefore rule that they be re-instated.

According to the lawyers

The plant is in the Hammarsdale industrial

area. The land is zoned for industrial use.

The company pays rates on the plant land assessed as factory not farm land.

They argued that if relief was not granted to the seven, it would indicate to the workers that management was entitled to do what they liked.

Workers at the plant would know they had no rights and everyone would live in fear of being dismissed as the seven.

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EVENING POST, MONDAY, MAY 7, 1984

Dockers' pensions dispute not cleared up yet

By LINDA GALLOWAY

A DOCKYARD worker who was dismissed with 600 others in February last year was removed from railway property by railway police when he attempted to approach the regional manager's office with a query about his pension repayment, the Black Sash in Port Elizabeth said today.

This was in response to a statement issued by the regional manager for the South African Transport Services (SATS), Mr George Engelbrecht, at the time of the dismissals, that any worker with grievances should approach his office.
A Black Sash advice worker, Mrs Mar-

garet Hayward, said the three dismissed workers, who are officials of the General Worker's Union, had approached the Black Sash advice office alleging that half the workers dismissed had not yet received their pension repayments and those who had were insufficiently paid.

She said one of the men had tried to approach Mr Engelbrecht, but Railways Police had prevented him from doing so. Mr Engelbrecht said today he was not interested in the General Worker's Union.
"At the time, everybody was paid what they were entitled to and no one has since

approached me with any problems," he said.

"The whole thing was cleared up last year and I do not see how three men can speak on behalf of 300, with no proof at all. Any of our former workers who still have any complaints are welcome to come and see me," he said.

The Press liaison officer for SATS, Mr Leon Els, said from Cape Town today that as far as he knew, the men dismissed had been paid their outstanding salaries in March last year.

But two registered letters sent from Mrs Margaret Hayward to the SATS chief ac-

countant in Johannesburg, who issues pension cheques, requesting clarification of the financial statements issued with the cheques, have so far gone unanswered.

Mrs Hayward said the men who approached her were not satisfied with the money they had received and the statements issued noted only that they were pension repayments.

Mrs Hayward said the matter had been taken up by the MP for Central, Mr John Malcomess, and the Minister for Transport Affairs, Mr Hendrik Schoeman, had promised to investigate the case.

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City bus drivers to continue ban on overtime

Staff Reporter

PENINSULA commuters were delayed again today following a decision by City Tramways drivers to continue their overtime ban indefinitely.

The decision was supported by all but five of 400 drivers who attended a Tramway and Omnibus Workers' Union meeting at Salt River yesterday

A motion for a one-day strike was defeated, but many drivers criticised chairman Mr M Soeker for refusing to read out the strike motions before the vote when he was requested to do so, claiming that he was "biased"

Mr Soeker and the union secretary, Mr DC Benade, were also criticised by several speakers for making decisions without consulting drivers

When Mr Benade was asked to explain why he had taken it on himself to call off the overtime ban last week when he heard an industrial court would arbitrate in the dispute on May 17, he said "I make no apologies for my decision"

He said "the court is just the place to put things right... because the law is on our side".

Mr Soeker was criticised for writing to the industrial court without a mandate from the drivers

He explained that the letter had been written in his capacity as acting chairman of the industrial court and not as chairman of the union.

The Minister of Manpower, Mr P T du Plessis, said in a letter read out at the meeting that the dispute was "receiving his urgent attention".

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New agreement on service and wage conditions

JOHANNESBURG — A new agreement on wages and service conditions has been concluded between the Sigma Motor Corporation and the National Automobile and Allied Workers Union (Naawu)

Effective for one year from May 12, Sigma said in a statement it included "the first negotiated productivity agreement and the first formal maternity agreement in the assembly industry in South Africa"

Covering all hourly rated employees except artisans, the agreement includes a general increase ranging from 10c to 13c an hour, based on the grading of the employee

It also includes a productivity incentive, "guaranteeing a minimum payment of 10c an hour in recognition of the improved productivity already achieved by the labour force over the past quarter"

"The incentive amount can be increased by 26c an hour based on improved performance in relation to the negotiated productivity formula

Productivity incentive payments will only be made to individuals in respect of actual hours worked

"In view of the mutual benefits to be derived, the union and company are committed to contribute actively and fully in this scheme and will endeavour to remove all aspects which have a detrimental effect on productivity trends among direct and indirect hourly employees

"In view of the interactive nature of their functions, challenges and bottlenecks will be tackled by labour, shop stewards and managers"

The new maternity benefits for female employees will provide 12 weeks unpaid maternity leave

"During this period, the company will pay the full amount of the employees medical aid and pension contributions

SA TRANSPORT SERVICES

Unequal by law

In an era which has been marked by labour reform, the largest single employer in this country — SA Transport Services (SATS) — is something of an anachronism

An examination of the law governing working conditions in SATS reveals that compared to the private sector the 241 000 SATS employees have far fewer legal rights than other workers. Although SATS does not dispute this, it argues that this is necessary because it is an essential service, and also part of the public sector

SATS workers, like all other members of the giant SA civil service, are excluded from the provisions of the Labour Relations Act (LRA). Instead, their working life is governed by the Conditions of Employment (SA Transport Services) Act of 1983 (Cesatsa)

Cesatsa is a formidable piece of legislation. It is the legal basis for employment in SATS which, thanks to its exclusion from the provisions of the LRA, has developed into a self-sufficient sub-section of society with its own internal rules and regulations

In terms of Cesatsa, SATS is sealed off from having to have any dealings with unions it is not prepared to recognise. And unions it has recognised are denied some basic rights enjoyed by those operating in terms of the LRA. In addition, the Act discriminates against black, coloured and Indian workers by denying them significant rights which are accorded to whites

Cesatsa allows the Minister of Transport, Hendrik Schoeman, to decide which unions will be recognised. So far these have all been in-house ones — composed of members who perform similar work, based on the principle of "identity of interests"

Of the 11 recognised unions three are multiracial — the Footplate Staff Association, Artisan Staff Association, and Police Staff Association. There are four exclusively white unions: Salaried Staff Association, Running and Operating Staff Association, the Employee's Union, and the Spoorbond. And then there are the Black Staff Association, Indian Staff Association, Coloured Staff Association (South section) and Coloured Staff Association (North section)

Conflict is inherent in the labour-management relationship. The LRA contains special provisions to deal with conflict when collective bargaining ends in deadlock. These are conciliation boards and arbitration. In most circumstances the Industrial Court usually has final say in disputes — although the Minister of Manpower has, in some circumstances, the power to stop an issue reaching the court

Collective bargaining, as the term is generally accepted, does not occur in SATS. Unions work with SATS management to determine point values for jobs but it is management's prerogative to attach a monetary value to those points. If a dispute

Fidelity Group Limited

Preliminary Results Statement and Final Dividend Announcement for the Year Ended 31 March 1984

The unaudited estimated consolidated profit of the Group for the year ended 31 March 1984 is as follows

	1984 R'000	1983 R'000	% Increase
Net earnings for the year after transfers to inner reserves	2 554	1 720	48,5
Taxation	794	626	26,8
	1 760	1 094	60,9
Deduct: Profit attributable to outside shareholder	5	28	—
	1 755	1 066	64,6
Extraordinary items	782	—	
Less: Transfer to General Reserve	782	—	
Group profit after tax	1 755	1 066	64,6
Dividends	872	792	10,1
Interim	291	264	
Final	581	528	
Retained profit for the year	883	274	
Earnings per share (cents)	132,8	80,7	
Dividend per share (cents)	66,0	60,0	
Dividend cover	2,0	1,3	

The annual report and financial statements detailing the results and activities of the Group will be forwarded to shareholders on or about 14 July 1984

Comments

The results for the year show the satisfactory progress by both Fidelity Bank and The Board of Executors that was envisaged in the interim statement, and the future is viewed with confidence. The extraordinary item of R782 000 transferred to General Reserve is the profit arising from the disposal of the Group's interest in Robert Enthoven & Company (Pty) Limited to Rennies Consolidated Holdings Limited

For and on behalf of the Board

A MCGREGOR, Chairman R E LIPPSTREU, Deputy Chairman

Declaration of Final Dividend

Notice is hereby given that a final dividend of 44 cents per share (1983 — 40 cents) was declared on 1 May 1984 in respect of the year ended 31 March 1984 payable to shareholders registered on 1 June 1984. Dividend cheques will be mailed to shareholders on or about 15 June 1984

The transfer books and register of members will be closed from 2 June to 10 June 1984, both dates inclusive

In terms of the Income Tax Act, South African non-resident shareholders' tax at the rate of 15% will be deducted from dividends where applicable

By Order of the Board J KEVITT Secretary
1 May 1984

RIGHTFORD SEARLE TRIPP MAKIN 11801/E

(270) (157) (177) (145)

is declared by one of the SATS unions about wages or any other matter, the Cesatsa does contain provisions which amount to the equivalent of conciliation boards and arbitration. But unlike outside unions, the SATS unions do not have right of access to the Industrial Court — an institution which is playing an increasingly important role in determining the balance of power between managements and labour.

And when it comes to the crunch, SATS unions are prohibited from striking — usually the ultimate weapon open to outside unions. The LRA recognises striking as a right, provided the warring parties have gone through a process of conciliation. However, Section 26 of the Cesatsa totally prohibits strikes.

The rationale behind this is that SATS is regarded as an essential service. But even if that consideration is accepted, SATS unions lack a powerful weapon which would substitute for a strike to use in the trade-offs which are integral to the bargaining process.

A further failing of the Cesatsa's conciliation and arbitration provisions is that these forms of relief can only deal with disputes involving SATS-recognised unions. This factor had major ramifications in 1982 in the labour row which broke out when SATS refused to recognise an outside union, the unregistered General Workers Union (GWU). GWU claimed it had organised the majority of the services' workers at the docks in Port Elizabeth and East London. SATS resolutely refused to deal with it.

GWU members fired

In all, 423 GWU members were fired in go-slows which occurred in protest against the refusal. The machinery of the Cesatsa kept the GWU out and the union was denied access to either conciliation or arbitration procedures.

The ban on the GWU and other outside unions remains. In this respect Cesatsa goes against the tenor of the LRA and developing labour law which indicates that employers should bargain with representative unions and which gives unregistered unions access to conciliation boards and arbitration procedures. The LRA also allows the Industrial Court to judge on matters like unfair labour practices — something not found in the Cesatsa.

Even more contentious aspects of the Cesatsa are its provisions barring black, coloured and Indian workers from enjoying the same protections and security of tenure as white workers. At present SATS employs 241 000 workers: whites 110 000, coloureds 18 000, Indians 2 000, and blacks 111 000.

They are divided up into five categories of staff:

- Permanent Whites who have completed two years' service,
- Temporary Whites with less than two years' service who become permanent thereafter provided they are medically fit,
- Casual Coloureds, Indians and blacks



White and black SATS' workers ... some more equal than others

ment" — and it is only these white workers who get protection from the Act. Thus, permanent workers cannot lose their jobs before retirement "other than for a reason laid down in this Act." Reasons for retirement include "inefficiency," "reduction or reorganisation of staff," physical and mental disability, and "mutual agreement."

There are no similar provisions relating to black workers. On the contrary, the Act says employment of casuals and regulars "shall be regulated exclusively by such conditions as may be agreed upon at the time of his employment, as well as by such conditions as may be from time to time laid down or made by the General Manager."

In all fairness SATS must be commended for embarking on a four-year, five-phase, R40m programme to bring the conditions of employment of workers who are not white into line with those of their white counterparts. Phase one, in which the salaries of six top black, coloured and Indian grades have been made equivalent to those of whites, has already been implemented.

But for the present there are other advantages reserved in the Act for permanent employees only:

- No permanent worker can be dismissed or reduced in rank for an alleged disciplinary infringement without an inquiry being held into the incident in which the worker can cross-examine witnesses and call his or her own witnesses,
- Only permanents can appeal against a punishment for disciplinary infringement, and
- Only permanents can be represented by a union representative at inquiries and appeals.

SATS says that the same protection conditions apply to blacks, coloureds and Indians "in practice."

(including foreign blacks and homeland contract workers) who are not members of the SATS pension fund. Medically unfit whites also fall into this category:

- Regular Coloureds, Indians and blacks (homeland contract workers) who become members of the pension fund after two years' service provided they are medically fit, and
- Contract workers — who get none of the benefits of the other categories.

SATS was only able to supply the FM with figures for regular, casual and contract workers. According to SATS assistant GM (personnel), Dame Butler, the figure he has supplied for regular workers includes both temporary and permanent white employees. The total of 184 000 regulars includes 108 000 whites, 14 000 coloureds, 2 000 Indians and 60 000 blacks.

The number of workers falling into the casual category, which covers 21 000 workers, are whites 700, coloureds 5 100, Indians 100, and blacks 15 100. There are 36 000 contract workers.

Although the Cesatsa makes no mention of race, it is littered with the word "perma-

PIET VAN DER MERWE

Directions in labour



Piet van der Merwe is Director General of the Department of Manpower. He spoke to the *FM* about recent developments in labour.

FM: There has been a high incidence of strikes this year. To what do you attribute this?

Van der Merwe. Compared with the corresponding period in 1983, strike activity has been higher this year. But most strikes have been of relatively short duration and there are good indications that greater use is being made of the Industrial Court and of conciliation boards to resolve disputes. That is encouraging. In most cases, strikes have been sparked by wage issues. Owing to the recession, the ability of employers to grant wage increases has declined and, in many instances, negotiations have been tougher than they were.

Concern has been expressed about the Minister of Manpower excluding unfair labour (ULP) disputes from conciliation board terms of reference.

One must be very careful in judging that. There are built-in checks and balances for this process. The Department of Manpower (DoM) has to consider the merits of each application and act within the framework of the law in making recommendations to the Minister. The disputes machinery is voluntary and the DoM is always anxious that it be used. Very often there is a complex background to each situation and people must be in possession of all the facts before criticising. The DoM will never stand in the way of parties who would like to make use of the Labour Relations Act machinery, unless there are legal or other genuine reasons why particular applications cannot be favourably entertained.

Has the ULP provision been abused?

I don't think so. The definition of a ULP is very wide and it will be investigated in the light of the National Manpower Commission's (NMC) latest report. Originally it was made purposefully wide to enable the Industrial Court to gain more knowledge and insight through experience, so as to evolve a more precise definition. The DoM would not like to be accused of blocking the way to the Industrial Court or the disputes-settling machinery. Our object is precisely the opposite.

The Labour Relations Amendment Bill (LRAB) stipulates that trade union-employer agreements will not be enforceable in court if unions do not conform with certain minimum requirements. This has created fears that the next step will be for the DoM to decide whether or not agreements are acceptable.

The provision conforms with the majority recommendation on registration contained in the report of the NMC which the Minister of Manpower received in July-August last year.

The present minimum requirements in the Labour Relations Act are designed to protect union members, and the great majority of registered and unregistered unions have been complying with them. Only a very small number have not. Thus, most unions will not be affected by the provisions of the Bill. I really think there has been an over-reaction in some quarters. In the final analysis, a very small number of unions will be affected.

Fears that the DoM will make judgments on the acceptability of agreements are purely speculative.

What is your reaction to the latest NMC report?

There are two major issues involved: the recommendations which relate to the registration process and those relating to the functions of the Industrial Court.

As far as registration is concerned, it is very clear that there are wide differ-

ences of opinion in the NMC. There are at least three lines of thought on the issue and I think the same would apply in business and trade union circles. Registration is a sensitive issue. For that reason, the Minister has indicated that he will not take a decision one way or the other until all parties have had the opportunity to comment. Government will only respond in a White Paper once the comments have been studied.

The LRAB goes some way towards what the NMC had in mind. The NMC recommended that no union which does not comply with the minimum requirements would be able to operate as a trade union. The LRAB does not go that far. In fact, it falls short of the majority report. It says that if a union does not comply, it can still operate as a union and conclude agreements, but that these will not be enforceable in court.

I cannot see the sense of minimums if compliance is voluntary.

Are we to read the LRAB as preempting government's response to the NMC majority recommendation on registration?

No. I can't say what the parliamentary select committee will do with the Bill. The fact remains that a Bill has been put before Parliament — and we have received comment from various sources. The select committee should be allowed to come to a decision in the light of those comments.

What about the NMC's recommendations on the Industrial Court?

Two reports must be considered when we look at the Industrial Court: the Hoexter Commission and the NMC report. There is a strong feeling by both the NMC and the Hoexter Commission that all courts should fall under the Department of Justice. The NMC report also contains recommendations about ULPs trying to narrow them down to practices that can clearly be identified as unfair. We will have to decide on amendments in the light of comments we receive.

Unions oppose call for bus fare increases

Weekend Argus
Labour Reporter

THE proposed bus fare increase has been met by strong trade union opposition and observers, including an industrial relations consultant, says it will result in increased wage pressures on the private sector.

Commenting on the application by City Tramways to the Local Road Transportation Board for an average 12 per cent increase, Mr Steve Woods, industrial relations consultant, said the fares would have to be paid by those who "can least afford them".

"While management will be hard-put to meet the wage demands of the workers which might arise from the fare increase and the hike in general sales tax, these demands will also be justified," Mr Woods said.

Meanwhile trade unions have indicated they will oppose the City Tramways application.

A spokesman for the Food and Canning Workers' Union, which has about 10 000 members in the Western Cape, said the union was likely to oppose the increase as "strongly as possible".

"This once again highlights the need for public control over a public facility."

A General Workers' Union spokesman said that by applying for the increase City Tramways had shown "the same contempt for commuters as they are currently showing towards their bus-drivers".

Pay increases

The Tramways and Omnibus Workers' Union has expressed fears that the application would be used by City Tramways to put an "upward limit" on wage increases which will be awarded to the bus drivers by the Industrial Court which sits next week.

"Unless the company knows already what the court will award us, I would say the application is a little premature," said Mr D C Benade, general secretary of the union.

Mr C E McCarthy, deputy-director of the Cape Chamber of Industries, said he had no doubt City Tramways would be able to justify its application.

"But obviously wage demands will be made on industry and commerce," he added.



Masire ... resisting SA pressure

FM 18/5/84
 The "security arrangement," says the SA Foreign Affairs spokesman, would differ from a full-blown Nkomati-type treaty — for which there is "no need" in the case of Botswana, which has long denied hosting any ANC military presence

Masire also said that Botswana was "feeling all kinds of economic pressure from SA to sign (an accord) and we are resisting that." Asked about Foreign Minister Pk Botha's statement about a possible security agreement with Botswana, Masire said "That may be in the mind of the SA Foreign Minister" But, added Botswana's Foreign Minister, Archie Mogwe "It is not in the mind of the Botswana Foreign Minister."

However, the SA view seems to be that Botswana "may have other concerns" it

might wish to protect And given the "always reciprocal" nature of such dealings, SA is evidently sticking to its course

There is speculation that an aim of the mooted security arrangement may be for SA to press for a hand in policing Botswana territory against possible ANC infiltrators Foreign Affairs alludes to the admission by neighbouring states that they lack the logistical capability to police their own territories against such militants

According to the Foreign Affairs source, the "imminent" ministerial-level meeting with Botswana would also include economic and customs union matters This is the obvious key to any leverage SA might employ to get Botswana to sign a security arrangement

Botswana, Lesotho and Swaziland (BLS)

have been waiting for about a year for SA's proposals on a rewritten customs agreement, controlled by SA It is expected that SA will use the BLS members' substantial customs earnings to negotiate security arrangements and accommodation of the independent homelands within the union (*Current affairs* May 11)

SA's relations with Swaziland are good This was reflected by the visit of most of the Swazi Cabinet, led by PM Prince Bhekimp Dhlamini, to Cape Town last week for a meeting with key members of the Cabinet led by PM P W Botha A wide range of bilateral matters were discussed, including security and trade

An exchange of trade representatives between Pretoria and Mbabane is imminent However, speculation that the next step would be an exchange of full ambassadors has been dampened by both sides who say there is "no need" for it

Lesotho and Botswana are resisting "closer co-operation" with SA But the question is for how long? Following the visit of Lesotho's Foreign Minister, Evaristus Sekhonyana, to SA recently, indications from Foreign Affairs here were that progress towards a security pact was being made Tiny Lesotho, ironically, has a bargaining chip of its own — water from its R1.5 billion Highlands Dams project currently being developed jointly with SA, the main customer in the future

METAL NEGOTIATIONS
Nearing conclusion?
FM 18/5/84
 Negotiations at the National Industrial Council for the Iron, Steel, Engineering and Metallurgical Industry — to set working conditions and minimum wages for the

OCCUPATIONAL HEALTH

The imminent implementation of the Machinery and Occupational Safety Act and the tabling of the Occupational Medicine Bill in Parliament have focused renewed attention on health hazards in the workplace The issue is highly emotive and is developing into a major point of contention between trade unions and managements

Underlying much of the debate is the thorny question of determining what constitutes safe levels when substances known to be harmful to humans are involved in the production process It is in this area that input on risk factors from researchers is invaluable But it is a question which is not easily answered For, as the scientists are at pains to point out, uncertainty clouds much of their data

This point was driven home recently at the SA Medical Research Council's International Symposium on Environ-

mental Pollution and Man, in a debate entitled "The estimation of exposure limits — possibility and potential for co-operation between science, industry and government agencies"

A great deal of occupational health research is aimed at determining how much exposure to dangerous substances causes illness These dose-response relationships are widely used to determine minimum safety levels But this research is fraught with problems

□ Exposure data are often crude and the possibility that they do not actually measure the disease-producing elements is ever present, and

□ What should scientists concentrate on in measuring responses? Should mortality be the criterion or should attention be focused on the development of less drastic physical symptoms? If so, which symptoms?

Given these built-in inaccuracies, it

would seem that it would be an impossible task to lay down minimum acceptable levels based purely on scientific data The speakers, however, emphasised that the only practical way to overcome these problems is for people in decision-making positions to be made aware of them — endorsing the principle that informed debate is preferable to ill-informed decision-making

The other message that came through clearly is that decisions about safety levels must come about through consultation It is likely that for many substances, asbestos being one, there is no safe level and decisions have to be made about how much risk is acceptable Determining the acceptability of risk to the health of workers is a responsibility shared by employers, employees and government, and one in which economic considerations have to be taken into account, it was argued

157
 148A
 129A
 FM 18/5/84

next year — have reached a critical stage. Several meetings have been held since negotiations started on April 10. According to a statement released by the council, the Steel and Engineering Industries Federation of SA (Seifsa) has made a final offer which the metal trade unions, who represent some 380 000 workers, will respond to on May 24. It seems likely that most of the trade unions involved will accept. But the Metal and Allied Workers' Union is expected to reject it — creating the possibility of unrest in the industry.

- The final employer offer was
- An increase of 40c/hour for artisans from the present R4,41/hour level,
 - An increase of 20c/hour for unskilled workers from the present R1,53/hour,
 - A reduction in the qualifying period of service, which makes workers eligible for an extra week's leave, from six to five years, and
 - An increase in subsistence allowances paid to workers sent out on site work (details were not made available)

Seifsa's wage offer represents an 11% increase for skilled workers, and 7,6% for the lower levels — far lower than the unions' original demands for minimum increases ranging from 33% to 66%.

However, informed sources tell the *FM* that unions falling under the umbrella of the Confederation of Mining and Building Unions, which represents some 160 000 skilled workers, is likely to accept the offer. So too is the all-white SA Iron, Steel and Allied Industries Union (*Yster en Staal*).

There are also strong indications that Council of Unions of SA-affiliate, the Steel, Engineering and Allied Workers' Union (*Seawu*), will accept. This is seen as being significant since this union, along with the Metal and Allied Workers' Union (*Mawu*), represents unskilled workers. It is understood that these unions have been co-operating closely in the negotiations. If *Seawu* goes along with the Seifsa offer it will be abandoning its Federation of SA Trade Unions ally.

Not that this is likely to trouble *Mawu*, which has demanded a minimum wage of R2,50 an hour. President Jeffery Vilane told the *FM* "We will report Seifsa's offer back to our members. But at the same time the employers must be aware that we are not satisfied with their offer."

SOWETO HOUSING

Why LTA pulled out

LTA Housing withdrew from the lucrative housing market in Greater Soweto not so much because of local councils' tardiness in allocating sites, but mainly because it was doing too little business.

The company's MD, Allan Bebbington, tells the *FM* "This thing has been blown out of proportion. Our involvement in So-



Kgame ... 'white developers overpricing'

weto was so small you can't really say we were in the area, and there's no indication we had problems. In the period we have been operating there we built 25 houses. For a company such as ours, this is too small. So the decision to withdraw is purely financial."

However, other business concerns, including the Small Business Development Corporation, have complained of black local authorities' tardiness in allocating sites. This is frustrating development in the townships, and applies not only to housing but to business sites.

In the meantime the three local Greater Soweto councils — Soweto, Diepmeadow and Dobsonville — have formed a representative committee, composed of three members from each, to look into the question of allocating stands to developers.

The councils say they have taken this decision to serve the interests of the community. They also claim that white corporations were "fleecing" residents and making black property market pricing "artificial."

Steve Kgame, chairman of Dobsonville Council's executive committee and president of the national Urban Councils' Association, says white developers are taking residents for a ride through overpricing.

"They charge at least R450/m² for their houses compared to the R250/m² black developers charge for the same size. We want low-cost housing for the thousands of families who have registered for accommodation, not houses ranging from R40 000 to R45 000, as these are for the rich only," he

says

Soweto Council's deputy chairman, Isaac Buthelezi, says "White developers want to monopolise the housing market in the townships and we won't allow them to. We feel blacks should play a part in the development of their own areas. They must share the cake. It's only fair."

ZIMBABWE

Losers all

Last week's abortive visit by Zimbabwean and foreign journalists to the curfew area of southern Matabeleland in search of evidence for atrocities alleged by visiting newsmen and Catholic churchmen was unsatisfactory on almost all counts.

First, it was badly planned and poorly organised, a criticism that applies more and more to Zimbabwean government operations. A planned one-day trip into the bush was extended to two days because key personnel — notably army commander General Rex Nhongo — arrived several hours late from an engagement at the Trade Fair in Bulawayo and because the bus carrying the journalists was lost in the bush for several hours.

After the Wednesday wild-goose chase, the irritated newsmen agreed to go on a second day's outing, provided they could choose their own route, to which the general agreed on the understanding that London *Sunday Times* journalist Peter Godwin led the armed convoy in his own car.

Godwin and *The Observer* editor Donald Treford last month published major articles accusing the Zimbabwean security forces of atrocities against the minority Ndebele tribe.

Witnesses

On their trip, the newsmen met witnesses — black villagers, nurses, a doctor and a Catholic priest — who either gave their own evidence or produced eyewitnesses to tell what had happened. During the questioning of some of the witnesses, Zimbabwean journalists sharply criticised their foreign counterparts, and Reuters reported that, at one stage, a senior official of the Ministry of Information tried to prevent the *Washington Post* correspondent from questioning an American doctor.

The Zimbabwean officials complained that the witnesses had been pre-arranged by Godwin and evidence unreliable.

The witnesses failed to produce evidence of mass graves, and the Zimbabwean Director of Information, John Tsimba, claimed after the trip that it had failed to produce evidence of mass killings.

Since the trip, the Zimbabwean media have faithfully trotted out the view that the Western newsmen are conducting a vendetta against Zimbabwe.

For their part, the foreign newsmen stuck to their guns.

DISPUTES
~~186~~ 151 ~~165~~
Defining who's who
~~LRA~~

A judgment handed down by the Industrial Court last week could have far-reaching implications in defining the categories of worker who fall within the ambit of the Labour Relations Act (LRA) and other labour legislation. The court ruled that six workers employed by Rainbow Chickens in Natal are industrial, not agricultural workers.

Agricultural workers (along with domestics) are excluded from the provisions of the LRA and are among the least protected workers in SA. The judgment gives clearer definition to the somewhat blurred distinction between the two worker categories in agricultural processing industries.

It also opens the way for Rainbow, a major employer group, to become rapidly unionised. The Sweet Food and Allied Workers' Union (SFAWU), an affiliate of the Federation of SA Trade Unions, has already given notice that it intends to organise the plant.

The court was asked to decide the issue after the Legal Resources Centre took up the case of six men dismissed by Rainbow for refusing to work overtime. Centre attorney Richard Lyster contended that as the men were industrial workers, they had a right to refuse overtime in terms of the LRA and the Basic Conditions of Employment Act (BCEA). Consequently, he argued, their dismissal amounted to an unfair labour practice.

In reply, Rainbow argued that it had always regarded itself as an integrated farming operation and its employees as

~~186~~ FM 18/5/84
~~151~~ ~~165~~ ~~140A~~
agricultural workers. Therefore, neither the provisions of the LRA nor the BCEA applied and the court had no jurisdiction in the matter.

Industrial undertaking

The court found that Rainbow's chicken processing operation was, by nature, an industrial undertaking. Therefore the court had jurisdiction, and it ruled that the applicants had been unjustifiably dismissed and granted a temporary reinstatement order.

Lyster says that although the company has given notice that it will comply with the order, it intends to take the matter on appeal to the Maritzburg Supreme Court.

In Lyster's view, the company was attempting to "perpetuate a fiction" by claiming that it was an agricultural operation. He says its processing plant at Hammarsdale is in an area zoned for light industry and is rated by the local authority on an industrial basis. In addition, he points out that other chicken producers have recognised their industrial status. One, Farm Fare Chickens, has signed a recognition agreement with the SFAWU.

The case has similar elements to the recent dispute in the sugar industry where SFAWU claimed that workers loading cane in the fields were industrial workers. In that case too, the court ruled in the union's favour.

The implication of the judgment is that henceforth Rainbow workers will enjoy the protection of all the statutes governing employment — particularly in relation to wages, conditions of employment, retrenchment procedures and overtime payment.

Says Lyster "We feel that it is desirable that conditions of employment be standardised throughout industry."

LABOUR DISPUTES

The ultimate option?

Employers are taking an increasingly tough line with truculent unions. Some even seem prepared to go all the way, including shutting down plants, if industrial disputes cannot be resolved amicably.

The management at Unply, a Barlow Rand subsidiary in Natal, gave this as one of a range of options they are considering in their efforts to bring to an end a particularly intractable labour problem at their Cato Ridge plant.

The Paper, Wood and Allied Workers Union (PWAU) immediately interpreted the gesture as an intimidatory tactic. PWAU general secretary, Pat Horn, says the union is particularly united at Unply and the company's action appears to be a "last-ditch attempt to crush it completely." Further, she claims, it is in line with Barlows' hardening attitudes in respect of workers' attempts to influence management decision making (*Current affairs* April 27).

But Unply MD, Lew Behr, denies that any threat was intended or that undue emphasis was placed on the closure option in their discussions with the union. Says Behr: "The company doesn't threaten anything. All we did was lay out the various alternatives open to us in our attempts to settle the matter — one of which was the possibility of closing the plant." (Other options

were to reduce the size of the factory, fire the entire workforce and re-employ or negotiate a settlement with the union.)

The dispute arose when four shop stewards were dismissed for organising a May Day rally at the plant. Two were subsequently re-employed but management refuses to make a similar concession on behalf of others. As a result the workers reacted with work stoppages and a go-slow.

Horn contends that Barlows could be using Unply as a "soft target" to demonstrate to the more militant unions that it means business and will in future close plants if it has union problems.

Behr, however, says any talk of closure is purely speculative. He says the management, with its obligations to shareholders, would hardly take lightly a decision to close down a successful operation.

However, Barlows' human resources executive for the building materials division, Leon Conradie, tells the *FM* Unply is not a "very exciting" business. He cites a number of reasons: timber used at the plant is not grown in the area but has to be transported in, and its main competitors enjoy a range of benefits because they operate from decentralised areas. On top of that it also has a legacy of labour problems.

No final decision has been reached. In the interim, all workers have been suspended with full pay while management chews over the problem.

Financial Mail May 18 1984

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CAPE TIMES 19/5/84

Underwear dispute over

By **RIAN DE VILLIERS**
 Labour Reporter

THE dispute between Cape Underwear Manufacturers and workers fired after striking at the factory three weeks ago was settled early last night when the parties involved reached agreement at the factory in Epping

The agreement was announced in a brief joint statement by management, worker representatives and the Clothing Workers' Union (Clowu), which has been organising the group involved in the dispute

It said an "amicable" agreement had been reached between management and the workers. They would return to work on Wednesday next week.

Management and union spokesmen declined to comment further. The dispute started

when 49 workers were fired after striking in support of a R10 pay demand. They were later joined by more workers who left the factory.

The outcome appears to be a negotiated settlement in which management has agreed to take back all the workers. In return, the workers appear to have relinquished their original wage demand.

Workers involved in the dispute gathered in a Muizenberg hall yesterday afternoon, where they presented a short play depicting their experiences during the dispute.

While relatively few workers were involved, the dispute has been unusually important and its outcome may have a major bearing on labour relations developments in the massive clothing industry, which employs more than 60 000 workers.

Clowu is a new union, formed recently in opposition to the giant Garment Workers' Union of the Western Province (GWU), which is officially recognised by employers and is protected by a closed-shop agreement.

While Clowu was not formally involved in the original wage dispute, it subsequently organised workers involved.

The dispute is said to have been the first strike in the giant Western Province clothing industry since 1936.

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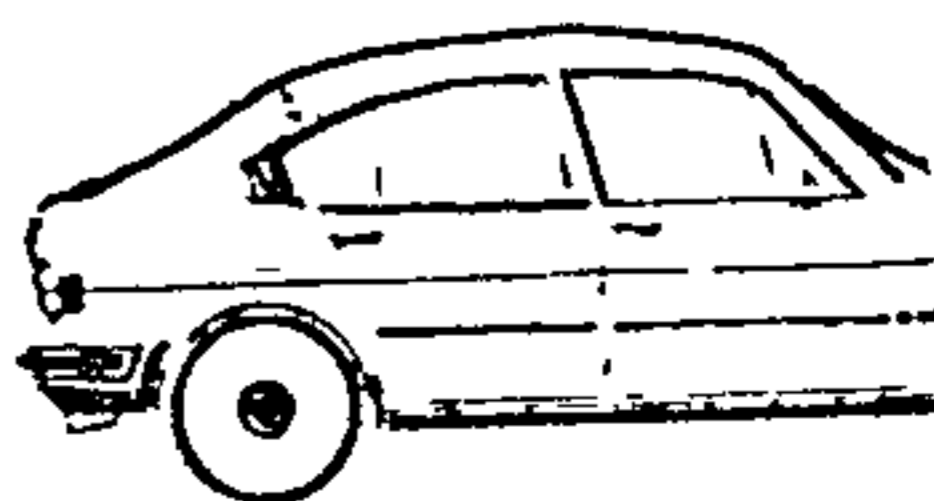
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NUM to
discuss

mine
Star
pay offer

(157)
22/5/84

By Carolyn Dempster,
Labour Reporter

The 50 000-member National Union of Mineworkers is to call a special national congress in the face of a wage offer by the Chamber of Mines which is "too low to recommend our members to accept", says NUM general secretary Mr Cyril Ramaphosa

The decision was taken after the second round of the annual wage negotiations in Johannesburg yesterday.

The NUM's original demands were for a 60 percent wage increase for the lowest-paid categories, 40 percent for members in semi-skilled jobs and 30 percent for members who hold positions equivalent to mine officials.

Also party to the negotiations was the Federated Mining Union with 300 members on two mines

During the course of the talks the two unions moderated their demands to a 25 percent increase on chamber minimum rates for all their members, indicating they had no mandate to go any lower

A statement released by the Chamber of Mines said its wage offer had been improved since last Thursday's negotiations. Increases now range from 9,5 percent to 10,9 percent on chamber minimums

22/9/84 157

'Pay row before shooting'

A part-time labourer was shot five times when he allegedly attacked his employer with a pickaxe after demanding to be paid R40 for two days' work, a Rand-Supreme Court judge heard yesterday.

Appearing before Mr Justice A.M. van Niekerk was a building sub-contractor, Mr Zacharias Zachopoulous (48), of Berea, Johannesburg, who pleaded not guilty to murdering Mr Franc Mphela Molepo.

In a statement, Mr Zachopoulous said he shot and killed Mr Molepo in self-defence at Fourways on August 16 last year.

He said Mr Molepo and three other part-time workers had told him they were terminating their employment. When he suggested they return to the work site, the three men agreed.

However Mr Molepo demanded immediate payment of R40. He took a measuring tape valued at about R70, and then fetched a pickaxe.

Some employees collected R40 for Mr Zachopoulous to give to Mr Molepo, but Mr Molepo, he alleged, attacked him.

Worker rejected R40 pay — then shots were fired

The Rand Supreme Court was told yesterday that a part-time labourer was shot after he refused R40 as wages because he considered the amount "too little".

This was said at the trial of Mr Zacharias Zachapoulos (48), of Berea, Johannesburg, who has pleaded not guilty to a charge of murdering Mr France Molepo at Fourways, Sandton, last August 16.

Mr Stuurman Motaung told the court that he was employed by Mr Zachapoulos at the time of the shooting.

He said Mr Molepo was one of four workers at a building site who told Mr Zachapoulos that they were terminating their employment.

Mr Molepo demanded immediate payment for two days' work. He rejected R40 offered by Mr Zachapoulos, saying it was "too little". He wanted R60.

SHOTS FIRED

Mr Molepo went to a toolshed, took a pickaxe and said he was leaving, said Mr Motaung. Mr Zachapoulos called to him.

Mr Motaung said it appeared the two men were having a discussion. Then he heard a shot.

Mr Motaung said he saw Mr Molepo walking towards Mr Zachapoulos. He had a bag over his right shoulder and was holding the pickaxe in a downward position in his right hand.

When Mr Molepo was three paces away from Mr Zachapoulos more shots were fired.

Mr Zachapoulos, a building contractor, said he fired in self-defence when Mr Molepo attacked him with the pickaxe.

The hearing continues

If, however, the holding company's borrowings were at less than the commercial rate charged to the subsidiary, 95% of the excess should be eliminated on consolidation for the reasons given in (i) above.

Unions split over Seifsa pay offer

157
346
156
Jan 24/84
7704
By Carolyn Dempster
Labour Reporter

Unions in the iron, steel and engineering industry are split down the middle over whether or not to accept the wage offer made by the Steel and Engineering Industries Federation of South Africa (Seifsa)

Today was the deadline for unions to respond to Seifsa's final offer of a 13 percent increase for labourers and a 9 percent rise for artisans

The South African Boilermakers' Society, which represents about 30 000 metalworkers, is to ask the Industrial Council to set up a further meeting with the employers "Unless this happens, we will not be able to accept the present offer," said the general secretary of the SABS, Mr Ike van der Watt.

The decision was taken after a stormy five-hour meeting of the union's executive yesterday

Mr N L M Ferreira, general secretary of the SA Iron, Steel and Allied Workers' Union (Yster en Staal Unie), said his union, with 39 000 mostly skilled workers in the metal industry, would be accepting Seifsa's offer "reluctantly"

The two unions with majority representation among the unskilled metalworkers — the Metal and Allied Workers' Union, with 30 000 members, and the Steel and Engineering Allied Workers' Union, with 20 000 members — had not reached a decision on what course of action to take by midday today

Both unions have in principle rejected the offer of a 20c-an-hour increase for labourers and an increase of 40c an hour for artisans

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28/5/84
**Press barred
from hearing
on bus row**

Labour Reporter
REPORTERS were barred today from an Industrial Court hearing called to settle the dispute between City Tramways and their bus drivers, which has disrupted Cape Town's bus service for five weeks.

Mr M Soekor, chairman of the Tramways and Omnibus Workers' Union, to which the drivers belong, said the union was prepared to allow the Press into the hearing.

However, the company had refused the request, he said.

In terms of the Industrial Court rules the hearing is made public only if both parties agree to do so.

R35 000

Labour Reporter

In an out-of-court settlement, the Transvaal packaging firm Transpoly has agreed to pay R35 000 to 40 of the 72 striking workers dismissed from the plant in March

The remaining 32 workers who were fired are to be reinstated

The settlement signifies a major advance for the Paper, Wood and Allied Workers' Union (PWAU), which has also been recognised by Transpoly as the representative union in the plant.

PWAU's initial attempts at meeting management to discuss a recognition agreement were cut short when the company started dismissing union activists

The action led to an 18-day strike by 74 workers at the plant. The police were called to the scene and management reportedly refused to talk to the union. A union organiser was arrested and

29/5/84
payout for strikers

LABOUR BRIEFS

charged under the Intimidation Act as a result of the strike.

As part of the settlement, negotiations have already begun between the union and management.

● A December deadline has been set for the dissolution of the General Workers' Union of South Africa, after which the union will officially re-emerge as the Retail and Allied Workers' Union (RAWU). The president of the Pretoria-based union, Mr Donsie Khumalo, said the intent was gradually to transform the general union into an industrial union.

"Our strongest element is in the retail trade, in Pick 'n Pay's northern Transvaal division where we have over 50 percent membership," he said

Once the retail union had been formed, a mandate would be obtained from members whether or not to apply for a place on the feasibility committee which is drawing up proposals for a new union federation

Mr Khumalo said he did not think the new union (RAWU) would constitute a threat to the Commercial, Catering and Allied Workers' Union

● After two years of negotiations, Bakers biscuit company has signed a recognition agreement with the Sweet, Food and Allied Workers' Union (SFAWU).

The agreement covers the union's 700 members at the company's Westmead factory near Pine-town. SFAWU have already embarked on negotiations and have preliminary agreements with two other factories in the Bakers group — in milling and the bread and cake division.

Unionist is
acquitted of
'intimidation'

31/5/84
By Andrew Beattie

A jubilant trade union shop steward was acquitted by a Johannesburg Regional magistrate yesterday on two charges of intimidating workers at the Landdrost Hotel to go on strike

Mr Robert Mkhize (31) of Senoane South, Soweto, a member of the Commercial, Catering and Allied Workers' Union, was found not guilty by the magistrate, Mr P J Badenhorst.

Mr Leonard Khumalo, Mr David Tshabalala and Mr Nelson Ndhlovu had all testified that Mr Mkhize had threatened to assault them if they did not join the strike at the hotel on February 3

PE, Uitenhage tyre firms

By CLARE
PICKARD-CAMBRIDGE

UNIONS representing about 7 000 workers in Port Elizabeth and Uitenhage's tyre and rubber industry are currently considering an offer of a 55% minimum wage increase from three giant employers

This follows lengthy negotiations between the National Allied and Automobile Workers Union (Naawu), Yster en Staal Werkers Unie and three companies, General Tire and Rubber Company, Goodyear Tyre and Rubber Company and Firestone, who are all party to the Industrial Council

According to Mr Les Kettledas, Naawu's regional secretary, the proposed minimum wage increases from a current R1,38 to R2,15 an hour will bring them into line with

wages negotiated in the local automobile industry

Mr Kettledas, who led the union negotiations, said they had encountered dismally low wages in the tyre and rubber industry when Naawu first became party to the Industrial Council covering the industry in March this year

Industrial Council negotiations had begun on April 16, but up until the present proposal they had rejected all employers' offers

Unions are now considering the employers' offer and will respond on Wednesday after they have had report-back meetings with their membership

If this is accepted by the workers it will become a

two-year agreement implemented from June 11

Furthermore, this is the first time workers in the tyre and rubber industry have also been guaranteed minimum six-monthly increases for a two-year period, applying over and above the new minimum wage offers, he said

These minimum six-monthly increases to keep abreast of the cost of living were previously given at management's discretion.

Long-service leave had also been agreed upon for the first time, as well as an additional paid public holiday over and above that provided in the Basic Conditions of Employment Act.

~~25%~~ ~~15%~~ ~~10%~~ ~~15%~~ ~~25%~~ ~~15%~~
offer 55% increase

E. Post

2/6/84

He said union demands had been for increased wages, minimum wage rates, shorter working hours, long-service leave, lay-off and retrenchment benefits and increased annual bonuses

Naawu was committed to a struggle for a meaningful living wage and believed the manner in which new conditions of employment had been determined would set a pattern for negotiations in the future, he said.

Mr Fred Sauls, general secretary of Naawu, said the union had been struggling since 1971 to break into tyre and rubber wage negotiations as the Yster-

en-Staal Unie only had been party to the Industrial Council

However, management had become more open to talking with Naawu after legislative changes in the labour field and a breakthrough had been achieved after 10 years in the cold

Now that there is direct representation for black workers concerning conditions affecting them, there has been a marked change in the attitude of employers who are looking at wages more realistically.

The employer bodies contacted by Weekend Post said they would rather not comment at this delicate stage of the negotiations

7
CME Times
2/6/84
~~151~~
151

Tramways dispute: Decision in 3 weeks

Staff Reporter

THE Industrial Court will announce its decision in the industrial dispute between City Tramways and the Tramway and Omnibus Workers' Union within three weeks

Union secretary Mr Dirk Benade said that the following demands were put to the court

- That wages be increased by 14 percent.
- That a 40-hour working week replace the present 44-hour week.

● That there be a general improvement in working conditions

● That an extra 10 percent be paid to night shift drivers.

● That the qualifying period for an extra week's annual holiday be reduced from 20 years of service to 15 years.

Drivers refused to work overtime from April 16 for about three weeks, in support of their demand for higher wages which was turned down by City Tramways

NUM threat to declare dispute

Own Correspondent

JOHANNESBURG — The 70 000-strong National Union of Mineworkers (NUM) has threatened to declare a dispute which could result in widespread industrial action if the Chamber of Mines is not prepared to make a satisfactory final pay offer.

The decision was taken by about 600 worker delegates at a special NUM conference in Klerksdorp on Saturday night which was convened to discuss this year's pay negotiations with the Chamber.

Apart from the delegates, almost 3 000 mineworkers — many of them carrying banners saying "Away with the Chamber" and "Not less than 25 %" — attended the conference and backed up their decision.

Negotiations were deadlocked two weeks ago with the Chamber offering increases ranging from 9,5 percent to 10,9 percent, and the NUM demanding minimum increases of 25 percent.

While the NUM represents only a portion of

black workers on the gold mines, the increases they win will affect almost all the industry's 480 000 black mineworkers.

Conference delegates rejected the Chamber's offer outright and called on the Chamber to put a final offer on the table, failing which the declaration of a dispute in the gold mining industry — the first step towards a legal strike — would be likely.

The widening disagreement over the wages of black mineworkers comes at the same time as an announcement at the weekend that the Chamber had reached agreement over the salaries of the mining industry's 25 000 officials.

This agreement — which amounts to a 10 percent increase — follows last month's settlement between the Chamber and the white mining unions, who had initially declared a dispute over a half-a-percent difference with the Chamber's offer of 10 percent.

It means that the only remaining area of dis-

agreement between the Chamber and unions in the mining industry is the negotiations with the NUM — the largest black union in the industry — who are negotiating alongside the much smaller Federated Mining Union.

Mr Cyril Ramaphosa, general secretary of the NUM, said the workers had decided they could not go lower than the union's demand of 25 percent until the Chamber gave a final offer, which would be considered by the NUM's negotiations committee.

Increases

"If the Chamber is not prepared to make a final offer, a dispute is likely," Mr Ramaphosa said. "The workers unanimously pledged themselves to supporting any action which might follow from the declaration of a dispute."

Pay talks for black workers in the coal-mining industry are due to start today. Mr Ramaphosa said that if they followed the same course as the gold mining talks, the NUM would be forced to take the same action.

Meanwhile, the minimum on-appointment rates for officials in the mining industry were to be increased by 10 percent and average actual salaries would also be increased by 10 percent, the Chamber of Mines said in a statement yesterday.

Municipal workers ready to declare dispute over wages

Labour Reporter
 CAPE TOWN Municipal Workers' Association, representing about 11 000 black municipal workers, was ready today to declare a dispute with the Cape Town City Council

Wage talks reached deadlock yesterday when a meeting of municipal workers rejected the council's offer of pay increases ranging from 12 per cent for higher-paid workers to 27 percent for labourers

"Workers describe the offer — which would bring a labourer's minimum wage from R59 a week to R75 — as an insult," Mr John Ernstzen, general secretary of the CTMWA, said today

The CTMWA would ask the council to agree to go directly to the Industrial Court to settle the matter if negotiations were not reopened.

The union, which claims that the majority of its members live below the breadline, has demanded a minimum wage of R116 a week for labourers and corresponding increases for the rest of its members

Mr Ernstzen said between 4 000 and 7 000 of the council's workers fell into the lower-paid categories

"Municipal workers are unable to make ends meet, and now they are faced with increases in rent, bus fares, train fares and basic food-stuffs"

The chairman of the council's executive committee, Mr John Muir, said today he had not been officially notified of the workers' rejection of the wage offer and did not want to comment further

The committee will meet on Thursday

Doctors back on overtime

~~151 108~~
Towa Correspondent
Stw

7/6/84

MARITZBURG — Black doctors at Edendale Hospital are to resume working overtime after receiving arrear payments yesterday from kwaZulu's Department of Health and Welfare

This was decided at a meeting last night after an undertaking from the Secretary for Health, Dr Daryl Hackland, that the problems of salary increments and overtime would be solved by the middle of the month

Although some of the cheques were not for the full amount of arrear payments, the doctors decided to go back to working overtime

The hospital's senior medical superintendent, Dr Derek Lawson, said Dr Hackland had given his assurance that the awarding of correct salary increments was receiving attention.

Unionists attend company's AGM

(151) E. Post 7/6/84
JOHANNESBURG — Shareholders of the local subsidiary of a large British multinational firm, which has its headquarters in Randburg, were astonished yesterday when two representatives of the Metal and Allied Workers' Union (Mawu) attended their annual meeting after having bought 100 shares in the company.

The Mawu representatives — a union organiser and the union's lawyer — attended the annual meeting of BTR South Africa to protest against wages paid at a Howick plant, BTR Sarmcol.

This form of action is virtually unique in South Africa.

Mawu declared itself in dispute two weeks ago when wage talks broke down with the company offering a 10,8% increase from R1,43 an hour to R1,60 an hour.

Mawu said BTR pay rates were far below the accepted minimum standard of living levels though it was a British company covered by the EEC code.

Mr Peter Fatharly, the chairman and managing director of BTR South Africa and chairman of British Tyre and Rubber (Eastern Region), said Mawu's share purchase certificate and their proxy had not been registered. "But we invited them to stay as guests" — Sapa

Wage deadlock
takes new turn

By Sol Makgabutlane

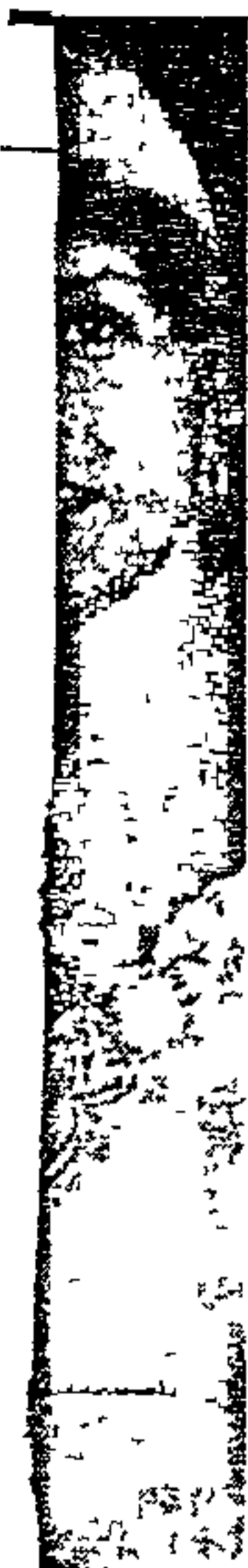
7/6/84
The wage increase deadlock between BTR Sarmcol (a subsidiary of BTR Holdings) and the Metal and Allied Workers' Union (Mawu) took a new turn yesterday when Mawu was refused permission to state its case at a meeting of the company's shareholders in Johannesburg.

According to Mr Dumisan Mbanjwa, Mawu's organiser, his union bought 100 shares at BTR with the intention of attending shareholders' meetings to persuade them to force management to give workers a better deal

"Yesterday, however, we were accorded only observer status at the meeting because BTR said that our shares, which we bought on May 29, had not yet been registered"

Mawu, which is affiliated to the Federation of South African Trade Unions (Fosatu), has 920 members out of a workforce of 1200 workers in BTR's factory in Howick, Natal, said Mr Mbanjwa

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Teacher anger over pay growing

By Jean Hey, Education Reporter
The Transvaal Teachers' Association (TTA) is under tremendous pressure from its 4 000 members to launch a full-scale public protest against the Government's silence on teachers' salary increases

Boy dies at school

Pretoria Correspondent

Johan Laas (16), a Std 9 pupil at Waterkloof High School, died of a heart attack at his desk at about 1 pm yesterday

The headmaster, Mr Pieter Martins, said today "When we saw emergency help didn't work we rushed him to a doctor about three minutes from the school.

"The doctor said he had died on the spot."

In Std 5 Johan had an open-heart operation a week ago he developed bronchitis

His father, Dr J B W Laas, died of a heart attack last year

Abandoned baby claimed

A baby which was found in the veld earlier this week has been collected from the Vanderbijlpark Hospital by his mother

A hospital spokesman said the week-old boy was discharged yesterday

The child was found on Tuesday wrapped in a blanket in the veld off Helena Lochner Street, Vanderbijlpark

In September last year the Minister of National Education, Dr Gerrit Viljoen, told teachers to expect improved salaries early in 1984

They are still waiting, despite several telegrams to the Minister

This week the TTA sent Dr Viljoen a letter spelling out teachers' grievances and emphasising that the matter was urgent

The president of the TTA, Miss Elizabeth Niemeyer, told The Star yesterday the TTA would decide in the next 10 days whether to stage a public protest

"Members phone our office continually to voice their anger," she said

The loudest protest seemed to come from young male teachers who were eager to see the TTA take public action.

A public meeting was the TTA's most likely form of protest, but Miss Niemeyer voiced strong disapproval of this measure.

"We want professional recognition and I fear a public protest might defeat the very cause we are fighting for"

No spokesman for the Transvaalse Onderwysersvereniging was available for comment.

Afrikaans teachers have in the past joined their English-speaking colleagues in public protest against poor salaries.

By Zenaide Vendeiro
Thieves this week broke into one of the Houghton hideouts used by the Stander gang and made off with towels and linen belonging to Andre Stander and Allan Heyl

The Houghton Drive house, leased by the gang in January, will be auctioned on Saturday

Mr Raymond Matuson, the owner, said the thieves tried to cut around the lock on the kitchen door

"It looks like they gave up on the lock because

Stander hideout robbed of linen

they then smashed the window in the door to get in," he said

The burglars were frightened off by a security guard before they could make off with the valuable furniture and artworks in the living and dining rooms

Mr Matuson revealed yesterday that gang leader Andre Stander had phoned before he was arrested by Fort Lilloe

er Andre Stander phoned before he was arrested by Fort Lilloe "He is the nice one about in 'Wh- where from, he London.



Rugby team walk-off has town in a tizz

Northern Transvaal Bureau

PIETERSBURG — The town is a buzz after the walk-off of a visiting school rugby team during a match against Capricorn High School at the weekend

Spectators were shocked when the Louis Trichardt High School team players walked off 10 minutes before the end of the match

plained that the Louis Trichardt coach, a linesman for the match, was coaching his team during the match, and that he indicated the players should leave the field

The players walked off shortly after Capricorn had scored a try One of the Louis Trichardt players then ran up and kicked the ball over while a Capricorn player was preparing to take the

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Municipal employees accept pay offer but workers in deadlock

Labour Reporter

THE South African Association of Municipal Employees (Saame), representing about 4 400 Cape Town City Council workers, has accepted the council's wage offer on condition the new rates come into operation next month.

The Cape Town branch secretary of Saame, Mr D W Archer, said the council had offered an increase of 12 percent for those earning more than R9 528 a year and up to 27 percent for those earning less.

Mr Archer said the council had originally said the new pay scales would come into operation in August but, after negotiations, had agreed to institute the new rates next month.

"We have accepted the new rates on behalf of our members," he said.

However, the Cape Town Municipal Workers' Association, representing about 11 000 black council workers, and the council are still deadlocked over wages.

The CTMWA has declared a dispute with the council. The union has also asked the council to go straight to the Industrial Court to settle the matter, rather than to try to settle it first through a conciliation board.

The council has offered the CTMWA 27 percent on the lower grades, increasing a labourer's wage from R59 to R75 a week.

BREADLINE

Members of the CTMWA say they are living on the breadline and the increase is not sufficient to keep pace with the rising cost of living.

The chairman of the council's executive committee, Mr John Muir, said the wage issues were discussed yesterday.

A full meeting of the council would have to ratify the agreement with Saame, he said.

Mr Muir said he could not comment on the CTMWA request to go to the Industrial Court for arbitration.

Hundreds of unionists march on Natal firm

By Sol Makgabutlane

Star 8/6/84
on Wednesday.

Hundreds of Metal and Allied Workers' Union (Mawu) members yesterday marched to the offices of BTR Sarmcol in Howick, Natal, and handed in a petition calling for the reopening of wage talks

A Mawu statement said BTR management's negotiating teams agreed to reopen wage talks if Mawu withdrew its dispute with the company on the wage deadlock.

The march by comes after two Mawu representatives attended a shareholders' meeting of BTR Holdings in Johannesburg to air complaints

The representatives were not given a chance to address the meeting as their 100 shares had not been registered

The list was handed to the chairman of the board of directors, who undertook to raise the matter with the relevant BTR managers

The union said in the statement. "All efforts by the union to secure a fair and equitable recognition agreement with reasonable dispute settlement procedures and peace obligations have failed"

Mawu also claimed that more than 1000 workers had been retrenched without compensation

Row over rise for teachers

AN announcement of a general salary increase of 14 percent for the more than 200 000 teaching personnel at universities, technikons, colleges and schools for all race groups is imminent, according to a reliable source.

But representatives of teaching staff have told the Sunday Times that they would consider such an increase as "very disappointing"

It might lead to even more frustration and dissatisfaction after the long delays in the announcement of salary adjustments which prompted several organisations this week to issue threats of militant action

Teachers and academics have anxiously been waiting for news on their adjustments since the Minister of National Education, Dr Gerit Viljoen, promised them improved earnings for early in 1984

They are the only group of public servants who have not yet been catered for in the Government's new salary differentiation scheme

Teachers' patience has been increasingly taxed, culminating this week in a threat by the SA Teachers' Association, which represents all White English speaking teachers in the Cape, to consider a work-to-rule strike, and refusing to carry out any extra curricula duties at schools if the new deal has not been fully implemented by the end of July

In Johannesburg, the Transvaal Teachers' Association, with 4 000 members, is thinking of launching a huge public demonstration in protest against the delay in announcing salary increases

The president of the TTA, Miss Elizabeth Niemeyer,

Minor increases will not satisfy us say representatives

By WIM
VANVOLSEM

said that a decision on a full-scale public protest would be taken within the next ten days

Reacting to this threat, Dr Viljoen said this week that he realised the urgency of the matter and that an announcement would be made "as soon as possible"

A spokesman for the Department of National Education said that proposals made by RECES (Research Committee on Education Structures) and CES (Committee on Education Structures) were being considered by the

Government which will then decide on a salary structure after consultation with the Treasury

The Sunday Times understands, however, that an announcement is imminent and that the figure the Government has decided on is 14 percent

But Professor C Wait, of the University of Port Elizabeth and chairman of the Committee of University Teaching Associations, said that if the figure was correct it would be "very disappointing"

"We are expecting a minimum of 30 percent based on the research done by Prof Joubert Botha of the Uni-

versity of the Witwatersrand, from which it is clear that even a 50 percent increase would not be asking for too much," he said

He added that the matter was in the Minister's hands and that his association was "awaiting the news anxiously"

The chairman of the Federal Council of Teachers Association, Mr J L Stonier, told the Sunday Times "People in the field are getting very angry, but I realise that the Minister is aware of it

"What can be done is being done and teachers have been asked to be patient

"But teachers are always expected to be patient and this is leading to frustration," he said

He didn't know whether the profession will be happy with a 14 percent increase

Disappointing

"We are expecting nothing less than anything in the region of 20 percent," he said

On the possibility of protest, Mr Stonier said that each Teachers' Association was free to decide for themselves or make statements about how they felt about matters affecting them

A spokesman for the newly established SA Teachers' Guild said in Johannesburg that they would not support any strike actions although they fully understood the frustrations of teachers

P. Argus 11/6/84 (151)

CITY

Industrial dispute ends with union recognition

Labour Reporter

A FORMAL industrial dispute, lasting several months, has been resolved with the signing of a recognition agreement between a firm in Kuils River and the General Workers' Union (GWU).

Litigation which was pending between the GWU and African Spun Concrete Company in the Industrial Court will now be dropped.

A GWU spokesman said the agreement accorded the union "full rights of representation and negotiation".

"We trust that other employers will take note of this agreement and recognise the futility of long, protracted battles over union recognition

"The workers' right to join and be represented by a union of their choice is inalienable and will be fought for whenever obstructed," the spokesman said

The dispute was due to come before the Industrial Court next month

In January, a Conciliation Board hearing failed to resolve the dispute, which centred on the company's refusal to recognise the GWU, which had majority membership in the plant.

Mr P Hoeks, managing director of African Spun, confirmed the agreement and said the company was committed to "making the mechanisms that have been established work"

Club

~~17/11/84~~ *Stan*
No charges *12/11/84*
against unionist

Charges against a trade unionist — of convening an illegal gathering — were withdrawn in the Johannesburg Regional Magistrate's court this morning.

Mr Jeremy Michael Baskin (25) of the Paper, Wood and Allied Workers Union (PWAU) had not been asked to plead.

He was arrested on March 12 at a Johannesburg factory where he had gone to settle a strike. He was then released on R200 bail

BMW workers now best paid in industry

Staw 19/6/84
Labour Reporter

Automobile workers at the BMW factory in Pretoria are to receive wage increases averaging 13 percent as from July 1.

The announcement was made yesterday after an agreement was concluded between BMW and the National Automobile and Allied Workers' Union.

The increases, pushing the minimum hourly wage at the plant up to

R2,73, will mean that the BMW workers will be the highest paid in the motor industry

Also negotiated in the agreement, is an attendance allowance ranging from 5c an hour to 12c an hour depending on length of service, and a guaranteed bonus ranging from four percent to 8,33 percent also depending on service

Steel bosses show contempt — union

Argentine Correspondent

JOHANNESBURG — The Metal and Allied Workers' Union

has accused employers in the steel and engineering industries of displaying a cynical contempt for the process of collective bargaining.

The charge arises from the recent series of annual wage

negotiations covering some 380 000 workers in the metal industries.

In a strong attack on the actions taken by the Steel and Engineering Industries Federation (Seifsa) during the talks, MAWU's national executive said the employers had used the artisan unions party to the Industrial Council as a means

of avoiding bona fide collective bargaining.

Altogether 11 of the 13 unions party to the council have signed the agreement, but the majority of these are craft unions.

MAWU, together with the South African Boilermakers' Society, rejected the Seifsa offer of a 20-cent-an-hour in-

crease for unskilled workers and 40-cent-an-hour raise for artisans, and asked for further talks with the employers. The request was turned down.

Seifsa has also advised its employer members not to negotiate outside of the agreement. In recent years bargaining at plant-level has been the major avenue used by MAWU.

SAA: 'Work to rule' threat by engineers

270 151
Cape Times 21/6/82

JOHANNESBURG — More than 1 000 South African Airways engineers and technicians last night threatened to "work to rule" if management did not agree to give them a 25 percent increase by July 1

At a meeting in Kempton Park, members of the SAA Engineers' Association made their pledge during an emotional hour of unity

If the threat is carried out, all SAA flights could be severely disrupted

A compromise offered by the SAA executive — that a reply to salary demands would be given on July 1 although no amount was stipulated — was rejected by irate members

Calls of "Monkeys work for peanuts, we don't" filled the hall as speakers took the floor

The association agreed to give its executive council two weeks to finalize an arrangement with SAA management.

They decided to continue as normal until July 1 when a 25 percent minimum increase should be set. If this condition was not met, the 1 700 artisans would begin "working to the manual"

Anyone who did not comply with this stipulation would be "rooted out" by the other workers

"Working to manual" means that each time a technician inflates a tyre or tightens a bolt or inspects machinery he must "forget" all he ever knew about the job

He must consult a manual to check every single operation involved in maintaining an aircraft.

"This would result in a slower pace and seriously affect flight departures," a spokesman for the association said. The men agreed that if their demands were not met they would "break SAA"

They left the hall to shouts of "No pay, no planes". The engineering and technical staff last received an increase in 1982 although their wages were adjusted in January this year — Sapa

GO-SLOW

Threat

to SAA

~~137~~
~~138~~
157
E. Post
21/6/82

JOHANNESBURG — More than 1 000 South African Airways engineers and technicians last night threatened to "work to rule" if they didn't get a 25% pay rise by July 1.

If the threat — made by the SAA Engineers Association in Kempton Park last night — is carried out, all SAA flights could be severely disrupted.

Militant technicians insisted that if their demands were not met they would "break SAA."

At the end of the meeting at which emotions ran high, the crowd left the hall to shouts of "No pay no planes."

A compromise offered by the SAA executive — that a reply to salary demands would be given on July 1 — was rejected out of hand.

Calls of "Monkeys work for peanuts, we don't" were heard as speakers took the floor.

A seasoned SAA technician, who asked the gathering to march on SAA headquarters immediately because "promises are not enough", received deafening applause.

Another worker who said he was tired of rumours because "you can't feed a family on them", was answered with foot-stomping and cries of "hear, hear".

The association agreed to give its executive council two weeks to finalise an arrangement with SAA management.

Members decided to continue as normal until July 1 when a 25% minimum rise is set. If the condition was not met, the 1 700 artisans would begin "working to the manual".

Anyone who did not comply with this stipulation would be "rooted out", the gathering heard.

"Working to manual" means that each time a technician inflates a tyre or tightens a bolt or inspects machinery he must "forget" all he ever knew about the job.

The technician must consult a manual for every operation involved in aircraft maintenance.

"This would result in a slower pace and seriously affect flight departures," an association spokesman said.

The engineering and technical staff last received an increase in 1982 although their wages were adjusted in January this year.

Observers point out that with SAA struggling to balance its books, pay demands are likely to be looked at askance.

It is also pointed out that while the threat has yet to materialise, overseas charter flights operating from adjoining states could further erode profits. — Sapa

SAA hits back over handling of salary row

(151) ~~178~~ 270

Star 21/6/84

By Zenaide Vendeiro, Transport Reporter

South African Airways technicians, who threatened a work-to-rule if salary increases were not announced in two weeks, were today criticised by their management for making public their grievances.

An SAA statement said it had "taken note of the discontent over salaries among certain groups of staff, such as aviation technicians".

The official standpoint, the statement said, was that salaries were negotiated regularly with personnel associations and trade unions.

Information fed through private channels "could only complicate negotiations between the Transport Services and the trade unions".

Negotiations between the Minister of Transport Affairs, South African Transport Services and all personnel associations were well advanced, it continued.

The statement follows a meeting in Kempton Park late yesterday of more than 1 000 members of the South African Airways Engineers' Association.

Heated

The aviation technicians threatened a work-to-rule — that could seriously disrupt the airline's services — if a salary increase of about 25 percent was not announced before July 1.

They said they last received a salary increase in 1982, although they were given a 12 percent salary adjustment in January this year.

During a heated discussion, the men said they were tired of rumours and vague promises of salary increases.

"We can't feed our kids, our wives and our dependents on rumours," said one man. "We need facts. All we want is a decent salary adjustment."

Several others shouted, "No money, no aircraft."

Pay rise for council staff, but controls will tighten

(51) ~~25/6/84~~ Stan
21/6/84

By Colleen Ryan,
Municipal Reporter

Johannesburg's 21 000 municipal employees will receive a salary or wage increase of five percent from July 1.

This was announced by the chairman of the city council's management committee, Mr Francois Oberholzer, at yesterday's budget meeting.

Council staff will receive a further five percent increase in April next year.

The total salary and wage package will cost the council R267,1 million for the 1984/5 financial year — an increase of 17,6 percent over one year.

Strict measures would be used to control staff costs, Mr Oberholzer warned, and vacant posts would be filled only when absolutely necessary.

Overtime would be reduced to a minimum and pay for extra work would be made only in exceptional circumstances.

The city would probably raise a loan on the local capital market later this year to finance certain projects.

In a reply speech the leader of the Progressive Federal Party in the council, Mr Sam Moss, said the management committee should investigate the problems facing industries in Johan-

nesburg

The Government was retarding industrial development in the central Witwatersrand area by restricting the zoning of industrial land. "The committee does not comprehend the danger and loss of confidence in the business community"

Mr Moss also called on the council to hire professionals to advise the Johannesburg Municipal Pension Fund. In a proposed amendment to the budget recommendations, he asked the management committee to investigate the possibility of employing investment managers.

When the budget was presented yesterday it was announced that householders will have to pay an average R5,68 a month more for assessment rates, refuse, electricity and gas from July. The rises work out at about R1,68 more for rates (10 percent), 38c for refuse (6 to 7 percent), R2,39 for electricity (6 percent), and R1,23 (7 percent) for gas.

Bus fares will increase by 9 to 23,5 percent. Adult cash fares rise by 7 to 14 percent, and coupons by 9 to 21 percent.

Charges for short-term parking at most parking garages and grounds will increase.

● See Page 2.

SAA pay talks progress

OWN TIMES
22/10/84

Own Correspondent

JOHANNESBURG. — Negotiations between South African Airways management and dissatisfied technical staff — who on Wednesday threatened to disrupt flight operations — are at an advanced stage.

About 1 400 members of the SAA Engineers' Association vowed to "work to manual" if they were not granted a 25 percent increase by the end of the month.

However, according to an SAA spokesman, the negotiations which are presently underway should reach an outcome "very soon".

Meanwhile the association decided on Wednesday night to give their executive council until July 1 to finalize the desired arrangement with SAA.

If their demands are not met, the "work-to-manual" will be exercised and technicians would "forget" all they ever knew about a job.

To do the job, they would have to consult manuals, resulting in a slower pace of work.

An association spokesman said while the "go slow" would probably delay SAA flights, the campaign would not compromise the safety of aircraft.

(151)

JOHANNESBURG — Negotiations between South African Airways management and dissatisfied technical staff are at an advanced stage

Some 1400 members of the SAA Engineers' Association have vowed to "work to rule" unless management agree to give them a 25 per cent increase by the end of the month

An SAA spokesman said the negotiations should reach an outcome "very soon".

"The minister and the management of transport services are negotiating with the various staff unions about salaries

SAA confident on pay talks

This continuing negotiation is to determine compensation on the basis of traditional work and compensation evaluation"

The statement said "information to outsiders on the standpoints of SA Transport Services and/or staff unions makes these negotiations so much more difficult"

Meanwhile, the association said yesterday while the go-slow would delay aircraft, the cam-

paign would not compromise the safety of the aircraft.

A "work to manual" action taken in 1962 for three days caused chaos at Jan Smuts Airport due to flight delays of up to four hours

The association at that time was reacting to the then Minister of Transport, Mr Ben Schoeman's, refusal to recognise the body after a five-year fight.

The technicians had been granted trade un-

ion status from the Minister of Labour and were wanting to break away from the Railways Artisan Staff Association

However, the Department of Transport told them their new association would not be recognised or heard

On March 9 — after receiving an unsatisfactory reply to their demand — the 300 members of the association decided on a "work to manual"

As internal and newly-introduced overseas flights were delayed for up to four hours, airline officials said if the campaign was continued for a length of time, it could "cripple" SAA's services — DDC

Sfaw

Putco workers settle for 15,5 pc pay rise

28/6/84

By Carolyn Dempster,
Labour Reporter

More than 8 000 Putco bus workers are to get 15,5 percent pay rises after a year-long dispute with the company.

The award, made by an arbitrator in Johannes-

burg yesterday has been hailed as a major victory by the two unions which declared the dispute, the Transport and General Workers' Union and the Transport and Allied Workers' Union.

A crowd of about 350 Putco drivers gathered

outside Amaleng House to hear the outcome of the three-month arbitration hearing, chaired by University of South Africa labour consultant Mr P K le Roux

As the transport service is considered an essential service, by law

the workers have not been able to resort to legal strike action in support of their demands

Mr le Roux made the increases retrospective for six months which means that all Putco workers will receive an across-the-board rise of

15,5 percent back-dated to January in addition to the interest on the retro-active lump sum

In terms of the judgment, Putco drivers will now receive a minimum increase of R16 and other transport workers a minimum rise of R9 or R10.

Industrial court action against dairy

28/6/84 151

By Carolyn Dempster,
Labour Reporter

The Food and Beverage Workers' Union has instituted legal action against Dairy Maid following the mass dismissal of workers during a strike at the company's Olifantsfontein ice-cream factory in February this year

Mr Glen Mokoena, an organiser for the FBWU, said the union had applied for a conciliation board hearing, and intended to have the matter heard in the Industrial Court on the basis of an unfair labour practice

About 280 workers went on a week-long strike at the factory following demands for the dismissal or transfer of a supervisor, Mr Kallie Zastron. Workers alleged Mr Zastron used a sjambok to exercise discipline in the plant and had assaulted several workers in this manner

During the week inten-

sive discussions were held between the union and management. Dairy Maid finally gave the strikers an ultimatum to return or lose their jobs. Altogether 160 of the original strikers failed to return to work and were dismissed

A spokesman for Dairy Maid, Mr A van Rhyne, confirmed that the union had filed documents with the Department of Manpower. He also stated that Mr Zastron had left the company shortly after the strike

In another matter, the FBWU has applied for the reinstatement of a member fired from Sacca Products Ltd

The application for a Section 43 order follows the dismissal of Mr G Shiburi in April.

Mr Shiburi is alleged to have been dismissed but was then informed he was being retrenched

28.6.84

Union to take firm to industrial court

THE Cusa-affiliate Food Beverage Workers' Union has declared disputes with three companies over trade union recognition, dismissals and abusive language.

The union's branch organiser, Mr Glen Mokoena, told The SOWETAN yesterday that the issues will be settled by the Industrial Court next month.

The union has applied to the court to reinstate workers sacked by Dairy Mad following a strike action over the sacking of a colleague in February.

The colleague was dismissed after a quarrel arising out of a fight between a union organiser and a white supervisor. The supervisor had apparently used abusive language and assaulted workers.

The union has also charged that Sacca Company has retrenched its organiser and refused to recognise him. "We have since discovered that the member was actually not retrenched, but was dismissed for organising other workers to join the union," he said.

The company's secretary, Mr S J van Heerden, said that they will defend the case in court. The company was in the process of discussing a recognition agreement with the union.

A: Gravara Products near Silverton, management has intimidated and threatened to sack workers if they belonged to a trade union. The company has also challenged workers to go on strike because they will close the company and leave them jobless.

The Gravara management was not available for comment.

A spokesman for a Johannesburg firm of attorneys has confirmed that they will represent the union in the cases.

Mr Mokoena has added that they were taking the matter to the court for the protection of their members.

(FMU) The unions rejected the final offer made to them on June 7 and declared a dispute

The chamber has justified its action by stating that the vast majority of black miners are not members of the unions and are expecting their increases on July 1 — the traditional date for increases

NUM general secretary Cyril Ramaphosa tells the FM that his union and the FMU, which represents some 300 miners on two chamber mines, have already applied to the Minister of Manpower to appoint a conciliation board. If the Minister fails to appoint a board within 30 days, or if the board fails to resolve the issue, the unions will be entitled to embark on a legal strike

Procedure

Ramaphosa also says the chamber's decision has been referred to the union's members. This raises the possibility that NUM members could choose to ignore the formal dispute procedure and strike illegally

A third possibility that cannot be ruled out is that if black miners are unhappy with the chamber's deal, they could act off their own bat by striking — as happened in 1982 in the days before the chamber had to deal with black unions

The package the chamber is implementing includes

Average increases for surface workers of 14,4%, ranging from R17/month for the lowest-grade employees to R55/month for the highest semi-skilled employees,

Average increases for underground workers of 13,3%, ranging from R19/month for the lowest-grade employees to R60/month for the highest semi-skilled employees,

All workers will qualify for a service increment of 0,5% of chamber minimum rates for every year of service up to a maximum of 25 years' service. This would constitute a maximum service increment of 12,5% on the chamber minimum rates,

Afternoon shift workers will be paid a shift allowance of 3% of their basic rate, while night-shift workers will be paid 6% of their basic rate,

Overtime will be paid for all authorised hours spent underground in excess of 102 hours/fortnight, and to surface employees who work authorised overtime in excess of 96 hours/fortnight,

Overtime will be paid at 5% of the basic monthly rate for every eight hours worked, or *pro rata* for fewer hours, on weekdays and Saturdays, and at 6% on Sundays and recognised mine holidays,

A guarantee that if, for some reason, a worker cannot be employed in his regular job, he will be paid for the shift, if he has not been advised not to report for work at least eight hours before the start of the shift, or is not used on substitute work

According to a chamber statement, the increases represent a considerable improvement on those granted last year, especially if the overtime, shift allowances and other benefits granted this year are taken into account

Unimpressed

But Ramaphosa is unimpressed. He told the FM "The way I see it, there is definitely going to be a lot of worker anger generated by the chamber's decision to undermine the two unions and go ahead and announcing the wages. The NUM will be deciding what course of action to take. There is going to be very little comfort for the chamber as soon as a final decision has been taken

"If the decision is to go on strike, I'm sure that there will be massive support. The chamber may think that they have

some teeth and that we do not have support. It is just an illusion"

Chamber industrial relations adviser Johann Liebenberg says "The gold mines employ over 460 000 black workers who are expecting increases on July 1. Even if the NUM's membership claim of 70 000 is correct, 390 000 blacks are not members of the union and mine management cannot withhold increases for these employees until the dispute with the NUM is resolved. Serious doubts, however, exist as to how many of the NUM's claimed 70 000 members are actually paid-up

"The only way we can assess the union's paid-up membership is to determine how many members pay subscriptions by stop order against their wages. Well below 10 000 of our total black workforce are paying subscriptions in this manner. And although invited to do so, the union has thus far not come forward with an equally good system of establishing paid-up membership strength. Under these circumstances, we have no choice but to go ahead and implement the wage increases and other improvements on July 1"

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Battle lines drawn

By deciding unilaterally to implement improved wages and working conditions for black gold miners on July 1, the Chamber of Mines seems to have challenged the National Union of Mineworkers (NUM) to prove its strength through industrial action. Just who will win the confrontation is an open question

The chamber's decision was taken on Monday after its fourth meeting with the NUM and the Federated Mining Union

FM 1984 June

HOMELANDS

Blunder and waste

It is not often that a speech by the official Opposition in Parliament really jolts the government benches. It happened this week when Opposition leader Frederik van Zyl Slabbert launched the PFP's strongest attack yet on the homelands policy.

Parliament was buzzing for hours after the speech, a carefully constructed examination of the failures and successes of the National Party's ideological experiments in ethnicity.

Slabbert highlighted, in the most dramatic form to date, the incredible cost of the "independent" states. He also focused on government's inability to reverse, or even slow, the growth of bureaucracy.

The homelands policy was nothing but "a multiplication of bureaucratic disaster areas, consuming vast amounts of capital, that serve no other purpose but to service the wants and needs of small, privileged bureaucratic elites in seas of poverty and underdevelopment," said Slabbert.

He charged that the economies of black Africa had been destroyed by vast state bureaucracies — and government was making exactly the same mistakes as the West in compounding the follies of African governments.

For 30 years, SA had created a system of bureaucratic patronage and privilege that was costing a fortune. A total of about R1 620m was paid directly to the independent and non-independent states, and R627,5m indirectly. This was about R2 250m or 8,86% of the 1984-1985 SA budget, said Slabbert.

Dramatically

He added. "Put dramatically, the SA Parliament and taxpayer paid R2 246m this year for a policy which has succeeded in improving the monthly per capita gdp of the people of the self-governing states from R40 to R46 between 1970 and 1980. I repeat, an annual average increase of 1,3%. This is among the lowest in the world. What kind of return on investment is this?"

Improvements in standards of living in the national states during the past decade originated overwhelmingly from outside the states, from income earned by migrant workers (72% of total gross national income). Development aid from SA comprised almost 77% of the total income of the governments of the Bantustans.

Slabbert used the Transkei as an example. Of the total population of 2,6m, 44 127 people worked in the Transkei civil service, giving a ratio of 1:59. The Transkei public service, excluding defence, costs about R226,6m/year.

But 85% of households in the Transkei

were earning an income lower than a conservatively calculated minimum subsistence level. Infant mortality was 130 for every 1 000 births, which was among the highest in Africa, while food shortages were commonplace. Almost 20% of all children between six months and two years showed signs of serious nutritional disease



Slabbert ... pointing to a record of failure

By the admission of its own government, the Transkei economy was little more than a labour reserve. "We pay R226,6m per annum for a bureaucratic elite living off the non-existent fat of the land in order to administer an economy which, on its own terms, is nothing else but a labour reserve. For the services rendered, we could have managed with less than half of the personnel at even less than a third of the cost," said Slabbert. The same was true for the other self-governing and constitutionally separate states.

Any attempt to solve SA's very complex problems would cost a great deal of money,

and, for that reason, SA could not afford to waste it on "useless and pointless bureaucratic exercises."

The most important source of political instability in Africa had not been revolution or coups, but the creation of self-perpetuating, bureaucratic, privileged classes that destroyed the economies of countries. The warning signals were now flashing in SA.

Bureaucratic expansion in SA had inculcated in black, white, coloured and Indian groups the expectation that the State must, and will, provide housing, education, jobs and leisure. "One of the worst legacies of apartheid ... is that it has destroyed the individual's sense of control over his own future or his initiative to work for it," said Slabbert.

MINE UNREST (151) **Will it spread?**

The big question after the riot (or deaths) at Vryheid Coronation Colliery earlier this week is whether the unrest was isolated or whether it will hit other mines.

According to the SA Police, one miner was killed, and four injured after unknown persons opened fire on black mineworkers near the white residential area of the mine on Monday night. The incident came after a day of rioting and unrest with the strikers protesting against the wage and benefits package which the Chamber of Mines is unilaterally implementing on July 1.

The incident provoked sharp reaction from the National Union of Mineworkers (NUM) which claims it represents 500 of the colliery's workers. According to the union, not one, but two miners were shot dead.

Says NUM general secretary Cyril Ramaphosa "A week ago we warned the chamber that labour unrest would take place on the mines if they went ahead and announced wage increases rejected by our union. The chamber and the mining bosses will be faced by this type of unrest from all mineworkers countrywide."

However, there seems to be doubt about the NUM's strength at Vryheid Coronation. Owners Anglo American say they have been dealing there with the Allied Mine and Tunnel Workers' Union which has a small presence. This union is not recognised by the chamber.

According to Anglo, a large proportion of the colliery's 3 000 black workers struck on Monday morning. The company says the police were called in to maintain order after vehicles had been stoned. "As a result of escalation during the night", the police



NUM's Ramaphosa . . . |

used teargas to contain the situation. However, by Tuesday there were no further incidents, the workers agreed to accept the new rates of pay and the situation had returned to normal.

The chamber's decision to implement the new package was taken last week following a deadlock in negotiations with the NUM over colliery wages and conditions. The union, which was demanding a 25% wage increase for all workers, has declared a dispute with the chamber on the issue. It has also declared a dispute over wages and benefits for its members on chamber gold mines.

The chamber's increase for surface employees averages 14,1% — ranging from R18/month for the lowest grade employees to R47/month for the highest semi-skilled workers. Increases for underground employees average 13,4% — ranging from R19/month for the lowest grade workers to R50/month for the highest semi-skilled employees. Other improvements in working conditions were also announced.

The chamber is going ahead with its package because, it argues, the majority of colliery employees are not members of the union and are expecting their increases on July 1.

After Vryheid the NUM announced it was prepared to resume negotiations with the chamber to avert the "catastrophe that is definitely going to hit the mines." The chamber had not responded to this offer when the *FM* went to press.

INDUSTRIAL COURT

Union loses a case

Employers will be heartened, and trade unionists dismayed, by a new Industrial Court finding in a case involving the selective rehiring of workers fired during a strike. The case is fairly clearcut and its outcome could give important guidelines for future employer conduct in strike situations

It evolved from the dismissal in January

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of 272 workers employed by Vetsak, an agricultural implements manufacturer. They were fired during a dispute over wages and union stop-order facilities and the company later rehired 71% of them.

Peter Ngobeni and 60 others, all members of the Metal and Allied Workers' Union (Mawu), were refused re-employment. They applied to the court for temporary reinstatement, arguing that their dismissal had been unfair.

The court refused the application. It ruled that the dismissal was justified and that the re-employment of some of the workers was a separate issue. Two workers, who were not involved in the strike, were found to have been dismissed unfairly and reinstated. The company had reinstated two others before the court hearing.

The case arose out of demands, for a pay increase and union stop-order facilities, made by Mawu shop stewards during a meeting with Vetsak's personnel manager. At a subsequent meeting management refused the demands and the personnel manager undertook to convey this news to Vetsak workers the next day. However, he could not attend the meeting and sent an assistant in his place.

The workers were dissatisfied with this and insisted that the personnel manager should address them.

The personnel manager and another management representative then arrived and asked the workers to appoint shop stewards to represent them. The workers did so and then returned to work. The shop stewards were told of management's decision. This message was conveyed to the workers who decided that they would clock in the next morning but would not work until management explained its decision to them.

According to the workers' statement, they gathered in the factory yard the next morning. Vetsak's chief manager Piet de Jager arrived and asked why they were not working. After wrangling about which management representative should address the workers, De Jager told them a wage increase was out of the question.

Recognition

A discussion about recognition of the union followed. De Jager then said that if the workers did not return to work their action would be regarded as an illegal strike. Management finally said that if work did not resume by 3pm the workers should collect their wages. At 4:30pm the workers clocked out and left.

On January 30 the workers arrived and found the factory gates locked. They were told that management was seeking advice from the industrial council. Later they were told to return the next day to be re-employed. On the Tuesday the workers applied for re-employment and were told to return the next day to find out whether they had jobs.

In court, counsel for the workers argued that there was no reason why the 29% of the workers who were not re-employed should have been treated more severely than the 71% who were. All the workers had participated in the work stoppage.

Vetsak's legal representative argued that the workers had participated in an illegal strike and had therefore been fired.

In weighing up the fairness of the dismissal, the court found that all the workers had been treated in the same way. There was no room, therefore, for a submission that some workers had been treated more fairly than others. The court also found that the workers' refusal to return to work constituted a breach of their contract of employment and that in view of management's attempts to explain why their requests had been turned down, their action was unreasonable.

Dismissal

The court said the workers' counsel had not attacked the reason for the dismissal, but the result of the re-employment. From this he had tried to infer that the dismissal was unfair. "The fallacy of the argument seems to lie in the fact that the unfairness of the dismissal is not sought in the reasons for the dismissal, but in the result of the conclusion of the contract of employment. These two concepts differ completely," the court ruled. As a result there was no onus on Vetsak to explain why it had re-em-

ployed some workers and not others.

The court's decision has led to union fears that employers may be deemed to be justified in dismissing any workers participating in a work stoppage no matter what circumstances led up to it.

If this is the case, some labour lawyers argue, the court will invalidate certain important sections of the unfair labour practice definition.

However, as the court's order is only temporary the matter is not yet settled. Some of the workers fall under the jurisdiction of industrial councils, although the majority do not. The majority have applied to the Minister of Manpower to appoint a conciliation board to hear the dispute. If the board fails to resolve it, the workers can apply for the court to hear the matter again.

But if the Minister refuses their request, or if he excludes the allegation of unfair dismissal from the conciliation board's terms of reference, they will have no further legal recourse.

The metal industry industrial council has failed to resolve the dispute and has been refused an extension to consider it. The 12 workers who fall under its jurisdiction may now apply to the Industrial Court for a final determination. The motor industry industrial council, which covers four of the workers, has been granted an extension to hear the matter. If it fails to settle the matter, those workers can also return to court.

FOUNDATION'S CREED

The Urban Foundation — now seven years old — was established not only to eliminate injustice but to fight against institutionalised discrimination. Addressing the organisation's annual meeting its chief executive, Jan Steyn, said. "The foundation is — and has to be — as businesslike and efficient as possible in its activities, but the commitment with which it identifies and addresses its tasks comes from a desire to see a more just society in which the worth and dignity of every individual in SA is recognised and preserved."

The foundation, he added, should never forget that it is dealing with people, real individuals and families, with aspirations and emotions, with a desire to secure a better living for themselves and their families. It should continue to contribute to the reform of society and thus provide the avenues through which people can improve the quality of their own lives.

"Only thus can the reform process in SA achieve its objectives of a more just society without forfeiting stability and plunging into the abyss of violence, where the future of all our people, whatever their race, colour or creed, will be jeopardised for generations to come," he said.



Steyn ... staving off 'the abyss of violence'

FM 29/6/84 (Saldm)

COMPENSATION BIAS

The workmen's compensation system discriminates against the bulk of workers who are most likely to be injured at work, according to a study by University of Cape Town (UCT) researcher, Ighsan Schroeder.

Compensation is calculated on the basis of a percentage of an individual's wages "Thus no fixed amount is paid to workers losing an arm, for example. Instead, compensation is determined by how much a particular worker earns. Thus all unskilled workers are, to some extent, discriminated against."

Schroeder adds that the granting of rebates to factories with low accident rates discouraged employers from reporting accidents.

to punish him selectively for participating in a collective decision.

Summing up the implications of the case, Siemens group industrial relations manager Bill Doyle told the FM "This case shows that both parties are bound by the principle of fairness with regard to discipline and grievance procedures. If you have procedures, you must apply them. By applying them, you make sure that you eventually reach the best and fairest decision"

DISMISSALS

Following procedure

Anyone who fails to comply with negotiated grievance and disciplinary procedures in labour matters does so at his peril. This is clear from an Industrial Court judgment which strongly endorses the concept that the law will support those who comply with negotiated procedures against those who deviate from them.

The court refused to reinstate a Siemens worker who claimed he had been unfairly dismissed because he had been selectively punished for a group decision taken by a number of workers. The company argued that disciplinary and grievance procedures negotiated with the Metal and Allied Workers' Union (Mawu) had been ignored.

The worker was employed in the winding section of Siemens's Isando plant, which operates a system of production target times. He had been warned for failing to reach his targets. A Mawu shop steward said workers found it difficult to comply with the target times and this had been drawn to management's attention.

The worker claimed that, in accordance with a group decision by workers in his section by which he felt bound, he refused to go to the supervisor's office to be warned for working slowly. He was fired for refusing to obey orders. This led to a strike involving 350 workers which was eventually settled after management threatened to fire workers who failed to report for work.

The company argued that the worker had not been dismissed selectively, since he had been fired before the strike for refusing to obey an order and that the workers had failed to follow the prescribed grievance procedure.

The court found that because the worker had not obeyed an order, his dismissal was lawful in terms of common law. It also found that there was no factual evidence that Mabizela had been dismissed in order

INDUSTRIAL RELATIONS - DISPUTES

1984

JULY — DEC.

37/12/74
Poll backs metal strike

DURBAN.— In a 94% poll, 911 workers at a Howick rubber company, BTR Sarmcol, decided to take strike action to resolve a pay dispute, a spokesman for the Metal and Allied Workers' Union (Mawu) said yesterday.

Mr Geoff Schreiner, general secretary of the Fosatu-affiliated union, said no date had been set for the strike but members indicated that if the conciliation board was not appointed within two weeks they would consider taking action.

He said the company was threatening to put into effect a 10.8% pay increase which workers had already rejected. They are demanding 26% increases. — Sapa.

LABOUR NEW

Council faces court action

Labour Correspondent

THE Cape Town Municipal Workers Association is to launch an urgent industrial court action today in an attempt to prevent the Cape Town City Council implementing a wage increase for its workers next week.

The union, which represents workers employed by the council, alleges that the increase is being implemented despite the fact that pay talks between it and the council have deadlocked and the two sides have agreed to refer the dispute to an arbitrator.

It charges that, by granting the increase before arbitration has begun, the council is attempting to "subvert collective bargaining".

It is understood that the council plans to implement the increase — which ranges between 15% and 27% — next Thursday.

In today's hearing, the union will ask the court to order the council to file replying papers to its charges next week so that the court can hear the case before the increase is implemented.

It argues that this is necessary to prevent a situation in which the court would only hear the case after the increase had been granted.

Lawyers acting for the union said yesterday that the action followed wage talks between the union and council in which the union had demanded a change in the council's system of wage grades.

This is aimed at boosting the pay of lower-paid workers and closing the wage gap between them and those at the top of the pay scales.

The council had replied with its 15%-27% offer, which the union rejected.

According to the lawyers, the two sides then agreed to settle the dispute by arbitration, but an arbitrator has not yet been appointed.

The union alleges that, despite the agreement to submit to arbitration, the council has decided to go ahead and implement the increases. It claims that this is an attempt to persuade workers that they can win wage increases without the union's aid and is therefore aimed at "subverting" bargaining.

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(TV) 53445/1

trate on getting the party message to rural Afrikaners in a more effective way. Nel believes that the difficult economic situation favours the CP. When the new constitutional dispensation is working, the platteland will lose its feeling of being threatened and return to the NP, Nel says.

Transvaal NP leader F W de Klerk calls the Potgietersrus result "disappointing" and points to a significant factor in the election. "We will immediately start with follow-up work to get to the underlying reasons for the negative reactions to government policy, especially in the northern Transvaal," he says. "I believe we are on the verge of making a breakthrough in the platteland."

Hartzenberg believes the NP will not again have as favourable a climate for elections. The new constitution has not yet been implemented and there is still some propaganda value from PM PW Botha's European tour.

After September, it will be much worse for government because the people will see all the implications of the new dispensation and the economy will have deteriorated even further, he claims.

But some NP MP's believe the new constitution will have the opposite effect. "I think all reasonable South Africans will then feel the excitement of the new future," one MP says. "And the people will then see that CP propaganda was false — the Afrikaner is not about to be swamped by coloured and Indian people. Life is going to go on as before, but we will be significantly closer to peace and racial harmony."

The NP seems resigned to losing some more ground in the mini election that will take place if a number of MP's — there could be as many as 10 — resign before the new tricameral Parliament is instituted. They are mostly MP's who are reaching retirement age who want to give their successors the opportunity to start with the new dispensation.

Several Cabinet ministers may also resign or be moved to the new President's Council. The names most often mentioned are those of Posts and Telecommunications Minister Lapa Munnik, Community Development Minister Pen Kotze and Co-operation and Development Minister Piet Koornhof.

LABOUR DISPUTES

Trouble for Triomf

The SA Chemical Workers' Union (Sacwu) has applied to the Minister of Manpower to appoint a conciliation board to try and secure the reinstatement of 440 workers dismissed earlier this year at Triomf's Potchefstroom fertiliser plant.

The application follows the acquittal of 19 Triomf workers who were tried under the Intimidation Act in the Potchefstroom Regional Court last week. The



Triomf's Luyt offers
dependent on company profits

charges resulted from a work stoppage at the plant on April 12 when workers struck in support of colleagues who refused to undergo an alcohol test.

On that day, according to the union, workers were warned they would lose their jobs if they did not return to work by 10 am the next day. When they arrived at the plant the next day they found a contingent of police waiting outside the gates and 19 workers were arrested. Included among them were Sacwu members and shop stewards.

Last week, Potchefstroom Regional Court magistrate T F Veldman dismissed the case against them because the State failed to produce sufficient evidence to support the charge.

A spokesman for the union told the FM: "We are applying for a conciliation board for the reinstatement of all the workers. If the board fails to resolve the issue, we will take the matter to the Industrial Court."

A Triomf spokesman told the FM he could not comment on the union's action as the company was not yet aware that an application had been lodged. However, he did say that most of the 440 dismissed workers had been replaced. This factor could cause a headache for Triomf if the conciliation board decides in favour of the union.

Sacwu has had a difficult relationship with Triomf. In March the Potchefstroom plant was hit by another strike when workers protested against the company's refusal to refer a long-standing wage dispute to arbitration. The strike was settled when Triomf MD Louis Luyt personally intervened and offered to compensate the workers at the end of the year if the company makes a profit.

Trade unionists point out that in recent months there has been a growing trend for security legislation to be used against unionists and striking workers.

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FRIDAY, 6 JULY 1984

+The MINISTER OF TRANSPORT AFFAIRS.

(1) and (2) During the period 1 June 1983 to 31 May 1984 former employees were only repaid their pension contributions in the following cases:

Voluntary resignations	—	3 766
Abandonments/dismissals	—	3 444
Termination of services in terms of service contract (e.g. poor execution of duties)	—	220

Interest on pension contributions is paid to former employees in the following circumstances:

Voluntary resignation/dismissal	For each completed year above 13 years for which he contributed to the fund
Termination of services in terms of service contract (e.g. poor execution of duties)	For each completed year above one year for which he contributed to the fund

During the period in question interest was paid in 366 cases to former employees who left the Service in the aforementioned circumstances

Mr S P BARNARD: Mr Speaker, arising out of the hon the Minister's reply and in view of the good pensions which are going to be paid to members of the President's Council, can the hon the Minister not reconsider this matter? While members of the President's Council are going to receive a pension of almost R21 000 per year after only two and a half years' service, why must the families of persons such as these with 30 or 40 years' service, suffer hardships?

1960

+The MINISTER Mr Speaker, the pension fund of the SA Transport Services is managed by a committee consisting of Railway workers. There is an Act which prescribes the procedure to be followed. If one wants to do what the hon member is suggesting, the Act will have to be amended. If the hon member comes to see me about it, we can see whether we can amend the Act

Mr S P BARNARD: Thank you very much

Questions standing over from Wednesday, 4 July 1984
151 ~~151~~ 6/7/84
Dispute between employees/company
forwarded to G.I. 1960
*21 Dr A L BORAINNE asked the Minister of Law and Order

(1) Whether he has received any representations from a certain company, whose names have been furnished to the South African Police for the purpose of the Minister's reply, concerning the dispute between employees and this company in February 1984, if so, (a) when, (b) what was (i) the nature of representations and (ii) his response thereto and (c) what is the name of the (i) person and (ii) company concerned,

(2) whether the South African Police took any action against any employees of this company on or about 23 February 1984; if so, (a) what action, (b) why, (c) what were the circumstances surrounding the incident, (d) who called the police to the premises of this company on this occasion and (e) at what time were the police ordered to go to these premises.

(3) whether any persons were arrested as a result; if so, (a) where, (b) in terms

1961

FRIDAY, 6 JULY 1984

of what statutory provision, and (c) why, was each person arrested,
(4) whether these persons have been charged, if so, in terms of what statutory provision,
(5) whether he (a) approached and (b) held any discussions with the Attorney-General of the Transvaal in connection with these persons, if so, (i) when, (ii) why and (iii) what was the purport of these discussions,
(6) whether he will make a statement on the matter?

The MINISTER OF LAW AND ORDER

(1) Yes

(a), (b) and (c) I was telephonically contacted on a date which I can no longer remember precisely by Mr John Fourie, the managing director of Chubby Chicks (Pty) Ltd of Potchefstroom. As his Member of Parliament he asked my advice in connection with the application of the Labour Relations Act, and I referred him to the Department of Manpower as the matter fell under the Minister of Manpower. Since Mr Fourie approached me as his Member of Parliament, I am not prepared to disclose more of the nature of our conversation

(2) Yes

(a), (b) and (c) The police arrested a number of persons because they attended an illegal gathering after they had been dismissed by their employer

(d) and (e) The police were not

1962

called to the premises of the company, but acting on information received regarding the gathering they proceeded to the premises at 12h30

(3) Yes

(a) On municipal property adjacent to the company's premises

(b) and (c) In terms of section 40(1)(a) of the Criminal Procedure Act, 1977, because of contravention of section 57 of Act 74 of 1982

(4) Yes For contravening section 57(1)(a) and 57(1)(c) of Act 74 of 1982

(5) No

(6) No

Dr A L BORAINNE Mr Speaker, arising out of the hon the Minister's reply, is he aware that at the time of the arrest those workers were meeting together with the trade union leader to attempt to resolve what was a legal dispute? Does the hon the Minister feel that the fact of the police arriving and charging and arresting legally striking workers together with their trade union leader actually encourages labour peace or achieves the opposite result?

The MINISTER I am not aware of the facts the hon member is referring to, but I am satisfied, on the basis of the facts at my disposal, that as far as the police action is concerned, the police acted correctly in terms of the law and in terms of the circumstances prevailing at that stage

Dr A L BORAINNE Mr Speaker, further arising out of the hon the Minister's reply,

does he consider that there may well be a conflict between the Labour Relations Act on the one hand, which makes provision for trade union leaders to meet with their members, and on the other hand the Act the hon the Minister referred to in his reply and other Acts? I may point out that, if the trade union leaders and their members are denied permission to meet on the premises concerned, they have nowhere else to meet but on the adjoining ground I am referring to the case where they meet for the sole purpose of trying to resolve a dispute Does the hon the Minister not believe that in those circumstances there may well be a conflict between the relevant Acts?

The MINISTER I suggest that the hon member discuss his problems with the Minister of Manpower

Dr A L BORAINÉ Mr Speaker, may I ask the hon the Minister whether he does not consider it possible that the hon the Minister of Manpower has a great deal of difficulty with the present hon Minister of Law and Order? [Interjections]

The MINISTER Would you repeat your question, please?

Dr A L BORAINÉ Mr Speaker, further replying to the hon the Minister's reply [Interjections] Arising out of the hon the Minister's reply, may I ask him whether he does not consider it possible that part of the problem, if not the whole problem, is that the hon the Minister of Manpower with the legislation under his control has a great deal of difficulty with the present hon Minister of Law and Order with the legislation he controls?

†The MINISTER: I can assure the hon

member that there is no problem whatsoever between the Ministry of Manpower and the Ministry of Law and Order as regards the application of any legislation relating to a labour situation There are the closest co-operation and liaison between the two Departments Action is also taken with the necessary discretion and all circumstances that might apply when a situation of labour unrest arises on an industrial level are taken into account I am quite satisfied that that co-operation is of the best and that senior officials act with the necessary discretion in the various cases. These cases are not dealt with by inexperienced people, but, if possible, senior and experienced officials are at all times made available to deal with such a situation of labour unrest

†Mr J H VAN DER MERWE. Mr Speaker, arising out of the hon the Minister's reply, I want to ask him whether, in the light of the fact that the Minister regards the letter of the MP to him as confidential, he also regards the letter of a foreign head of state who writes to him about his son's admission to multiracial quarters, as confidential [Interjections]

Unlawful meetings

*23. Dr A L BORAINÉ asked the Minister of Law and Order

Whether he and/or any member of the South African Police has issued any directives to the South African Police regarding meetings which could be considered to be unlawful in terms of Proclamation No 662 published in the *Government Gazette* of 26 March 1983; if not, why not, if so, what directives?

†The MINISTER OF LAW AND ORDER.

Yes. The Commissioner has issued cer-

tain guidelines in this regard to members of the South African Police. Like other departmental directives these guidelines are of a domestic nature and are not published for general information.

For written reply.

Sports facilities

832 Mr P G SOAL asked the Minister of Co-operation and Development

(1) How many (a) rugby, (b) soccer, (c) cricket, (d) netball, (e) tennis, (f) swimming and (g) other specified sports facilities (1) had been provided as at the latest specified date for which figures are available, (ii) were provided in 1983 and (iii) are to be provided in 1984 in each specified township in each specified Administration Board or Development Board area,

(2) what total amount has been allocated for the provision of these facilities in 1984?

The MINISTER OF CO-OPERATION AND DEVELOPMENT.

Reply bound in Annexures of House— see (M/172-1984)

Foreign students

961 Mr K M ANDREW asked the Minister of Education and Training

(a) How many foreign Black students were enrolled at universities for Blacks in the Republic in 1982 and 1983, respectively, (b) what was the country of origin of each such student and (c) at which university was each enrolled?

The MINISTER OF EDUCATION AND TRAINING

(a), (b) and (c)

	Fort Hare	The North	Zululand	Medunsa	Vista
	1982	1983	1982	1983	1982
Owamboland	20	26	13	10	2
Kavango	3	4	2	4	5
Caprivi	6	3	—	4	12
Remainder of SWA	10	14	28	42	13
Transkei	383	287	56	54	31
Ciskei	—	—	25	25	34
Bophuthatwana	143	117	404	413	62
Venda	69	62	160	198	43
Swaziland	—	—	3	8	8
Malawi	—	1	2	2	—
Zaire	—	—	—	—	—
Zimbabwe	1	2	9	7	—
Kenya	—	—	—	—	—
Botswana	—	—	—	—	—
Lesotho	—	—	—	—	3
Total ..	635	516	702	767	213
					316
					229
					283
					—
					252

Barrage of eggs greets committee

By Zenaide Vendeiro,
Transport Reporter

Eggs and tomatoes were thrown at members of the SA Airways Engineering Association's executive committee yesterday when they relayed details of a salary "adjustment" to their members.

The aviation technicians threatened more than two weeks ago to work-to-rule if they did not receive a salary increase of about 25 percent.

At a union meeting yesterday more than 1000 members were told by their executive committee that a salary increase was out of the question.

A member of the Association, who declined to be named, said members were angry and disappointed with the salary adjustment. The mood turned nasty at the meeting — eggs and tomatoes were thrown at the executive committee and there were calls for their resignations.

The technician refused to give details of the adjustment.

"Two years ago, we were asked to save money because SAA was experiencing such tremendous losses. We co-operated and in a few months, we saved millions. The members feel SAA owes them something for that," he said.

(46) (151) 158
C. v. mls 9/7/84

Confidential sauce settlement

Staff Reporter

A DISPUTE arising from the discharge of a City five-star-hotel waiter who had allegedly served tartare sauce in a stainless steel instead of a silver bowl, was settled last week after a confidential Industrial Court hearing.

The terms of the settlement may not be disclosed, said a spokesman from the Legal Resources Centre, who represented the dismissed waiter.

It has been alleged that the major reason given for the dismissal of Mr

Willard Nodlela, a waiter at the Mount Nelson Hotel for nine years, was that he served the tartare sauce in the wrong dish to the then managing director of the hotel, Mr K Morton-Chance, and his guests.

After an earlier Industrial Court hearing in March this year, Mr Nodlela — a member of the executive committee of the Liquor and Catering Trades Employees' Union — was temporarily reinstated as a waiter for three months, pending the settlement of the dispute.

Saawu: firm

D. Profitch
refuses to ~~151~~
10/7/84 ~~151~~ 151
recognise us

EAST LONDON — The East London branch of the South African Allied Workers' Union says a local engineering supplies company, D J. Field, is refusing to recognise it as the union chosen by its black work-force of 18 employees

A statement issued by the union said the work-force voluntarily joined the union late last year and requested it to approach D. J. Field management to recognise the application.

The union said a series of letters to the management drew no response and attempts to meet personally with management met with "hostile arrogance" A petition sent to the management by the workers was snubbed; some workers were dismissed and other harassed, the union said

"We firmly believe in propagating sound labour relations between employer and employees and the creation of a cordial spirit of harmony between managements and the union," the union said It said the management should reconsider its stance on trade unions.

The managing director of the company, Mr D J Field, said yesterday that their 18 employees were "well looked after" He said the longest-serving employee had been with the company for 25 years and the average length of service was seven years He did not wish to make any further comments —
DDR

151
128

Industrial Court order on Council

Labour Reporter

THE Industrial Court has ordered the Cape Town City Council to respond today to an application by the 11'000-strong Cape Town Municipal Workers' Association to prevent the Municipality from unilaterally implementing new pay increases.

The CTMWA, which has been locked in a wage dispute with the council for the past two months, has applied for a status quo order in the Industrial Court to prevent the council from implementing pay rises ranging from 12 to 27 percent, until the dispute is settled.

The union, which represents mainly black municipal workers, has asked the council to refer the dispute to arbitration and not to implement any pay rises until it is settled.

POSTPONED

An application for a status quo order, due to have been heard on July 3, was postponed after the City Council did not respond.

The CTMWA made a further application in the Industrial Court last week, asking that the council be compelled to file papers.

Thousands of council workers are expected to attend a meeting in Athlone tonight to discuss wages.

Many workers in the lower-paid categories claim they are living below the breadline.

Man for trial in Supreme Court

Court Reporter

A 25-year-old man was told by a Wynberg magistrate today that he will be tried in the Cape Town Supreme Court next month on a charge of murder.

Mr John Steyn of 128 Lake Road, Grassy Park, is accused of murdering Mr Bertram Gonsalves, on January 27.

The magistrate, Mr A L Laubscher, told Mr Steyn of the Attorney-General's decision to transfer the case to the Supreme Court for trial on August 3.

Mr Steyn asked for pro Deo defence and said he would call his wife to give evidence in his defence.

Bail of R50 was extended.

Mrs C Teuterberg appeared for the State. Mr Steyn was not represented.

Workers' union ^{angus} ^{11/7/84} ⁽¹⁵⁾ accuses city council

Labour Reporter

CAPE Town City Council was "undermining" the municipal workers' union by unilaterally implementing new wage increases which had not been accepted by the workers, according to a resolution adopted at a union meeting.

The meeting, organised by the Cape Town Municipal Workers' Association and attended by about 3 000 workers, also accused the council of "encouraging industrial unrest" by trying to sow division among the union's membership.

The resolution, unanimously adopted, called on the council to "co-operate with the union in bringing the matter to finality before the Industrial Court".

Sit today

The Industrial Court was to sit today to hear the CTMWA's application for a status quo order, asking that no new wages be implemented until the dispute was formally settled.

The City Council has been implementing pay increases ranging between 27 percent on the lower grades and 12 percent on the higher grades from the beginning of this month.

The CTMWA is demanding 100 percent increase on the lower grades, bringing a labourer's wage from R59,77 to about R118 a week.

"Desperate best"

The Town Clerk, Dr Stan Evans, said that by accepting the increment workers were not prejudicing their case.

He denied union charges that the council, by failing to file papers at the Industrial Court hearing last week, was employing "delaying and obstructionist tactics".

"We received the union's papers only a week ago. We are doing our desperate best to file our papers today," Dr Evans said.

D. Drafalich ~~287~~ ~~287~~ (151)
**EL man charged with
underpaying staff**

EAST LONDON — A Quigney boarding house owner appeared in the Regional Court here yesterday on charges relating to employment practices

Mr H. W. Stewart of the Belvedere Lodging House in Currie Street pleaded not guilty to all charges

He was charged with underpaying his employees, not giving them the required notice before terminating their employment, not giving them leave pay, failing to register the boarding house, failing to provide the Department of Manpower with wage records; not complying with the Unemployment Insurance Act and not providing the department with registers of the employees' working hours

Mr Stewart said in his defence that he found the summons vague. He said there was no proof of the charges. He suspected that he was charged on presupposition

"I didn't think I

needed to comply with what I'm charged with," he said

Mr J. H. van der Berg, an inspector for the Department of Manpower, said he investigated after complaints by two employees and because Mr Stewart had repeatedly failed to furnish the department with information

He told the court that investigations revealed that the previous owner had cancelled the registration of the house when Mr Stewart took over. Mr Stewart had failed to register it again

According to the act the employees had to be paid a minimum of between R67 and R160 a month during the period of almost two years they were employed by Mr Stewart. They had received only R50 a month, he said

He said Mr Stewart owed them a total of R3 293,98

Mr Stewart said he was under the impression that the regulations were not applicable to

him and this was why he did not fill in the forms required by the department

He said he had arranged alternate employment for the two employees when he dismissed them but they refused

The hearing was postponed until Thursday —
DDR

The magistrate was Mrs H. C. Niemand. Mrs A. du Plessis was prosecuting. Mr Stewart was not represented.

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~~135~~
Council
C. Times
'fosters
labour
11/7/54
unrest'

Staff Reporter

THE Cape Town City Council's plans to pay members of the 11 000-strong Cape Town Municipal Workers' Association a unilateral wage increase this week was last night condemned as "encouraging industrial unrest"

This was contained in a resolution passed in the City Hall by more than 3 200 union members at the union's special general meeting

All speakers condemned the council's stand in the midst of the Industrial Court battle to prevent the council from implementing its planned wage increases; the general secretary of the union, Mr John Ernstzen, said after the meeting

"The unanimous feeling of the meeting was that the council is treating the workers with contempt and as if they were children. Many speakers wanted to know if the council would treat its white workers with the same contempt," he said.

'Living wage'

"A number of speakers from the floor suggested that if the council does not negotiate properly with the union then workers must take action themselves"

In the resolution, a previous decision taken by union members instructing their executive committee and general council, or shop stewards committee, to take the fight for a "living wage" to the Industrial Court for determination, was confirmed

The meeting noted "with grave concern" the council's decisions to implement unilaterally its own proposals with regard to increased wages and without waiting for the Industrial Court to decide on the dispute. The council was also criticized for acting "unilaterally and in the face of the expressed wishes" of the union

'Division'

It was further accused of trying to undermine the union and cause division among members, "thereby encouraging industrial unrest"

The meeting deplored the council's "delaying and obstructionist tactics" which were designed "to prevent the Industrial Court from hearing the dispute as soon as possible"

It was called upon to help bring the dispute before the Industrial court "as speedily as possible"

RDM 12/7/84 (138) (151)

Anger at council payout

Mall Correspondent

CAPE TOWN — The Cape Town City Council's plans to pay members of the 11 000-strong Cape Town Municipal Workers' Association a unilateral wage increase this week, was this week condemned as "encouraging industrial unrest"

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"A number of speakers from the floor suggested that if the council does not negotiate properly with the union then workers must take action themselves," he said.

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It was accused of trying to undermine the union and encouraging industrial unrest.

~~ROM 12/184-186/132~~

Progress of labour law is hampered

Labour Correspondent

DURBAN — Recent judgments by temporary members of the Industrial Court were hampering the developments of laws to protect workers from unfair dismissal, a leading labour lawyer told a labour law conference in Durban yesterday.

Mr John Brand said that employer resistance to the court and attempts by the Department of Manpower to prevent alleged "unfair labour practices" cases coming before the court were also an obstacle.

"The inevitable consequences of these developments are to return the conflict over dismissals to the shop floor," he said.

He added that common law protection for fired workers was inadequate and that additional safeguards through Industrial Court decisions were necessary to protect workers against unfair firing.

Mr Brand also argued that recent developments had brought South Africa's law on dismissals into conflict with both conventions of the International Labour Organisation which were "universally accepted" as well as with recommendations of the Wiehahn Commission.

Mr Brand said the growing trend for workers and unions to use the court had meant its permanent members could not handle the volume of cases, and temporary appointments had to be made.

Workers get increases against wishes

151
265
445
C. Times 12/6/80

By RIAAN DE VILLIERS
Labour Reporter

CAPE TOWN City Council yesterday declared it was giving all its workers pay increases because it believed it would have been "discriminatory" to pay increases to members of a white trade union only.

This came after the Cape Town Municipal Workers' Association yesterday asked the Industrial Court to adjourn instead of hearing an urgent application for an order restraining the council from paying wage increases to its members today.

The association has been trying to prevent the council from paying any increases to its members before their wage dispute is settled.

It asked the court to adjourn yesterday because the Minister of Manpower has not yet declared a formal dispute in terms of the Labour Relations Act.

On Tuesday night, more than 3 200 union members met in the City Hall and condemned the council's plans to pay them increases against their wishes this week as

"encouraging industrial unrest"

In its first statement on the dispute, the council said yesterday it had taken a "sincere decision" to pay all its employees a new wage or salary in the conviction that the money was needed now because of inflation.

It also believed it must treat all its employees equally because it had always adopted the principle of equal pay for equal work. "To pay only the employees of the white trade union, some in some cases doing the same work, would in the council's view have been discriminatory."

It added the council wished to make it clear that employees who accepted the increased wages would not "in any way lose or prejudice any of their rights in respect of their demands made to the council for improvement of their conditions of service."

Mr John Ernstzen, secretary of the association, confirmed it had "very regrettably" been forced to ask the court to adjourn, but would pursue the matter further as soon as a dispute was declared.

LABOUR NEWS

2004 13/7/84
**Alfa and
union
deadlock**

By PHILLIP VAN NIEKERK

THE Alfa Romeo assembly plant in Brits, Brits Engineering, has been closed down until Monday after the company and the National Automobile and Allied Workers' Union (Naawu) failed to resolve their wage dispute yesterday.

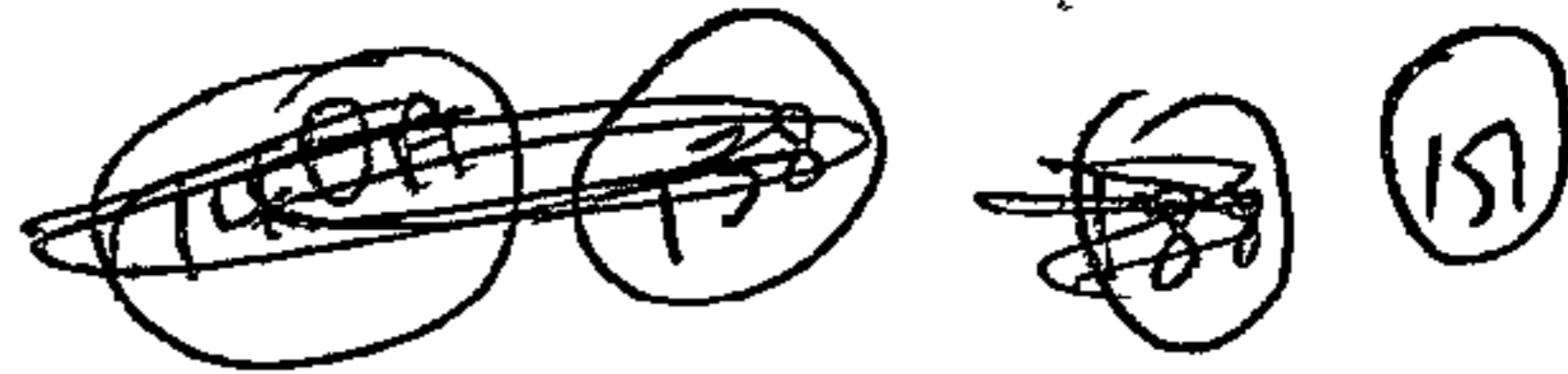
This means there has been no production this week at the plant, which was shut down by the company on Wednesday after workers began striking on Monday.

More than 800 workers downed tools this week after wage talks between the company and Naawu reached a deadlock late last week, with the company offering an 11c across the board increase and the union demanding a 50c increase.

Yesterday's talks failed again to resolve the dispute after workers rejected an improved offer of 16c an hour.

Mr N Bianco, managing director of Alfa Romeo South Africa, said he had decided to close the plant and that talks with the union would be resumed on Monday.

FM
13/7/84



of Furniture and Allied Workers (Nufaw). The judgment is likely to lead to a serious challenge to the Nufaw's closed shop in the furniture industry.

The case has a convoluted history. Earlier this year the Pwawu, which is affiliated to the Federation of SA Trade Unions (Fosatu), recruited a number of workers at Pat Cornick, a Brits furniture factory. Alarmed at this encroachment, the Nufaw made an application to the Rand Supreme Court for an urgent interdict to prevent its rival from organising in the furniture manufacturing industry.

The argument the Nufaw used was that the Pwawu's constitution did not make pro-

vision for it to cover furniture workers. It said the paper union was therefore acting in contravention of its own constitution. The Nufaw also argued that workers who did join the Pwawu would be endangering their right to continued employment as it had a closed shop for the industry. At that stage the Pwawu gave the Nufaw an undertaking not to organise furniture workers.

However, the Pwawu had applied to have its scope extended to cover furniture workers before the Nufaw's application came before the Supreme Court. By June, when the matter came up for hearing, the extension had been granted. As a consequence, the hearing revolved around costs and whe-

UNION DEMARCATION Closed shop threat

The Paper Wood and Allied Workers' Union (Pwawu) has been granted costs in a case involving a dispute with the National Union

ther the Nufaw had been entitled to to prevent the Pwawu from recruiting furniture workers at the time the application was lodged.

In the hearing, legal representatives for the Pwawu argued that the furniture union was a corporate body apart from its members. The Nufaw therefore did not have the right to bring the application because it had not suffered any harm.

Mr Justice M B Labe, who handed down his judgment last week, found that in other circumstances the Nufaw would have had the right to approach the court on behalf of its members — although it had itself suffered no harm. But he also found that the

Nufaw did not necessarily have the right to claim the relief it sought in the costs hearing.

The judge said the Nufaw had not come to court to claim relief for its members. Rather, it had sought to prevent the Pwawu from canvassing or accepting as members any workers employed in the industry who were eligible for Nufaw membership. Because Nufaw had used the fact that the Pwawu constitution did not cover furniture workers as the basis for its argument, it meant that the Nufaw did not have the right to seek relief.

RDM 17/185
14-5-85 (151)

100 workers wait for 'test' case verdict

Labour Correspondent
MORE than 100 workers who were fired after a dispute in late 1982 at an East Rand metal company Screenex, and who brought a "test" case against their employer in the industrial court, are still awaiting the court's decision.

Yesterday their union, the Metal and Allied Workers' Union, criticised the delay and said the workers, who had suffered "considerable damage" because of being

sacked, were losing money as a result

Mawu said that, should the court order the reinstatement of the workers, it only had the power to backdate this for six months

This meant that the delay was increasing the period for which workers would not be compensated even if they won the case

The court's president, Mr B J Parsons, yesterday defended the delay

He said the presiding offi-

cer in the case had almost completed his judgment and that it should be made known "in the near future"

He said the case had been a "long and complicated" one and that the presiding officer had had to give it considerable thought

The Screenex dispute centres around the company's decision, in December 1982, not to renew the contracts of several migrant workers

Workers charged that this was a violation of an agree-

ment not to retrench without consulting worker representatives, and stopped work in protest.

They were then dismissed
They later applied to the court for an order permanently reinstating them and the case was seen as a key test of the rights of migrant workers whose contracts are not renewed by their employers

In a rare move, the court heard oral evidence from witnesses

157 289 297

Boarding house owner in court

D. Disputa 18/7/84

EAST LONDON — A Quigney boarding house owner appeared in the regional court here yesterday on charges relating to employment practices

Mr H W W. Stuart, of Belvedere Lodging House, has pleaded not guilty to charges of underpaying his staff, not giving the required notice before terminating their employment, not giving them leave pay, not giving them the prescribed amount of leave a year, failing to register the boarding house, failing to provide the Department of Manpower with wage records, not complying with the Unemployment Insurance Act, not providing the department with an attendance register and not registering with the Workman's Compensation

Mr Stuart told the court he was confused about what wage determination was applicable to his business

Mr M J Swartz, senior industrial inspector for the Department of Manpower, said Mr Stuart's business fell under the determination for room letting and flats, and that he had been informed of this

In reply Mr Stuart said he found all determinations to be inapplicable

The department was very careful in classifying businesses and did so after thorough investigation, Mr Swartz said "An employer is in no position to classify himself and oppose our decisions and years of experience"

He said that under the applicable determination Mr Stuart had underpaid his employees

He told the court that Mr Stuart had been unco-operative and made little effort in dealing with the problem

The hearing was postponed until today.

The magistrate was Mrs H. C. Niemand, Mrs A. du Plessis prosecuted. Mr Stuart was not represented.

(151) (M) (Z) (Z) D. Dispatch

Owner seeks legal aid

EAST LONDON — A case in which a Quigney boarding house owner is charged with contravening employment regulations was postponed until tomorrow

Mr H W W Stuart of Belvedere Lodging House applied yesterday for an adjournment to enable him to seek legal assistance

He has pleaded not guilty to charges of underpaying his staff, not giving the required notice before terminating their employment, not giving them leave pay, not giving them the

prescribed amount of leave a year, failing to register the boarding house, failing to provide the Department of Manpower with wage records, not complying with the Unemployment Insurance Act, not providing the department with an attendance register and not registering for Workman's Compensation

Mr Stuart denied allegations that he had been unwilling to communicate with the Department of Manpower

Under cross-examination yesterday,

Mrs Nozipho Priscilla Mtywaku and Mrs Muriel Nowandile Koko told the court that they had had no paid leave while employed by Mr Stuart. They said they were not given notice and leave pay on the termination of their employment

Mr Stuart in reply that they had been off every Saturday for 21 months in lieu of leave, and he was of the opinion that they were upset at "having to leave a little gold mine"

They told the court that they earned R50 a

month and did not complain to Mr Stuart because they experienced difficulty in approaching him

They said they worked Mondays to Fridays from 7 am to 4 30 pm and had been given no set lunch of tea break, no food or transport fare. They signed no attendance register or pay slips and were given no unemployment insurance cards on the termination of their employment — DDR

The magistrate was Mrs H C Niemand, Mrs A. du Plessis prosecuted. Mr Stuart was not represented

What about maternity leave?

The securing of better maternity benefits for its members by a South African trade union, has highlighted the inadequacy of existing provisions for working women here

The Chemical Workers Industrial Union recently negotiated three months' partly-paid maternity leave for its woman members and two days paternity leave for men at a Maritzburg factory

This appears to be the first time South African employers have agreed to give men leave when their wives give birth and the first time they will guarantee paid maternity leave

In fact, many South African women face dismissal when they fall pregnant

The law prevents pregnant women from working from four weeks before the expected day of birth until eight weeks afterwards, but it does not protect them from losing their jobs

Nothing prevents an employer from dismissing a pregnant woman, or failing to provide for her while she is absent.

Spokesmen from Transvaal trade unions for garment workers say they have so far negotiated few maternity benefits. But in some cases they have secured guarantees that jobs will be kept open for women for certain periods of time.



The National Union of Wine, Spirit and Allied Workers has a clause in its agreement with employers which allows women four months maternity leave and guarantees them jobs on their return

At least one large Transvaal company dismisses pregnant women when they leave the mandatory four weeks before the birth date

Most companies grant

Maternity benefits in South Africa compare unfavourably with those of many European countries. In South Africa a woman can be dismissed when she falls pregnant. Recently the progressive Chemical Workers Industrial Union negotiated three months partly paid maternity leave. Report by KATE MCKINNELL.

unpaid leave varying in length from three to 12 months

This leave is automatic in Barclays National Bank and Premier Milling, but others such as Anglo American, Pick 'n Pay, AECI and OK Bazaars require that women must have worked certain periods ranging from six months to two years to qualify for unpaid maternity leave

The only source of income some working women have when their children are born is a maternity grant from the Unemployment Insurance Fund (UIF)

To claim from UIF the woman must have worked for at least 18 weeks in the year before the expected birth. The UIF then pays her 45 per cent of her previous sala-

ry for a total of 26 weeks

But to qualify for the full term of payment she must have been contributing to the UIF for at least three years. For each six weeks she has contributed the UIF aids her for one week.

When a woman earns over R1500 a month she stops contributing to UIF. But as long as she has at some stage contributed to the UIF she will receive benefits

Another problem women may encounter when they are granted unpaid leave is that their

Dial Share for help

The telephone number for "Share", a group newly established in Johannesburg to assist women who have suffered traumatic miscarriages, was wrongly printed in yesterday's paper. The correct number is: (011) 786-6619. An alternative number is (011) 786-9401.

pension fund contributions may lapse, causing their final retirement benefit to be less.

A point of interest was the observation by most personnel managers that women never asked about maternity benefits available to them when they applied for jobs or during induction

As one personnel manager admitted, this illustrates the general attitude in South African companies that maternity leave is by no means a woman's right. In fact employers may reject her application because she implies she hopes to fall pregnant in the future

Mrs Velia Kirkpatrick, chairman of the Transvaal Region of the Manpower and Management Foundation says "The economy demands that women work, yet we are still expected to have families. It should be a working woman's right to be maintained during her pregnancy and birth and to have her job kept open for her," she says adamantly

See World section, page 8 for maternity benefits in Europe

R.M. 21/7/84 (151) (100)

Firm declares dispute with trade union

Labour Correspondent

A PRETORIA company has become only the second employer to declare a dispute with a trade union, charging it is guilty of an "unfair labour practice"

The company, Bold Stone, was hit by a strike earlier this week by about 70 members of the unregistered National General Workers Union (NGWU), who are demanding recognition of the union.

In another development, seven Bold Stone strikers were arrested yesterday and police said they were investigating charges under the Intimidation Act.

And the NGWU's general secretary Mr Donsie Kumalo charged yesterday that police had arrived at the Rosslyn factory of Superocla, where about 250 workers are on strike in support of wage demands, and threatened to assault them if they did not return to work.

A spokesman for the SA Police's public relations division yesterday denied Mr Kumalo's claim.

Bold Stone's decision to declare a dispute with the NGWU is contained in a letter by the company to the building industry's industrial council.

In the letter, the company

says it has taken the action because it believes the NGWU has committed an "unfair labour practice" in terms of Section 43 of the Labour Relations Act.

Section 43 deals with the granting of temporary orders restoring the status quo in disputes.

The company does not give any details of its charge against the union, beyond saying that it is related to "unrest" at the firm.

In a separate letter, the union has been requested to appear at a meeting of the council on Monday which will attempt to settle the dispute. Where a factory is covered by a council, it must attempt to settle an alleged "unfair practices" dispute before it is referred to the industrial court.

Mr Kumalo said yesterday that an unknown number of Bold Stone strikers had been arrested yesterday morning and were being held at the Bon Accord police station, near Pretoria. He said the union's lawyer was attempting to find out what charges had been laid against them.

A police spokesman said seven workers had been arrested and that police were investigating intimidation charges.



Child slavery racket in SA Kids lured to cities — study

STARTLING information on child slavery has been uncovered by the Workers' and Employers Project and the SA Domestic Workers' Association in a major investigation involving hundreds of black girls — some of them only 10 years old.

The racket involves dozens of young girls who have been lured to cities with the promise of good wages and living conditions.

The bubble bursts when they reach their employers, according to Sadwa, who said they had found victims "trap-

CP Correspondent

ped" in miserable conditions.

The probe started a few weeks ago when Sadwa's Durban office was approached for help by one of the young victims, who spoke of what she called the "horrors of being a domestic worker in South Africa".

Johannesburg branch chairman Margaret Nhlapho said the racket was "shocking and disgusting", and involved African, Indian and coloured children.

She said she had visited

more than 50 families in Soweto alone, where children were "terribly abused mentally and physically by people of their own nationality".

Ms Nhlapho told City Press she had found a similar situation in Pietersburg and Germiston.

She said it was no use branding whites as the main exploiters, as some African people had been found to be cruel and brutal abusers.

Community worker Mary Mkhwanazi, Sadwa's Natal organiser, said the racket was "one of the cruelest things done by African employers to

their workers".

"Child slavery is evil and brutal. It is proof of how thousands of domestic workers are being exploited," Ms Mkhwanazi said.

Sadwa officials said their investigation was aimed at putting an end to the practice, and they promised not to rest until the people responsible had been brought to book.

Ms Mkhwanazi said the network of illegal "employment bureaux" existed all over the country, but were most active in Bloemfontein, Kimberley, Durban and Johannesburg.

GWU warns Everite of trade union action

By RIAAN DE VILLIERS
Labour Reporter

THE General Workers' Union yesterday warned that it would seek national and international trade-union action against the Swiss multinational Everite company if it failed to accede to the demands of more than 700 workers striking at its Brackenfell plant.

This was contained in a resolution adopted at the 12 000-member union's annual national conference held in Cape Town at the weekend.

Everite workers downed tools on Friday in protest against the arrest of five union shop stewards and disciplinary action taken by the company against a sixth. Workers voted to continue striking after management had rejected

demands that they withdraw criminal charges and all disciplinary hearings.

The conference declared that Everite was engaging in a "systematic campaign of victimization of union shop stewards in co-operation with the police" and it therefore strongly endorsed the workers' decision to strike.

It demanded that Everite reinstate the dismissed shop steward and withdraw charges against others.

Failing this, it would inform the next meeting of the feasibility committee setting up a new federation of independent unions and the Building Workers' International that Everite was in "flagrant violation" of internationally-accepted

principles of freedom of association.

It would urge the South African and international labour movements to "seek compliance with these standards," it added.

Meanwhile, Everite yesterday rejected previous GWU accusations that it had collaborated with the police in victimizing union leaders.

Mr Evert Claasen, its personnel director, confirmed that the company had laid a complaint of breaking and entering and of malicious damage to property following damage caused to the hostel manager's office on Monday.

'Labelled'

Following a police investigation, management was instructed to call five shop stewards from their work places on Thursday. These men were arrested and would appear in court today.

"These logical consequences of a criminal action have now been labelled as sinister 'police collaboration' and 'victimization of shop stewards' by the GWU.

"We suggest however that the union should look no further than the behaviour of its members to discover the reasons for police involvement and for internal disciplinary hearings that are the cause of the current work stoppage," he said.

Union demands that disciplinary procedures should be withdrawn sought to give "privileged status" to the shop stewards concerned and were a "direct attack on management's inalienable right to discipline", he added.

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D. Zepatek 25/7/84

Da Gama, Saawu to negotiate

EAST LONDON — The Da Gama textile company and the South African Allied Workers' Union (Saawu) are to open negotiations "very soon" on a recognition agreement

In a joint statement, Da Gama and Saawu announced that a referendum among the workers of Da Gama's East London factory had

indicated that 78.5 per cent of the workers wished to be represented by Saawu

The referendum was held on July 18 and 19

"In line with Da Gama Textiles policy to negotiate with any party that truly represents the majority of workers, Da Gama will now proceed to negotiate a recognition agreement that will

lead to formalising relations with Saawu," the statement said

Yesterday the general manager (personnel) of Da Gama, Mr Frank Judd, said the negotiations would begin "in the very near future"

Mr Judd said the recognition agreement would cover Da Gama's East London factory only

and would not apply to the company's factory near Zwelitsha in Ciskei

Saawu has been banned in Ciskei

He said the agreement would affect some 1 500 employees of the company

Saawu's branch secretary, Mr Yure Mdyogolo, confirmed

that the union would not be pressing for recognition at Da Gama's Ciskei factory

"We are not organised there," he said

Da Gama, which is a joint venture between the Industrial Development Corporation (IDC) and Tootal, is one of the Border's biggest industries — DDR

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Court Reporter

A PORT ELIZABETH property developer told the Port Elizabeth Magistrate's Court yesterday that he didn't know the building inspector who came to his site, and thought he was somebody who had tried to "smuggle" some of his workers away

The developer, Mr Andries Albertus Lategan, of Lorient Place, Lorraine, was charged with two counts of contravening the Labour Relations Act by not allowing a building inspector to conduct an inspection and by ordering him to leave his premises

The case was postponed to August 29

Mr Lategan allegedly obstructed Mr Theodorus du Plessis and Mr Gerhard Britz, from the Industrial Council for the Building Industry, from carrying out a routine inspection on March 26 and 27

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Man thought inspector was worker stealer

He pleaded not guilty to both charges

Mr Du Plessis told the court he had gone to the Ramtree Village complex to carry out a routine inspection on March 26

He spoke to three contractors and a few tradesmen at the site and while he was talking to the third contractor, Mr Lategan arrived and said he should leave immediately and that he had no right to just arrive there He had told him

to make an appointment

Mr Du Plessis said Mr Lategan gave him no chance to introduce himself

Mr Du Plessis went back to his office and reported the incident to Mr Britz, the senior agent at the Industrial Council

The following day, Mr Britz and Mr Du Plessis visited Mr Lategan and were again refused permission to inspect the site They then reported the

matter to the police

Mr Britz said he told Mr Lategan he was breaking the law Two policemen accompanied them to the site that afternoon

Mr Lategan again refused to allow them to carry out an inspection

Mr Lategan said he had told Mr Britz he was prepared to co-operate. He did not consider that his request for them to come back at another time was unreasonable At the time he was busy working with concrete which, if it dried, could have caused him considerable financial losses

Mr Lategan said he had walked Mr Du Plessis to his car after he asked him to leave because he didn't know who he was and didn't want him to slip back behind his back and try to steal his workers away.

Mr I S van der Merwe was on the Bench Mr F Wilke appeared for the State

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D. Dispatch 2/26
26/7/84
Union stages

walkout

JOHANNESBURG — Officials of the unregistered National General Workers Union walked out of an Industrial Council dispute-settling meeting yesterday after being told they could not represent the union at the meeting, the NGWU's general secretary, Mr Donsie Kumalo, said yesterday

Mr Kumalo said council officials had told the NGWU it was "not a trade union" and that its officials could attend as "people chosen by workers to represent them" only

Comment from council officials could not be obtained yesterday

According to Mr Kumalo, the NGWU was due at yesterday's meeting to provide proof of its membership at the company — DDC

Maternity benefits deal for another Fosatu union

151
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27/7/84
186

By Carolyn Dempster,
Labour Reporter

Another maternity agreement has been negotiated by an affiliate of the Federation of South African Trade Unions (Fosatu)

This week the Sweet Food and Allied Workers' Union (SFAWU) concluded a maternity package for its female members at the Kellogg Company's Springs plant

RETAINED

In terms of the agreement, which comes into effect on August 1,

- Female employees who have completed a year's service will be retained on the company books for an additional 12 months provided they indicate their intention to return to work

- Women taking maternity leave will receive a lump sum payment equivalent to a month's wages and will continue

to get medical aid and pension benefits

Mr Chris Dlamini, president of SFAWU, which is an affiliate of Fosatu, and chairman of the shop steward negotiating committee, expressed appreciation to the management of Kellogg for their "progressive thinking" on the issue of maternity leave

IMPORTANCE

The agreement is the third such agreement signed by a Fosatu union within the past three months — an indication of the increasing importance the unions are beginning to place on maternity benefits

To date the the most beneficial of the maternity benefits agreements signed by a Fosatu union has been the agreement between the Chemical Workers' Industrial Union and NCS Plastics of Pinetown.

Poor handling skills cause almost 50 percent of strikes

151
Star

Training in industry

Ivor Oyston, MD of Tadsa-Mohr, a fast-expanding training company which has tied up with a number of American concerns, continues his series of articles on training and behaviour modelling.



28/7/84

South African statistics show that poor grievance and discipline-handling on the shop floor account for close to fifty percent of strike action

Management has tended in the past to address the problems after the strike has occurred

Little is done to reduce the risk of strike action by helping foremen and supervisors improve their people handling skills in the areas of industrial relations (IR)

The following are some of the situations faced by foremen and supervisors

- Handling grievances at first level,
- Handling discrimination complaints,
- Handling a job refusal,
- Handling a group work slowdown,
- Problem solving with a shop steward,
- Reducing resistance to change,
- Motivating employees who are having performance problems,

● Administering formal corrective action,

● Terminating an employee's services

Formal IR training can be developed using behaviour modelling to develop a better understanding of the motivational principles, as well as develop skills in handling specific IR situations at first level

The supervisor who lives by the basic principles of motivation will increase the chances of maximising the productivity in his area of responsibility, thus reducing lost manhours through strike action

Taking a step by step approach (behaviour modelling) the supervisor will build his people handling skills and become exposed to the real life situations (skill modules) mentioned above

One often finds a degree of scepticism when training at this level — "it's soft management, a charm school"

Quite the contrary, a programme dealing with such a se-

rious area as IR advocates that supervisors deal with subordinate's problems as they arise

A programme of this nature should be as concerned with productivity as it is with any dimension of human relations

There should never be a compromise on productivity simply to ensure that people are happy. Supervisors must be taught to focus on behaviour and how to deal with specific problems

Proper training when handling an employee can eliminate a response where the employee feels that a negative judgement has been made about him. In an effort to protect his self-esteem the employee may become defensive or even aggressive

Supervisors often face the problem of having to improve the performance of an employee. When the situation arises action should be taken immediately to ensure that the standard of performance is maintained

The effective (trained) supervisor manages to deal with the performance problem quickly and in a way that motivates the employee to improve.

Many supervisors find handling performance problems an unpleasant part of the supervisor's responsibility. Some ignore the problem until it becomes chronic and some overreact and the problem becomes worse

Some of the challenges which the supervisors encounter are more demanding than others and have greater consequences if mishandled

Undoubtedly dismissing an employee is one of them. To be successful in this difficult situation the trained supervisor needs a command of practical human relations know-how

He must know how to avoid involvement in emotional and personality orientated tangents

The supervisor trained in people-handling skills can become a major resource for management in eliminating strike action resulting from the mismanagement of employees

(151) C. T. W...
28/7/84

Community leader's dismissal 'unfair'

Staff Reporter

THE chairman of the Cape Areas Housing Action Committee, Mr Wilfred Rhodes, has made an application in the Industrial Court for interim reinstatement in his former job with a manufacturing company, from which he alleged he had been unfairly dismissed.

The matter has been referred as a dispute to the National Industrial Council for the Textile Manufacturing Industry for arbitration and will be heard in the Industrial Court only if the council cannot resolve the dispute.

Mr Rhodes alleged that he was unfairly dismissed from SA Bias

Binding Manufacturers on June 15 this year when he was given a week's notice pay but dismissed with immediate effect "because he did not fit into the system". He joined the company on April 10.

Mr Philip Coutts-Trotter, managing director of SA Bias Binding Manufacturers, said yesterday that the application for the reinstatement of Mr Rhodes had been opposed.

He said the company had "acted fairly".

A spokesperson for the Legal Resources Centre confirmed that an application for the reinstatement of Mr Rhodes in his job had been made in the Industrial Court.

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Wages case: Woman fined

31/7/84 Staff Reporter

A 32-YEAR-OLD divorced Sea Point mother was yesterday fined a total of R500 (or 250 days) in the Magistrate's Court for 10 contraventions of the Labour Relations Act.

The contraventions included her failure to pay two employees in full for overtime.

Maria Madeleine D'Oliviera, of Rhone Flats, Regent Road, Sea Point — a director of Bellatrix Investments (Pty) Ltd, trading as Gilliard Creations, of Rose Street, Cape Town — was also convicted, as one of the 10 counts, of failing to pay another employee her wages and pro-rata leave pay on termination of her employment.

The magistrate, Mr B Carroll, suspended the entire fine for five years and ordered her to pay the amounts owing to three employees (R152,28) to the Industrial Council for the Clothing Trade by December 1

Register

D'Oliviera was convicted of wrongfully requiring or permitting Kathleen Spielman and Fatima Higgins to work overtime in excess of two hours a day and failing to pay them R25,04 and R28,24 respectively

She also failed to pay Laurel Heuwel her wages and pro-rata leave pay on termination of her employment, resulting in an underpayment of R99, and did not produce on demand to the Industrial Council the firm's wage register

The other counts related to failure to comply with various Industrial Council regulations

Mr Carroll said the court took into account D'Oliviera's financial circumstances.

"The offences relating to the non-payment of amounts owing to employees are very serious. Most factory workers live just below the breadline and have to budget with what they anticipate they will be paid. If they do not receive the amounts due to them, they overspend and end up here in the debtor's court,"

Mr Carroll said

Mr I Yuille prosecuted Mr J Kudo appeared for D'Oliviera.

Employers ignore Seifsa ruling

Union goes for in-house deals

By Carolyn Dempster
Labour Reporter

At least 10 Natal employers have flouted the directives of the Steel and Engineering Industries Federation of South Africa (Seifsa) not to negotiate in-house agreements.

The Metal and Allied Workers' Union (Mawu) announced on Monday that it had concluded successful plant agreements with 10 Natal companies and was involved in negotiations at three other plants.

The agreements will serve to supplement the

national minimums negotiated by Seifsa at the Industrial Council last month.

This is in spite of the pressure which Seifsa has applied to member employer bodies not to negotiate outside of the council.

Following the 1984/85 national agreement, a circular was issued to employers calling on them not to negotiate with unions at plant level as this would undermine a centralised bargaining system.

However, both Mawu and the South African

Boilermakers' Society refused to be party to the national agreement and announced their intention of negotiating for further increases at plant level.

The companies which have signed agreements with Mawu include A P V Kestner in Pietermaritzburg, Pillar Naco, City Metal Products in Isipingo and WB Camerons, Forbo Krommeme, Metal Press in Mobeni, Van Leer, CI Industries, Glacier Bearings and K B W Valves in Isipingo.

New minimum rates have been negotiated in five of the companies

DOM 2/8/84 (151) (152) (153)

Union demands a conciliation board

Labour Correspondent

THE unregistered National General Workers Union (NGWU) says it is to launch a legal strike at a Pretoria dry cleaning firm if an official conciliation board is not appointed to settle its dispute with the company.

The union's general secretary, Mr Donsie Kumalo, also said yesterday that the Retail and Allied Workers Union (RAWU) — which was set up by the NGWU — has declared a dispute with the Pretoria firm Hansa Meats.

In both cases, he said, the dispute concerned the companies' refusal to recognise the unions, even though they claim majority support at the plants.

Mr Kumalo said the NGWU had applied for a conciliation board on July 11 to settle its dispute with De Luxe Dry Cleaners.

A board had not yet been appointed.

However, the union had held a strike ballot among the company's workers and would call a legal strike if the board was not appointed by August 11.

In terms of labour law, a union which has declared a dispute may strike legally if a board is not appointed within 30 days.

At Hansa Meats, Mr Kumalo said, the company had said it would not recognise RAWU because its lawyers had advised it not to recognise an unregistered union.

He said the union was considering calling a consumer boycott of the firm.

A Hansa Meat spokesman yesterday referred queries about the dispute to the company's lawyers who, he said, were handling the matter.

The lawyers, however, declined to discuss the dispute saying they could not divulge information about a client.

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Cogs whirr in labour disputes

Labour Correspondent

THE number of applications to the Department of Manpower this year for official conciliation boards to settle labour disputes is already higher than the total number of boards appointed during the whole of 1983 — which was itself a record year for use of the boards

And the number of industrial court cases launched this year has also already broken 1983's record

This was revealed by the Director-General of Manpower, Dr Piet van der Merwe, in a recent speech in which he quoted figures for the number of conciliation board applications and court cases this year

Both the boards and the court are key elements in the disputes machinery set up by labour law and, in his speech, Dr Van der Merwe said the figures indicated a much greater use of the official machinery provided by the law

Conciliation boards are appointed when a formal labour

dispute is declared. They must attempt to settle the dispute and, if they fail, a legal strike or industrial court case can be launched

The figures on the use of the boards and the court also come in the wake of official figures revealing a threefold rise in the number of strikes during the first five months of this year compared to the same period last year and a fivefold increase in the number of workers involved in strikes

According to Dr Van der Merwe, the department received 123 applications for conciliation boards this year and 175 industrial court cases have been launched

During 1983, 119 boards were appointed and 170 cases were referred to the court.

The increase in industrial court cases also comes at a time when the department is preventing many cases in which "unfair labour practices" are alleged from reaching the court and amid indications that the court's powers are to curbed

imum up to R2 47/hour. It was also agreed that negotiations would be conducted annually in future instead of half-yearly.

Toyota, the only motor company making a healthy profit, has its plant in Natal. There the company has been paying a R2 65 real minimum wage since the beginning of July. Naawu has 35% membership at the plant. A union spokesman tells the *FM* wages in Natal are directly influenced by what Naawu has achieved in other areas.

By contrast, eastern Cape wages have stabilised largely due to the fact that an 18-month agreement was negotiated on June 7 1983. It expires at the end of this year. The eastern Cape motor industrial council's minimum wage is R2 15/hour. This amount swells to a minimum of R2 26/hour if the industry's year-end gratuity of approximately 4% of basic salary and an attendance allowance are included. A union spokesman tells the *FM* that the average actual wage is R2 70/hour.

Far lower

Wages in the motor components sector are far lower. The industrial council minimum is R1 11/hour — agreed in December last year. In terms of the agreement it will rise to R1 50 from October. The lower wages in this sector is largely accounted for by the fact that components manufacture is split between a large number of small companies — who lack both the resources and the vulnerability of the big motor companies.

Naawu and UAMWU both have presence in the motor components sector as has Fosatu's Metal and Allied Workers' Union (Mawu). But the key union is the Trade Union Council of SA's Motor Industry Combined Workers' Union (Micwu). These unions are all committed to increasing wages.

Signs of co-operation have already become apparent. Last year, in an unusual display of Fosatu-Tucsa co-operation, Naawu publicly backed Micwu's wage demands. This year Micwu, Mawu, Naawu and UAMWU met to discuss future co-operation. Micwu and the Fosatu unions are all affiliates of the SA Co-ordinating Council of the International Metalworkers' Federation. Naawu and Mawu have also applied to join the sector's industrial council. This could spell trouble for the council's two dominant unions — the Motor Industry Staff Association and the Motor Industry Employees' Union of SA. Union strength will also be enhanced if the current unity talks initiative succeeds in creating a single union out of Naawu and UAMWU.

Naawu's Taffy Adler tells the *FM* the union has a short-term aim to increase the component sector's minimum wage to R2. Its aims for the assembly industry are clear: it wants a R3 50 minimum wage. But this demand is unlikely to meet favour among employers struggling with increased costs and low rates of exchange.

One employer told the *FM* "If they are

going to call for R3 50/hour they may be prepared to back off at R3/hour or lower. Otherwise they'll have to strike for a long time."

too came about largely through concerted union activity and a number of strikes.

The two important (mainly black) unions in the motor assembly industry are Naawu, an affiliate of the Federation of SA Trade Unions (Fosatu), and the United African Motor Workers' Union (UAMWU), which is affiliated to the Council of Unions of SA. The Motor Assembly Component Workers' Union of SA has a small presence in the eastern Cape but it has recently been affected by internal dissent.

Naawu is the dominant union with significant representation in every motor assembly plant in SA except Nissan, near Pretoria, where UAMWU holds sway.

This year the union's members have been involved in a number of major strikes. At BMW's Rosslyn plant 1 500 workers struck for ten days in late January over dissatisfaction with an interim increase the company awarded after discussions with a works council. They returned to work after obtaining a management commitment to negotiate wages with the union.

In negotiations with Naawu, BMW agreed on a minimum across the board increase of 33c/hour — bringing the minimum wage in the factory to R2 73/hour. Other conditions included a compulsory year-end bonus, the introduction of an attendance allowance ranging from 5c-12c/hour depending on length of service, voluntary overtime rates and the adoption of procedures to be followed in the event of overtime work. The agreement expires at the end of June 1985.

Workers at Alfa Romeo's Brits plant struck for six days in July over a wage dispute. In the end they won a 16c across the board increase effective from July 1 to October 1, with an additional 4c from October 1 to December 31. From October the minimum wage will be R2 44 an hour. Negotiations with the Naawu for next year's wages open in September.

In April Naawu negotiated a minimum R2 20/hour wage with Sigma (now Amcar) management. Due to a productivity deal workers are actually guaranteed a minimum wage of R2 40/hour and can earn up to R2 56/hour, depending on productivity.

UAMWU too has been involved in a major strike. In late June 7 000 workers at Messina's Nissan, Magnus Truck and Motorware complex struck in support of union demands for a 45c/hour increase. Management had offered between 8c and 10c. In negotiations after the strikers returned to work, the parties agreed on an 18c across the board increase effective from July 1 and further 2c/hour increase from September. That will bring the mini-

MOTOR INDUSTRY Assembling strength

Management in the motor industry has been complaining about tough times — but their assembly line workers are sitting pretty. They are among the country's highest paid workers. Whether they will be able to maintain their position now depends on a combination of economic conditions and union strength.

Until recently it was the militant eastern Cape motor workers who topped the wage scale for unskilled labourers. That position was won after a number of strikes in the Uitenhage area at the end of 1980 in which the National Automobile and Allied Workers' Union (Naawu) called for a minimum R2/hour wage. Some of the union's success can be attributed to the fact that, as signatories to foreign employment codes, many of the companies — Ford, GM, Volkswagen and BMW — are obliged to pay more than minimum wages.

But in the last year the wage gap between the eastern Cape workers and those in the Transvaal and Natal has closed. This

FM 3/8/84

35 000 post office workers in line for salary boost

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By Sue Leeman,
Pretoria Bureau

About 35 000 post office workers are to receive salary increases of between 10 and 14 percent in the latest phase of the Government's scheme for occupationally differentiated salary adjustments.

This boosts the post office's wage bill for its 94 000 employees to a total of R664 million for 1984/85.

The Postmaster General, Mr Henry Bester, has revealed that those who will benefit from the latest adjustments include postmen, telephone exchange personnel, clerical and administrative officials and a number of technical assistants.

Their salary increases will be backdated from January 1.

Technicians and professional engineers have already received similar increases.

Mr Bester said the

evaluation of posts within the post office had been started in January with the aim of bringing post office salaries in line with those for similar positions in the private sector.

It is understood the latest adjustments represent the final stages of the salary adjustment programme in the post office.

ADJUSTING

Only a small number of specialist groups, including statisticians and press liaison staff, still need attention.

The Government's scheme for adjusting public service salaries according to occupation groups has been in full swing for over 18 months.

Other groups which have benefitted this year include police and military personnel, who received generous increases in January, and teachers, who are set to receive an estimated 22 percent extra from October.

Another pay rise for Putco workers

By Carolyn Dempster,
Labour Reporter

Two unions negotiating jointly on behalf of 8 600 Putco workers have won wage increases of 12,3 percent and numerous service benefits for their members

The package, which comprises a 17 percent increase overall, was successfully negotiated between the Transport and General Workers' Union, the Transport and Allied Workers' Union and the Putco bus company last Friday.

This is the second increase in just over a month

In June an arbitrator awarded a 15,5 percent increase backdated to January.

The award followed a year-long dispute between the unions and the company

In terms of the new 1984/5 agreement all employees will receive an additional paid public holiday each year.

Tool allowances are to be increased from R1 a week to R3 a week, maternity leave benefits now include a guarantee of re-employment, the funeral benefit fund has been extended and reimbursement for hospital fees has been marginally increased

Miss Jane Barrett, general secretary of the TGWU, said the increase was satisfactory

But she said the union was happiest about the various improvements in working conditions

Although the TGWU is affiliated to the Federation of South African Trade Unions and the TAWU is a Council of South African Unions affiliate, the two unions have been working closely together in the arbitration hearings and the annual wage negotiations.

Retroactive pay rise for bus drivers

Staff Reporter

AN Industrial Court has awarded bus drivers a retroactive 10 percent wage increase following a dispute earlier this year between the Tramway and Omnibus Workers' Union and City Tramways Limited

Mr Dirk Benade, secretary for the union, yesterday confirmed that the award last week, retroactive to May 5, was 10 percent for drivers with less than four years of service, nine percent for those with more than four years of service, eight percent for shedmen not specified in the union's agreement with the company, and seven percent for those shedmen who are to benefit from the employers' training facilities

However, the court rejected the union's demands for a 40-hour working week in place of the current 44-hour week, and a rand-for-rand company contribution towards the employees' sick fund Presently,

the company matched seven percent of the employees' contribution, Mr Benade said

"The whole thing is like a Chinese puzzle," he added "A newcomer is better off than a person with 40 years' service, thanks to the award"

Officially, the company offered a four percent increase However, at the height of the dispute which led to a "work to rule" decision by drivers in April/May, an unofficial offer of an eight percent wage increase was made, Mr Benade said

The dispute seriously affected bus services in the Peninsula for a month and was finally referred to the Industrial Court when negotiations between the two parties ended in a deadlock

The Department of Manpower spokesman said yesterday that that he could not confirm the award since it was subject to a "secrecy provision" which had to be cleared

(151) ~~140A~~
May Day
break and
extra pay
14/8/84

Labour Reporter

The significance of May Day as an international labour holiday has been recognised by a Natal company

The agreement follows four months of tough negotiations after the Metal and Allied Workers' Union (Mawu) declared a dispute with management, held a strike ballot and instituted an overtime ban

The final wage offer accepted by the union through mediation was 59 percent higher than BTR's original offer, bringing minimum wages at the factory to R329 a month

The union said the minimum wage was pitifully low

Building workers to get pay rise

C. Times 15/8/84

By EBRAHIM MOOSA
IMMINENT wage increases for artisans in the next two weeks are likely to increase the cost of houses by five percent, building sources said yesterday

This additional burden, coupled with a possible rise in mortgage bond rates, could break the camel's back for many prospective home owners

A spokesman for a leading City home construction company, Mr Peter de Wet, said that this could add between R2 000 and R3 000 to the price of new homes

About 10 000 artisans and about 30 000 to 50 000 unskilled labourers are demanding a wage increase of more than 12 percent

A spokesman for the Industrial Council for the Building Industry said yesterday that last November wages were increased by 15 percent

Negotiations

Industry sources say it is likely that there could be a similar increase soon.

Mr E H Boehnke, president of the Master Builders and Allied Trades' Union — the employers' union — yesterday confirmed that a new industrial agreement which included wages "among

other things', was being negotiated

The issue would be resolved at a meeting next Monday, he said. Two previous meetings had been inconclusive

The five major unions involved in the negotiations are the Building Workers Union, the South African Woodworkers Union, the Amalgamated Union of Building Trade Workers, the Amalgamated Society of Woodworkers and the Operative Mason's Society of South Africa

Rejected

Unions approached for comment yesterday said that any wage negotiations below the 12 percent inflation rate "would not be feasible"

The secretary of the SA Woodworkers Union, Mr E Kapp, said yesterday "We are certainly not going to accept 10 percent"

The employers' offer of a minimum R4,30 an hour — a rise of 80c from the current R3,50 — was rejected by the unions in the preliminary talks. This was because average earnings are already between R4,50 and R5,00.

The slump in the construction industry and rising costs are likely to force builders to absorb the increases and lower their margins, Mr De Wet added

Man harasses ex-wife: Jailed

Staff Reporter

A FRENCHMAN who ignored a Supreme Court interdict forbidding him to see his former wife was yesterday jailed for four months for contempt of court

Patrick Maurice Jean Masué, 31, of Senator Park, Keerom Street, Cape Town previously pleaded guilty to the charge

In a statement handed to the court, Masué admitted approaching his former wife, Miss Emerentia van Zyl, in Sea Point on July 29 and telephoning her on August 4

Miss Van Zyl told the court they had married in June 1982 and had gone overseas. After three months it became obvious that the marriage was not working and she returned to South Africa

Masué followed and started harassing her and on October 1982 she had obtained a Supreme Court interdict which restrained Masué from contacting her

He had ignored the order and was convicted in the Stellenbosch Magistrate's Court for contempt of court and sentenced to 30 days, suspended for five years

She had been "very afraid" of him because he had assaulted her while they were in France and Switzerland

Masué denied that he had been following his former wife when he had met her in Sea Point and said it had been a "chance" meeting

Mr Mike Stowe prosecuted. Mr R Cheesman appeared for Masué

Games a i

Chief Reporter

BEDEVILLED by politics and commercialism and deprived, by the Soviet-bloc boycott, of the participation of some of the world's top athletes, the 1984 Olympic extravaganza just ended at Los Angeles amid excitement, colour and drama has been a huge success financially if not on the track.

Some of the statistics emanating from what commentators have caustically called "Rip-Off City" have been staggering.

● Ticket sales, for example, are said to have surpassed

R154 million, exceeding expectations, and a profit of at least R15 million has been predicted.

● While the LA Games were not noted for the number of records broken on land and field, attendance at the Memorial Coliseum for their two-week duration topped 5,6 million — an Olympic record.

● The Games, in which 7 800 athletes from 141 countries took part, had a wide television audience estimated at 2 500 million of humanity.

● In the biggest peacetime operation of its kind



The spike wound which Zola Budd acquired during the race on Friday.

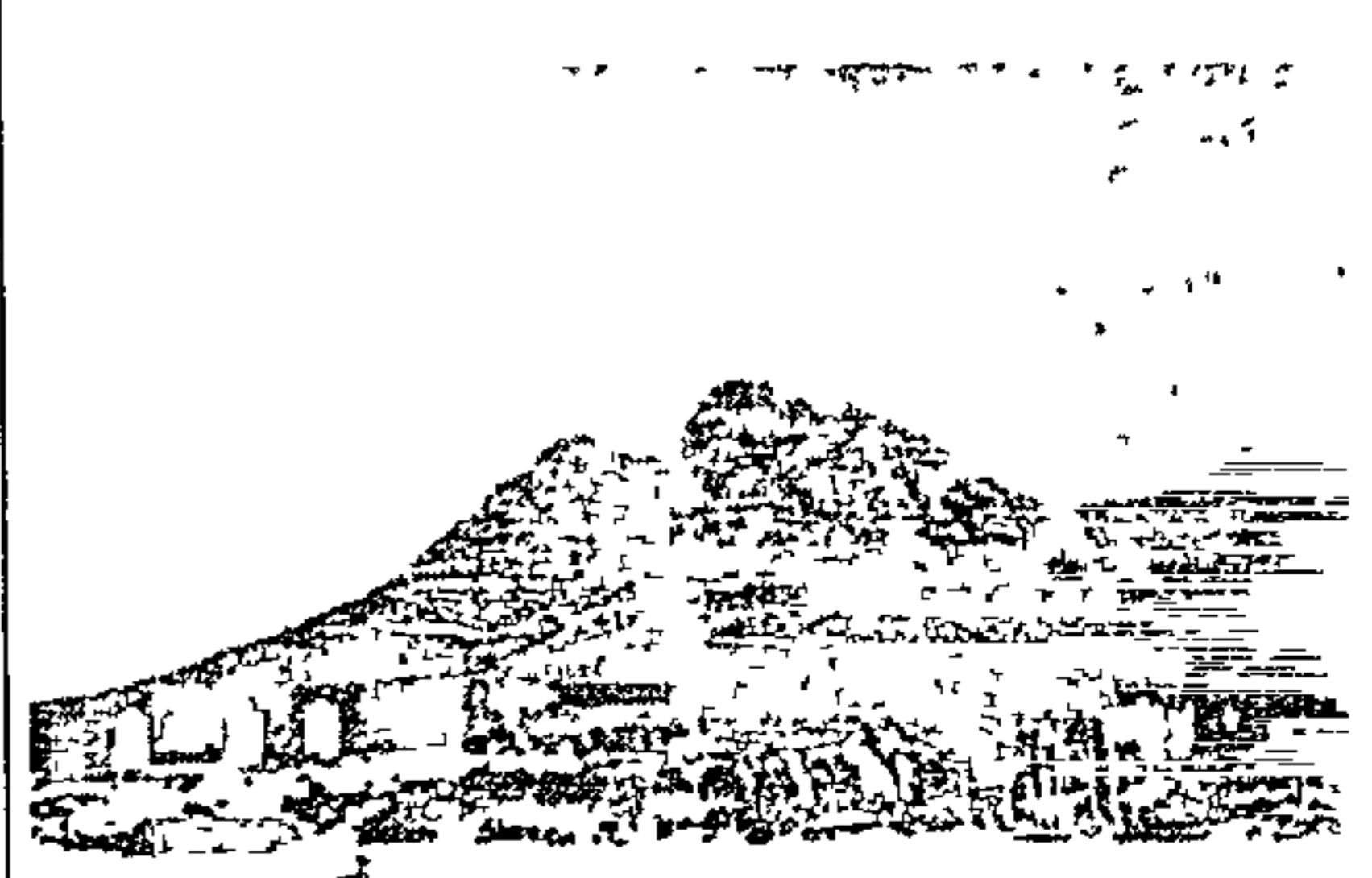
TOWN TOPICS
The original community noticeboard
Phone JULIE METCALFE on (021)24-2233 between 9am and 12.30pm weekdays only.

CAPE TOWN PHOTOGRAPHIC SOCIETY meets this evening for its monthly slide competition and a talk by Gerald Hoberam on how he perfected the technique of macro-photography in his research for a way to capture the beauty to be found in coins. Slides of the famous Spink collection will be shown. Members of the Numismatic Society are invited. Visitors welcome. Inquiries phone James Wellbeloved at 21-6770

Workers for blind needed

Staff Reporter

TAPE Aids for the Blind (TAB) needs volunteers to help in its service to blind and print-handicapped people in the Peninsula



Key pay dispute settled

By STEVEN FRIEDMAN
Labour Correspondent

A KEY wage dispute between the Sweet, Food and Allied Workers Union (SFAWU) and the Imbali Brewery of the KwaZulu Development Corporation (KDC) has been settled, a joint statement by the two sides announced yesterday.

But a key issue in the dispute — whether the brewery is covered by South African labour law or is under the control of KwaZulu — remains unresolved.

Meanwhile, about 800 workers at BB Bread in Natal, most of whom belong to SFAWU, staged a work stoppage on Monday in support of demands that the company grant workers a pay rise higher than that negotiated at an industrial council.

Their dispute with BB — which is owned by the food company Baker's and employs more than 800 workers — has been referred to the industrial council and is seen as a test of the union's ability to win pay rises outside the council.

The Imbali dispute was seen as significant because it is a rarity for firms owned by homeland development corporations to negotiate with unions. SFAWU is recognised at the brewery.

SA labour law does not apply in the homelands, but SFAWU used the disputes machinery set up by law after talks with Imbali deadlocked, arguing that the brewery is not located in KwaZulu and is thus subject to labour law.

Pay talks between the two sides began in October last year, with SFAWU demanding a minimum wage of R300 a month.

In March, they deadlocked and the union declared a dispute. The two sides also agreed to the appointment of a mediator, who was later appointed chairman of the conciliation board which attempted to settle the dispute.

At the board, the KDC disputed SFAWU's argument that the brewery was subject to South African labour law. Because this issue remained unresolved, the board adjourned indefinitely to allow the KDC to submit documents to the Minister of Manpower.

But wage talks between the two sides continued and they have now agreed on an increase which will raise minimum pay to R230 a month from the beginning of August. The new rates will apply until next May.

A union spokesman said workers at other plants had been watching the dispute as they saw it as a test of whether they could win higher wages than those negotiated at the council.

MINE DISPUTE

No inevitable strike

The deadlock in conciliation board talks between the Chamber of Mines and the National Union of Mineworkers (NUM) over wages and conditions on the gold mines was probably inevitable. The gap between wage increases offered by the chamber and those demanded by the union was too wide to start with.

A similar breakdown was expected in the coal mine talks after the FM went to press. The NUM is already in deadlock with the non-chamber Duvha colliery owned by Rand Mines.

However, a strike, which the NUM is now legally entitled to launch on the Elandsrand, Western Holdings, Vaal Reefs, President Brand and Kloof gold mines (and at the Duvha colliery), is not yet seen as inevitable.

Although both sides have agreed to inform the Minister of Manpower that the gold talks are deadlocked, the union has still to report back to its members. Their response will determine the future course of events.

How long the report-back procedure will take is uncertain. An NUM spokesman says that if a strike is decided upon, it is unlikely to begin for about one week. But some mining sources feel that it could take the union two weeks or more before the report-back procedure is completed.

Although the NUM was partly reacting to rank-and-file militancy in its hard-line attitude in the conciliation talks, it is well aware of the vulnerability of its members.

Any strike they launch will be legal, but that will not protect the strikers from being fired and shipped back to the homelands. In an interview with the FM last week, the chamber's industrial relations adviser, Johann Liebenberg, did not rule out the possibility that employers might decide to fire strikers in the event of a strike.

High expectations

The NUM's problem is that it has aroused expectations in its members which it now finds impossible to gratify. The problem goes back to last year's negotiations, the first ever held between the chamber and a black union, when the union settled for a moderate increase only to face intense dissatisfaction among its members.

As a result, a special congress of the NUM was held and the union leadership, after unsuccessfully trying to renege on its deal with the chamber, undertook not to sign any future agreement without first consulting members for approval.

If members were to opt for a strike in the present impasse, the union leadership will presumably have to concur. Any strike



NUM's Ramaphosa ... looking for an acceptable compromise?

could, of course, spill over to mines where the NUM is not recognised and could also lead to clashes between union members and non-member underground workers, who are believed to be more satisfied with their lot.

If employers were to dismiss strikers, they should have little difficulty in recruiting new workers to replace them — although at the price of some disruption.

Earlier this year, The Employment Bureau of Africa (Teba), the chamber's recruiting arm, said it could easily recruit another 300 000 workers if it were necessary to bring manning levels up to 800 000 from the present 500 000.

Mining sources say there are thousands of unemployed former miners in the homelands who are anxious to get jobs.

However, in the event of employers using the firing weapon, they might not only have to deal with violence and rioting on the mines but might also find that the only way to ship the strikers home would be at the point of a police gun. The international repercussions would be incalculable.

Last week, NUM leader Cyril Ramaphosa told the FM that if the employers fired legal strikers, there would be "hell to pay".

The chamber must therefore be hoping

that the NUM's perceptions of its own weaknesses will bring it back to the negotiating table with some form of acceptable compromise proposal.

NAMIBIA

Threat to the MPC

A serious split in the ranks of the South West Africa National Union (Swanu) may cause the break-up of the Multi-Party Conference (MPC) of internal Namibian political parties. This could change SA strategy in Namibia.

The MPC was intended to form a viable alternative to Swapo and was formed by the six most prominent political parties outside that movement. They were Swanu, the Damara Council, the Swapo-Democrats, the white National Party, the Democratic Turnhalle Alliance (DTA) and the Reheboth Liberation Front. The Damara Council of Chief Justus Garoeb later withdrew and joined the Swapo Patriotic Alliance.

The secretary general of Swanu, Nora Chase, opposed Swanu's membership of the MPC, because she believed it was meant as an anti-Swapo front and that SA was behind it. She was supported by the party's past president, Gerson Veni, and vice-president, Kuzeeke Kangueehi, and an influential young Swanu leader who has just returned from the UK, Reinhard Rukoro.

Their rebellion came into the open when Chase tried to attend the Lusaka conference as a member of the Swapo Patriotic Alliance delegation, while Swanu itself was a member of the MPC delegation on the other side of the table. The politburo of Swanu then expelled Chase and her allies for "anti-party activities".

The rebels assembled their supporters and, at a branch conference in Otjwarongo, the leaders of 14 of Swanu's 18 branches voted to reinstate them and accepted a motion of no confidence in the Swanu president, Moses Katjuongua. A seemingly unperturbed Katjuongua declared the move unconstitutional and promptly went abroad.

The rebels now intend to hold a party congress, but Katjuongua and his followers say it will be illegal. They are organising their own congress in October.

If the Chase faction wins, the party will probably join the Swapo alliance. That will effectively reduce the MPC to a DTA/NP/Baster alliance, which can have little credibility.

SA and the office of the Administrator

Labour leaders flex muscles in conservative Pietersburg

By Malcolm Fothergill

A classic battle between private enterprise and collectivist bargaining is developing in the Northern Transvaal town of Pietersburg.

On one side is the avowedly anti-capitalist Black Electronics and Electrical Workers' Union (Beewu), which was started in Pietersburg in October last year.

On the other is the firm the union was formed to challenge — Tempest International, which produces a range of radios.

Watching anxiously on the sidelines, and making hurried efforts to meet the threat to their own organisations, are other firms in the Conservative Party-controlled town.

Until now these firms have been shielded by distance from the labour problems that have plagued their counterparts in the metropolitan areas.

Tempest International's contretemps, in which 1 700 workers recently stayed away from work for four days, has been the most serious in the current mood of unrest.

But other firms have also felt the icy wind of potential conflict in go-slows and other forms of labour muscle-flexing.

What makes the tussle between Beewu and Tempest International so interesting is that each side has adopted an extreme position.

Beewu, which makes no secret of its political leanings — Steve Biko posters and other evidence of a strongly political line are plas-

tered all over the walls of its offices in central Pietersburg — says Pietersburg employers exploit workers shamelessly.

"Workers are completely insecure in their jobs," says the union's national organiser, Mr Thabo Montjane.

"At any minute of the day they can be dismissed or insulted."

"It's a master-slave relationship."

The union's president, Mr Mbulelo Rakwena, says the most imperative aim for the future is to create "worker consciousness".

This will be a slow process. "We are dealing with a people that has been immersed in fear, so they cannot move as quickly as we would like."

Meanwhile, "we will use whatever is in our grasp to fight the aggression we meet in companies all over Pietersburg".

Beewu has been trying to create worker consciousness by running labour clinics on the premises of various firms, and addressing workers with loud-hailers.

Tempest International's line is simple. It believes control of the firm should stay where it has always belonged — in the hands of management.

The firm's owner, Mr Philip Sussman, says if any union ever gets in on an official footing at either of his plants at Pietersburg or the nearby black town of Seshego, he will close the plants immediately and let the buildings.

Mr Sussman says allowing a

union in at Tempest International would lead to frequent stoppages as workers pressed demands as unrealistic as their recent one for a 50 percent pay rise all round.

Beewu's Mr Rakwena, on the other hand, believes a plant with a union stands to have a more stable labour force than one without.

Whatever the truth of the situation, firms in Pietersburg are moving fast to introduce or improve ways of communicating with workers.

Some, such as Perfection Food Products, have had workers' committees for a couple of years.

Others, such as Sasko-Pietersburg Bakery, have been working with unions for a few months.

Most, including Northern Transvaal Steel and Engineering, are only now thinking about setting up machinery to bridge the gap between workers and management.

Pietersburg Town Clerk Mr Jack Botes is busy arranging a symposium on labour relations to be held in the town soon.

"The local authority does not easily involve itself in private-sector problems," he says, "but I now feel that if there should be labour unrest in our town we must immediately try to resolve it for the sake of the entire community, black and white."

The Chamber of Commerce is also becoming involved in the field. Its new executive, elected three weeks ago, includes for the first time a committee to keep an eye on labour relations.

Call for more labour talks

Sowetan By JOSHUA RABOROKO ^{22/8/84} (15)

THE South African Council of the International Metalworkers Federation has called on the giant Anglo American Company to return to the negotiation table with two of its union affiliates in an attempt to resolve a wage dispute.

The two affiliates — the Metal and Allied Workers' Union and the South African Boilermakers' Society — have voted overwhelmingly in support of industrial action at the Highveld Steel, Anglo's company.

Approximately 3 500 workers out of the total workforce of over 4 000 voted yes to industrial action during a strike ballot which was held jointly by the two unions.

In a statement to *The SOWETAN* yesterday, SACIMF said that it has noted with concern the "present deadlock in negotiations" between the two trade unions and the Anglo company.

"It is indeed surprising that an Anglo American Company, which recently announced record turnover figures and a healthy profit, cannot accede to the workers' demand of R2 per hour minimum wage, together with reasonable increases for all grades of employees.

"We consider the demand by workers at Highveld to be more reasonable in the light of the profits shown by the company together with the recent increase in GST," the statement says.

Surprising

In the statement, the federation also says it is surprising that the company is paying wages that are less than R2 per hour which is considered by this council to be "poverty wages" and nowhere near a decent living wage.

"We call on the company to return to the negotiation table in an effort to resolve this dispute to the satisfaction of all," the statement says.

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Union, firm dispute over foremen ends

By STEVEN FRIEDMAN
Labour Correspondent

A DISPUTE between the Chemical Workers' Industrial Union and a Wadeville company, Chesebrough Ponds, has ended with the company agreeing that black supervisors can belong to the union.

But the CWIU has agreed in exchange that supervisors will be represented by it in discipline cases but that it will not negotiate pay for them.

This agreement comes at a time when, according to unionists, there are growing demands by black supervisors to join emerging unions.

They say the issue is "popping up increasingly" as more black workers become supervisors, but that employers often argue that the supervisors are part of management and should not be represented by a union.

According to a CWIU representative, Chesebrough Ponds is one of a number of companies at which black supervisors have joined emerging unions.

The union says most supervisors at the plant belong to it and that many have been CWIU members for nearly two years.

Last year, however, a supervisor was fired, which led to a stoppage at the plant. When union shop stewards attempted to take up his case, they were told he was part of management and that they could not act on his behalf.

This led to a dispute which ended recently in an agreement allowing supervisors to be represented by the CWIU in discipline cases, but not if they have grievances. The union will also not negotiate pay for them.

"This accords with what supervisors wanted — they didn't feel strongly about being covered by wage agreements," the CWIU's representative said.

A company spokesman, Mr Dale Ralph, confirmed the agreement, but added that supervisors would not be allowed to stand in union shop steward elections.

He said Chesebrough Ponds had "grave reservations" about allowing supervisors to be represented by stewards, who were their subordinates in the factory.

If they were union members, they would also be "torn between union policy and their duty to management".

He said supervisors at Chesebrough Ponds were more managers than workers.

LABOUR DISPUTES

Frame unravelled

A new dimension has been added to the bid by the National Union of Textile Workers (NUTW) for recognition at the Frame Group's New Germany factory complex

Last week, the union, which is affiliated to the Federation of SA Trade Unions (Fosatu), applied for a conciliation board to consider its claim to represent the majority of workers in the complex. This is a direct

The struggle of the National Union of Textile Workers for recognition at the Frame Group's New Germany, Pinetown, factory complex ranks as the most complex legal battle in SA labour history. In the first of two articles, the *FM* examines the disputes

challenge to its rival in the complex, the Textile Workers' Industrial Union (TWIU), an affiliate of the Trade Union Council of SA (Tucsa)

The Frame Group is the largest textile manufacturer in southern Africa, employing some 33 000 people. At New Germany, three of its five mills — Frametex, Seltex and Pinetex — are owned by the Consoli-

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(51) (1011) (197) (135)

dated Frame Cotton Corporation (CFCC) The Nortex mill is owned by Consolidated Woolwashing and Processing Mills and Natal Knitting Mills by Natal Knitting Mills Frametex, which employs some 3 500 people, is the largest mill and is the key to the complex

Much of the litigation centres on a meeting between NUTW and Frame director Abe Frame in October 1982 At the meeting, according to NUTW, it complained that TWIU, which had been granted stop-order facilities at Frametex, was being given preferential treatment Abe Frame withdrew TWIU's stop-orders, and NUTW claims he undertook to recognise any union which could prove it had majority membership in any of the mills

NUTW says it submitted over 2 000 membership forms signed by Frametex workers to CFCC However, it claims management raised "bogus objections" to many of the forms and rejected the argument that it had a majority

In April last year, CFCC recognised TWIU at Frametex on the basis that the majority of the New Germany complex employees belonged to it NUTW contended that CFCC had deliberately fostered the rival union and coerced its employees during working hours to resign from NUTW to join TWIU It also argued that TWIU did not have the majority in Frametex, a point which was not disputed by the company, and that management had deviated from the undertaking made by Abe Frame to recognise unions on a mill-by-mill basis

Litigation followed NUTW applied to the Industrial Court for a *status quo* order to interdict CFCC from recognising TWIU at Frametex In May, the court granted NUTW the order Neither CFCC nor TWIU opposed the application At the same time NUTW applied to court, it also asked the Minister of Manpower to appoint a conciliation board to hear the dispute It claimed CFCC had committed an unfair labour practice by favouring TWIU Labour law decrees that where no industrial council exists — as in this case — the warring parties have to meet at a conciliation board before they can seek final relief in the Industrial Court

In papers submitted to the Department

of Manpower, CFCC stated that in situations involving recognition of unions, employers should not be deprived of the prerogative to test a union's strength, if necessary by weathering a legal strike

Then came an event which changed the course of the dispute A *status quo* order is valid for 90 days only NUTW's attorneys failed to extend the order in time and, despite attempts to have it renewed in the Industrial Court, it lapsed On learning that the order had lapsed, CFCC intimated that it would accord recognition to TWIU at Frametex In response, and because the Minister was still considering the appointment of the conciliation board, NUTW sought an interdict in the Durban Supreme Court It alleged that the October 1982 agreement was a contractually binding arrangement preventing CFCC from recognising TWIU

Deal struck

In September, in the course of the hearing, a deal was struck between the two parties CFCC agreed not to recognise TWIU as the collective bargaining representative of its Frametex employees CFCC also undertook not to grant TWIU facilities at Frametex Both undertakings were made pending a refusal by the Minister to appoint the conciliation board, failure by a board to resolve the dispute and, in that case, the matter going back to the Industrial Court for final determination

This placed NUTW back in the position it

had lost when the *status quo* order lapsed But, in return, NUTW made a major concession to CFCC The union agreed not to use the argument that a contractually binding agreement had been concluded in October 1982 This had the effect of restricting the union to Industrial Court action and prevented it from taking the matter to the Supreme Court

Later in the month, the Minister finally appointed the conciliation board But both parties reported to the Minister that the board would not settle the dispute As a result, the Minister directed 30 days later that the matter should be heard by the Industrial Court In papers prepared for the hearing, NUTW alleged that CFCC's "deliberate" fostering of the "sweetheart" TWIU constituted an unfair labour practice It requested that CFCC should hold a ballot to determine which union had majority support

But before the case could be heard, CFCC applied to the Supreme Court for a declaration that the dispute for which the Minister had appointed the conciliation board had been resolved as a result of the deal struck previously in the Supreme Court CFCC argued that the Industrial Court did not have the right to hear the case, since NUTW had conceded that no binding agreement had been given by Abe Frame and that there was no longer a dispute NUTW contended that an agreement had been concluded, even though it was precluded from contending that it was contractually binding

and that a breach of the alleged agreement was an unfair labour practice The court accepted the union's argument

This would have opened the way for the case to go back to the Industrial Court But CFCC sought, and obtained, leave to appeal against the Supreme Court's judgment It will be heard before a full Bench of the Natal Provincial Division on September 17

There the issue rests for the moment But NUTW's new initiative in claiming that it now has a majority in the New Germany complex could change the whole complexion of the dispute Much depends on whether the Minister of Manpower appoints the board and, if so, what he decides its terms of reference should be



Textile workers ... target of two unions

By Carolyn Dempster,
Labour Reporter

Highveld Steel and Vanadium Corporation announced yesterday it would reopen wage negotiations

This comes after an overwhelming vote for industrial action last week at the Anglo American company

The two unions who held the ballot, the Metal and Allied Workers' Union (Mawu) and the South African Boilermakers' Society (Sabs), were notified yesterday of Highveld management's change in stance

The first meeting is to be held on Friday, Mr Ike van der Watt, general secretary of Sabs, confirmed

He said he did not hold out much hope for the talks, which were likely

Wage talks ⁽¹⁵¹⁾ ~~to~~ to reopen at ^{28/8/84 Stan} Highveld Steel

to centre on wages, in view of the tough time the unions had had

Anglo American declined to comment on the turnabout

The industrial action ballot at Highveld Steel was historic in that it was the first time an established and emergent union, including black and white members, joined forces

The ballot showed

overwhelming support, with 75 percent of members of both unions (about 3 000 metalworkers) voting in favour of industrial action

About 40 percent of white artisans who are members of the three other unions at the plant also participated in an unofficial ballot, and the majority indicated they too would support industrial action

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Dispute

with textile

group hots up

Mercury Correspondent

JOAHANNESBURG—The National Union of Textile Workers has declared a dispute with the Frame group of textile companies, charging that the company refuses to recognise it even though it represents most workers at Frame's New Germany complex of mills.

This is a significant escalation of the 10-year recognition dispute between the union and company

The New Germany complex is a key centre of Frame operations and until now the NUTW has claimed to represent a worker majority at only one of the five mills

Frame has refused to recognise it — partly because it has not been representative of workers in the complex as a whole

After a recent organising drive at the Pinetex mill — the second biggest in the complex — the NUTW claims to represent a majority in the entire complex

It has asked the Minister of Manpower to appoint a conciliation board to settle the dispute

If the board is appointed, and if it fails to settle the dispute, the union may strike legally or launch industrial court action against the company

The Frame group's managing director, Mr Selwyn Lurie, said yesterday it was too early to comment on the NUTW's claim to represent a majority or on whether the company would oppose the application for a conciliation board

'The matter has been referred to our legal advisers and we are waiting for their assessment,' he said

The NUTW's application for a conciliation board follows a protracted legal dispute between the two sides. More than 30 court cases are believed to be pending as a result of this

Many of the cases challenge retrenchments at Frame mills and one deals with the company's alleged refusal to stop deducting union dues from the pay of workers who resign from the NUTW's rival at the mills, the Textile Workers' Industrial Union

The key dispute thus far has centred on the largest mill in the complex, Frametex, where the NUTW claims a worker majority and alleges that Frame is both refusing to recognise it and is favouring the TWIU

Meanwhile the NUTW claims to have recruited a majority at Pinetex as well

This, it says is enough to give it a worker majority in the complex as a whole and to entitle it to bargaining rights for the entire complex

Recognition for union sought

Star
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~~FBWU~~ ~~FBWU~~ 151

By Carolyn Dempster,
Labour Reporter

Two hundred South African Breweries (SAB) employees at the corporation's Watloo depot took a vote of no confidence in the management-appointed works council last week, and are pressing for recognition of their union

A spokesman for the workers, Mr Leswiswi Macabe, said they had decided to hold the opinion ballot because the works council did not represent the interests of workers and never consulted them

"We had no say in the so-called agreement, and

management would tell us unilaterally what would happen"

There were a number of factors causing unhappiness among SAB workers, and they wanted an effective means of communication and negotiation with management, he added

The Food Beverage Workers' Union (FBWU), which claims a representative majority at the Watloo depot and Rosslyn brewery, requested recognition discussions with management some months ago

According to FBWU organiser Mr Glen Mokoena, the first meeting between the union and

company representatives about Watloo depot workers, will take place on September 5. The Rosslyn brewery will be discussed on September 6

Mr Mokoena said that, although works councils operated on a regional basis, the two factories operated independently

Mr H Kalvorson, SAB personnel manager for the Northern Transvaal and Orange Free State, said he was surprised to hear of the no-confidence vote. Talks with the FBWU had been on the cards for some time, and only Mr Mokoena's absence on an overseas trip had prevented talks from being held earlier

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Strike threat over Frame, union dispute

By STEVEN FRIEDMAN
Labour Correspondent

THE National Union of Textile Workers (NUTW) has declared a dispute with the Frame group of textile companies, claiming the company refuses to recognise it even though it represents most workers at Frame's New Germany complex of mills

This is a significant escalation of the 10-year recognition dispute between the union and the company

The New Germany complex is a key centre of Frame group operations and until now the NUTW has only claimed to represent a worker majority at one of the five mills Frame has refused to recognise it — partly because it has not been representative of workers in the complex as a whole

After a recent organising drive at the Pinetex mill — the second biggest in the complex — the NUTW now claims to represent a majority in the entire complex

It has asked the Minister of Manpower to appoint a conciliation board to settle the dispute. If the board is appointed, and fails to settle the dispute, the union may strike legally or launch an industrial court action against the company

Frame's managing director, Mr Selwyn Lurie, said

yesterday it was too early to comment on the NUTW's claim to represent a majority, or on whether the company would oppose the application for a conciliation board

"The matter has been referred to our legal advisers and we are waiting for their assessment before commenting publicly," he said

The NUTW's application for a conciliation board follows a protracted legal dispute between the two sides. More than 30 court cases are believed to be pending as a result of this

Many of the cases challenge retrenchments at Frame mills and one deals with the company's alleged refusal to stop deducting union dues from the pay of workers who resign from the NUTW's rival at the mills, the Textile Workers' Industrial Union (TWIU)

The key dispute thus far, however, has centred around the largest mill in the complex, Frametex, where the NUTW claims a worker majority and alleges that Frame is not only refusing to recognise it but is favouring the TWIU

The Frametex dispute is still before the courts, but in the meanwhile the NUTW claims to have recruited a majority at Pinetex as well

This, it alleges, is sufficient to give it a worker majority.

Textile union is ^{star} set for showdown

By Carolyn Dempster,
Labour Reporter

The decade-long dispute between the National Union of Textile Workers (NUTW) and the Consolidated Frame Cotton Corporation is set for a final showdown

This week the union declared a dispute with the corporation on the basis of its refusal to recognise a representative union at the New Germany factory complex

And within the next two days, application will be made to the Minister of Manpower for the appointment of a conciliation board to consider the dispute

The move comes after a vigorous recruitment and organising campaign in the complex's five fac-

ories of Pinetex, Frametex, Natal Knitting Mill, Nortex and Seltex

Of these, Frametex with a workforce of 3 600, Seltex with 600 workers and Pinetex with 1 300 workers are owned by the Consolidated Frame Cotton Corporation (CFCC)

A spokesman for the NUTW said it was clear the union had majority membership at three of the five factories Pinetex, Frametex and the Natal Knitting Mill

The membership was established despite fierce competition from a rival union, the Textile Workers' Industrial Union which is affiliated to the Trade Union Council of South Africa (Tucsa)

If the Minister appoints a conciliation

board, this will open a new avenue in the battle for recognition which has raged in and out of courtrooms for the past 10 years

In March, the Natal Supreme Court rejected an application by the Frame group asking it to prevent the industrial court from considering the recognition dispute between the two unions

This cleared the way for the NUTW to take the dispute to the Industrial Court

However, in June, the Maritzburg Supreme Court granted CFCC leave to appeal against the judgment

The appeal will be heard on September 17 by a full bench of the Natal Provincial Court.

Builder says ICBI 'not co-operative'

Court Reporter

A PROPERTY developer charged with obstructing a building inspector from inspecting his premises, told the Port Elizabeth Magistrate's Court yesterday that 99% of the employers in the building industry felt they did not receive any support or co-operation from the Industrial Council for the Building Industry

Mr Andries Albertus Lategan, of Lorient Place, Lorraine, pleaded not guilty to two counts of contravening the Labour Relations Act by not allowing a building inspector to inspect the property and by ordering him to leave the premises

He is alleged to have prevented Mr Theodorus du Plessis and Mr Gerhard Britz, from the Industrial Council for the Building Industry, from carrying out routine inspections on March 26 and 27

Mr Lategan said very often builders had a problem and no aid was received from the council.

As an example, he said, he once telephoned the council to ask if they would speak to a drunk worker who would not

leave his premises, because the worker might have listened to the council. But no help was forthcoming

Mr Lategan did not agree with the magistrate, Mr I S van der Merwe, who said the council was there to see to conditions and productivity in the building industry

Mr Lategan said that if a mistake was made, the council gave no warning and "you were sent directly to court"

Mr Van der Merwe asked Mr Lategan if he thought Mr Britz and Mr Du Plessis, who gave evidence previously, would be prepared to commit perjury as their evidence conflicted directly with Mr Lategan's

Mr Lategan said he felt they twisted their evidence but could not say why they gave false evidence against him

Mr Lategan said under cross-examination that on March 26 he asked "a person" to leave his premises because he did not know who he was

The case was postponed to September 6
Mr F Wilke appeared for the State

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27/8

By Carolyn Dempster,
Labour Reporter

A new national printers' union has been formed with the aim of uniting all trade unions operating in the industry

The National Union of Printers and Allied Workers (Nupawo) was launched this week at a meeting at the Ipelegeng Community Centre in Soweto

The union's new president, Mr Alfred Mtsolongo, said some of the objectives of Nupawo were to foster and promote a working class leadership and to work towards trade union unity

The meeting decided to conduct continuous negotiations with other unions to bring this about

Other members of the executive are Mr Albert Mhlungu, vice-president,

New printers' union will strive for labour unity

Mr Martin Mphoreng, general secretary and Mr Ben Mthombeni, treasurer

The union intends holding its second congress shortly to launch a Transvaal branch

The SA Chemical Workers' Union has applied to the Minister of Manpower for the appointment of a conciliation board, in a bid to win the reinstatement of 440 workers dismissed early this year at Triomf's Potchefstroom fertiliser

plant Izwilethu, the newsletter of the Council of Unions of South Africa

said the decision to apply for a board had been taken after the case against 19 Triomf workers charged under the Intimidation Act had been thrown out of court in June

The State failed to produce sufficient evidence to support the charges

The workers were arrested following a stoppage at the plant on April 12

They downed tools in support of colleagues who had refused to undergo breathalyser tests

If a conciliation board fails to resolve the dispute, the union has indicated it will take the matter to the Industrial Court.

A call by the Trade Union Council of SA (Tucsa) for stiffer penalties for employers who withhold industrial council contributions is being considered by the Department of Justice

The matter was referred to the department by the Industrial Registrar, who told Tucsa that legal provision for more stringent penalties would not necessarily lead the courts to take a tougher line

By Carolyn Dempster,
Labour Reporter

Crucial talks between the board of directors of the Highveld Steel and Vanadium Corporation and two unions, the Metal and Allied Workers' Union (Mawu) and SA Boilermakers' Society (SABS), deadlocked at midday yesterday when the company refused to budge on its wage offer

The entire afternoon shift of workers at Highveld Steel stopped work and marched down to the administration block to await the results of the meeting — leading to a stoppage at the plant

In a statement released today by Mawu, the union said that the chairman of Highveld Steel, Mr Les Boyd, had told them the company would not change its offer in any respect whatsoever

The offer (20c an hour for unskilled workers and

Deadlock in pay talks at Highveld

40c an hour for artisans) is the lowest made in house agreement negotiations and does not diverge from the minimums negotiated at the National Industrial Council for the Engineering Industry.

Mr Boyd told the union that "even managers were dissatisfied with their salary increases" but they understood that the company could not afford to pay more

Mawu said that the chairman rejected any possibility of arbitration or mediation

With the deadlock, the

way is now open for a legal strike by 3 500 black and white workers at the sprawling steel complex outside Witbank

The two unions won a 75 percent vote for industrial action in a strike ballot held at the plant two weeks ago

"Both unions are of the opinion that the company is determined to provoke a conflict," Mawu and the SABS have stated

A spokesman for Anglo American last night denied there had been a stoppage at Highveld Steel after yesterday's talks

Star

5/9/84

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LABOUR DISPUTES FM (51)
Highveld conflict 1984

~~1984~~
The wage dispute between two metal unions and the Highveld Steel and Vanadium Corporation led to a three-hour work stoppage on Wednesday after two meetings between the parties in the past week ended in deadlock

According to union sources, workers at Highveld's five plants in Witbank failed to clock in as usual in the morning and began working only at 10am This followed a mass meeting of workers on Tuesday night at which they "expressed great dissatisfaction with the company's attitude"

Highveld, a subsidiary of the Anglo American Corporation, is a member of the Steel and Engineering Industries Federation of SA (Seifsa) However, it has an "in-house" wage agreement which is negotiated outside the metal industry industrial council

Tensions have been building up in the company's plants ever since the Metal and Allied Workers' Union (Mawu) and the SA Boilermakers' Society declared a dispute over this year's wage negotiations A conciliation board subsequently failed to resolve the dispute This opened the way for the union to call a legal strike

In August, Mawu and the Boilermakers conducted an historic joint ballot to determine whether the workers wanted to strike It was the first time that an emerging, mainly black, union had undertaken such action with a long established union More than 91% of Mawu's members and almost 70% of the Boilermakers' membership voted to strike

The two unions also conducted an unofficial poll in which nearly half the workers, who belong to neither union, also expressed support for strike action A number of these workers belong to the conservative Amalgamated Engineering Union, Mineworkers' Union and the SA Iron, Steel and Allied Industries Union which restrict their membership to whites Overall, 70% of the 5 000-strong workforce at Highveld Steel's four plants and its Mapoch mine at Witbank registered "yes" votes

Despite the poll, however, negotiations between Mawu, the Boilermakers and the company were re-opened in a effort to avert the strike Two meetings have been held since the poll At both, the company refused to budge from its offer of 7%-13% increases These are equivalent to the increases contained in the agreement negotiated at the metal industry industrial

~~1984~~
council earlier this year, which both Mawu and the Boilermakers refused to sign

After Friday's meeting Mawu accused the company of failing to bargain in good faith and suggested that this could constitute an unfair labour practice

In a statement issued this week Mawu said the company "was determined to provoke conflict." It said that management's refusal was aimed at preventing plant level negotiations According to the union, Highveld chairman Les Boyd said the company would consider going back into the main industrial council agreement as there was no longer any reason for an "in-house" agreement.

Boilermakers' general secretary Ike van der Watt told the FM he hoped the stoppage would bring management back to the negotiating table

Highveld director Reg Callanan described the stoppage as a "little disturbance," and subsequently declined to comment

The dispute has developed into a major test of strength between the two unions and the company and could have important implications for the future of "in-house" wage agreements in the metal industry

quotable

SABC director general P Eksteen in a speech to the Town Press Club:

There is perhaps a fundamental difference between the bourgeoisie and journalism and newspaper must be underlined printed media, nature, flourish the art of reporting - that it couple SABC car c

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Hose row led to dismissal

7/9/84

Own Correspondent

BLOEMFONTEIN — A woman horticulturalist who felt she had been unfairly dismissed by the Welkom Municipality told an industrial court how she found a municipal hosepipe being used to water the private garden of Welkom's director of parks, Mr T.L. Steyn, at the height of the drought in January.

Mrs Gesie Weingerl, of Virginia, whose claim of unfair dismissal was upheld, said she reported the matter to her immediate superior, Mr W.P.M. Bester, after ordering the removal of the pipe.

In February she found a private hosepipe attached to a municipal tap in a park next to Mr

Steyn's Rosalind Street home the court heard. She confiscated it and reported the matter to Mr Bester.

After an internal inquiry Mrs Weingerl was found to have contravened the municipality's conditions of service in that, among other things, she had failed to carry out written instructions to water trees on the pavement outside Mr Steyn's home.

She was dismissed on May 10.

The municipality did not defend the court action and Mrs Weingerl was granted temporary reinstatement. The Minister of Manpower is considering setting up a conciliation board to hear the dispute.

Highveld Steel gives in to unions on cash position

By Carolyn Dempster,
Labour Reporter

The Highveld Steel and Vanadium Corporation has agreed to disclose information on the financial position of the company.

It will give the details to the Metal and Allied Workers' Union and the SA Boilermakers' Society in a bid to avert an all-out strike by 3500 workers at the Anglo American-owned steel complex and Mapochs mine.

MEETING

Mr Ike van der Watt, general secretary of the Sabs, confirmed that officials from the two unions would be meeting the management of Highveld Steel tonight.

On the agenda will be whether the company can afford increases in excess of those offered at the in-house negotiations last month.

The concession by Highveld signifies a breakthrough for emergent unions who have been pushing for disclosure of financial information for use in wage negotiations for more than a year.

Until now managements have been fiercely resistant to the idea

In a meeting between the unions and Highveld management on Monday night, the company representatives refused to refer the dispute to arbitration. However they tentatively agreed to a union request to discuss the financial position of the company.

A packed meeting of more than 1000 black and white workers and artisans at the Lynville community hall last night resolved to allow union officials, shop stewards and union auditors time to meet management before embarking on further action.

Dr B Fanaroff, the branch organiser for Mawu, said the workers had expressed extreme dissatisfaction with the company's refusal to improve its offer. All were in favour of further industrial action irrespective of the threat of firing.

The 3500 members of both unions have been holding back since last Friday when management warned employees that strike action of any nature would lead to instant dismissal.

A spokesman for Anglo American declined to comment on the recent developments.

Give us fair pay

State staff

By Sue Leeman,
Pretoria Bureau

13/9/84

Public servants will not ask for an across-the-board salary increase for next year but will expect the Government to maintain the momentum of market-related salary adjustments according to occupation group.

The chairman of the Public Servants Association, Dr Colin Cameron, told a Press conference in Pretoria this week that the PSA was not unsympathetic to the Government's financial problems.

But market-related salary adjustments were a prerequisite if the Government hoped to build an effective public service.

It was vital that the best brainpower and expertise available be drawn into the public service.

The days of the public service being used as the training centre for the private sector or the haven of mediocrity were past, he said.

Dr Cameron lashed out at critics who said public servants were enjoying excessively high salaries and benefits and said that the PSA would take a strong stand against such allegations at its annual general meeting next week.

Dr Cameron said public servants were still waiting for a clear reply from the Government on its future policy regarding public servants' service benefits.

"There is considerable disquiet among our members about this matter and clear guidelines must be given. The PSA has been waiting for years for an answer," he said.

D. Ruffalo 13/9/84

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Wage rise for textile workers

EAST LONDON — The National Industrial Council has agreed to an average increase in minimum wage levels in the textile manufacturing industry of over 16 per cent for urban and over 15 per cent for decentralised areas

The average increase is applicable to the period between September 1984 to January 1986

The decision was the conclusion to negotiations between the Employers' Organisation Party, the National Textile Manufacturers' Association, the Textile Workers' Industrial Union and the Textile Workers' Union. The joint managing director of the Frame Group, Mr Selwyn Lurie, said yesterday

Provision is made for six grades of work classifications in the agreement, specifically defined, so that the same minimum levels are applicable to all workers in the same grade irrespective of race or sex

Mr Norman Daniels, general secretary of the Textile Workers' Industrial Union, said the outcome of the negotiations was satisfactory as far as the worker was concerned, particularly in the light of the prevailing recessionary conditions in the labour intensive heavy textile industry

He said "This will greatly assist in stabilising the industry" —
DDR

RAM 13/9/84 (15)

Hotel dispute declared

By JEANETTE MINNIE

A DISPUTE has been declared between the Commercial Catering and Allied Workers Union (CCAWUSA) and the management of a hotel in Magaliesburg over the dismissal of workers "for making a noise"

In a statement yesterday CCAWUSA said the management of the Mount Grace Country House Hotel in Magaliesburg had fired nine of its members on August 11 for making a noise

Discussions were held on August 15 between the union and management, which included the managing director, Mr A V Brand. But at the meeting management upheld its decision to dismiss the workers, alleging they had walked out of their work stations, "an allegation denied by our members", the statement said.

Ccawusa has accused the management of adopting a "confrontationist" attitude after failure to resolve the dispute and "accused our members of having joined an organisation founded on the principles of the African National Congress", the union said yesterday.

Ccawusa also says management said it would form its own union rather than to recognize "such a union".

LIVING STANDARDS The wages crunch

It is going to be interesting to see how employers reconcile increasing union demands for higher wages while corporate profits are under mounting pressure. Workers have given early warning that after years of settling for what they claim are below-par wages, they are expecting a hefty boost when the next round of wage talks get under way next year.

Employers have let it be known in unambiguous terms that generous increases are out of the question while profits

continue to erode

The outlook for industrial relations in 1985 is not good. The impasse is already manifesting itself on the factory floor. Last month workers at Unilever's Durban plant embarked on a weeklong work stoppage in support of demands for a 20% pay increase in January next year.

The company's reply was that wages would indeed be reviewed in January, but it refused to be bound to a specific increase. The increment would be dependent on the level of profitability. That is likely to be the general view.

Unionists, however, find support for higher wages in academic research. According to the SA Labour Development Research Unit (Saldru) in Cape Town, 40 of the 160 industrial council wage agreements were altered in the first six months of this year. The average increase was 10,7%.

But the wage rate median for workers governed by industrial council agreements (which includes both altered and unaltered agreements) rose by only 4,1%. Prices over the same period rose by 6% — representing a real average decline in earnings of around 1,9%.

Skilled workers

That was for skilled, semi-skilled and unskilled workers. Artisans who are covered by industrial council agreements fared even worse. Their real earnings fell by an average of 5,6%.

Even more disturbing is that Saldru does not see any immediate change in the situation. In fact, it predicts that the rate of change will actually decline, with unions being "exceptionally lucky to negotiate increases that match the inflation rate."

The consequences of this could be far-reaching. Says Saldru: "The sheer pressure of rising prices, especially for the lower-paid people, is becoming absolutely unbearable. People at the lower levels are desperate, and desperation can be a powerful motive."

John Copelyn of the National Union of Textile Workers concurs. Noting that real wages in the textile industry are basically back at their 1973 levels through inflation erosion, he says "wages are now at levels where workers will strenuously resist any further drop in real earnings. Rather than

JOURNAL LAUNCHED

A new quarterly journal which promises to play an important role in the political debate about SA's future is about to appear. It is *Die Suid-Afrikaan*, edited by the Afrikaner historian and political scientist Hermann Giliomee.

In its first edition, the journal states that there exists an intellectual ferment and interest in new ideas and developments that has seldom been seen before in SA. All good reasons to start a new magazine focusing on politics, economics and intellectual life.

It says "With *Die Suid-Afrikaan* we again raise the banner for all who are part of this southern part of Africa or have committed themselves to it — irrespective of colour, ideology or class."

The editorial staff consists of Giliomee of the University of Cape Town, André P Brink, writer and lecturer in Afrikaans at Rhodes University, Jakes Gerwel, dean of the language faculty at the University of the Western Cape (UWC), and André du Toit, lecturer in political philosophy at Stellenbosch.

The editorial advisory board includes people like Richard van der Ross, principal of UWC, Tjaart van der Walt, principal of Potchefstroom University, Sir Laurens van der Post, Francis Wilson of UCT and Samuel Ngcongwane, of Zululand University.

Die Suid-Afrikaan is mainly in Afrikaans, but will publish articles in English as well. "If we write in Afrikaans and want to make room for other and new things to be said and discussed in Afrikaans, it is because Afrikaans belongs to this country in a very special sense," it says in an editorial.

"The journal is in no way part of a campaign to promote the language. We use Afrikaans especially because there is a specific need for an independent forum for topical and in depth discussions in Afrikaans."

Die Suid-Afrikaan costs R9,50 for the next five issues and subscriptions should be sent to P O Box 1802, Cape Town.

face a decline, they will take strike action."

Recent experience in the textile industry, he says, reinforces his view. Copelyn says where employers' bottom line in wage talks has been around 9% or 10%, they have invariably faced strike action. But where talks have hovered around 16%, "we have usually managed to get by."

His sentiments are shared by Brian Allen of industrial consultants Andrew Levy and Associates. He says "A man earning around R400/month spends about 90% of his income on food. For him, the difference between 2% or 3% becomes a matter of survival."

Employers have attempted to deflect the pressure from wages *per se* by offering in negotiations extraneous benefits such as food allowances, extra leave, a subsidised canteen or maternity benefits as supplementary to a wage adjustment.

But so far they have had little success in selling the concept of "fringe benefits," essentially because workers still tend to evaluate prosperity in money terms.

Unionist told to leave — then . . .

'My boss tried to kill me'

TRADE UNION work cost Elias Skosana his job and nearly his life in a bizarre series of events apparently designed to bump him off.

A year ago Mr Skosana joined Fosatu's Transport and General Workers Union, and approached a number of his fellow drivers to sign up with the union.

He says that on August 7 he was called to the company's office and told he was being

CP Correspondent
DURBAN

dismissed because he had made the other drivers join the union.

He was told to leave the premises immediately.

The next day a security guard from the firm visited him and said he had been sent to tell him that if he was seen in or near any of the company buses again, he "would be shot".



Elias Skosana "My former boss wants me dead"

A few days later he was driving home in his car when he had a puncture. He caught a bus which belonged to his former company and went to Pinetown to buy a tube.

"When I got off at the bus rank, I met my former employer who asked me

aggressively why I had told the other drivers to join the union.

"He then took out a gun and fired four shots at me.

"I ran away, so he didn't hit me."

Later Mr Skosana collected the spent cartridges and handed them over to the police.

A few weeks later, says Mr Skosana, he was near the company offices when his former boss tried to run him over with his Mercedes.

Mr Skosana has laid charges against the company official, and his lawyers have also begun industrial court action to get his job back.

Departmental action may well depend on how soon employers and unions begin to take advantage of them

LABOUR DISPUTES

Dunlop rehires

In a new development in the long-running dispute between the Metal and Allied Workers' Union (Mawu) and Dunlop, the company last week agreed to reinstate 1 400 workers at its two Durban plants who had been fired for striking over the dismissal of five colleagues. Another 600 workers at Dunlop's Ladysmith plant who had also struck, but who were not dismissed, have returned to work. The 2 000 workers had been off work for a month.

The dispute continues, however, as the union is still demanding the reinstatement

of the original five dismissed employees. The union and the company will meet next week to discuss ways of resolving the matter.

A conciliation board has already been appointed to consider the dispute. But Mawu branch secretary Geoff Schreiner says the terms of reference granted to the board by the Minister of Manpower have made it unsuitable for dealing with the dispute. Says Schreiner: "The case of one of the workers is totally excluded from the terms of reference and, regarding the other four, the board may only 'look at and investigate the dispute revolving around levels of production and disciplinary measures related thereto'. This excludes the possibility of taking up those dismissals as an unfair labour practice."

At next week's meeting, the union will offer the company the choice of reinstating the five or referring the case to arbitration

or mediation. According to Schreiner, a deadlock is likely to result in further worker action.

Two weeks ago, Mr Justice Booysen granted an interdict barring the union from organising or instigating illegal strikes at Dunlop plants. A further court hearing to consider whether the strikes were lawful will be held some time in the future. Mawu's view is that the strikes were legal and that any future strikes will also be legal. Dunlop has argued that the strikes were unlawful.

Legal advisers have told the union it could take up to a year before the matter is finally decided. Partly because it will take so long, Schreiner says: "The struggle will be fought out at the level of power rather than in the legal arena."

At the time of going to press, the FM was unable to obtain comment from Dunlop.

THE FRAME DISPUTES

Fairness questioned

In the second of two articles, the FM examines the background to the legal battles between the National Union of Textile Workers and the Frame Group.

Union recognition at the Frame Group's five-mill factory complex at New Germany is at the heart of its dispute with the National Union of Textile Workers (NUTW). Retrenchment has also emerged as a major issue. Frame's retrenchment policy has been challenged in a series of court cases which have proved to be just as complex and drawn-out as the recognition battle itself.

Frame has been retrenching on a large scale at New Germany since the beginning of last year. Hundreds of employees have been affected. The group cites the recession, the introduction of more modern production methods, and attempts to improve efficiency and contain overheads to combat inflation as reasons for the programme.

Frame introduced a new retrenchment policy earlier this year which was negotiated with the Textile Workers' Industrial Union (TWIU) — NUTW's rival for recognition at the New Germany complex. It operates on the following principles:

□ Unskilled employees are retrenched on the basis of last-in-first-out (lifo), but where possible, are offered other jobs within the group.

Acceptance of the offer is voluntary. However, if transfers are not possible, or are turned down, the workers are retrenched. Workers who accept transfers do so on the understanding that they are regarded as "last in" in their new departments — and are thus first in line for retrenchment; and

□ All other employees are required to un-

dergo competency tests. In their case, retrenchment is on the basis that the least competent are retrenched first. Where vacancies exist, offers of transfer within the group are made in order of scores in the competence tests. As with unskilled workers, refusal of a transfer, or lack of a suitable vacancy, leads to retrenchment.

Length of service is not a criterion unless workers of equal competence are involved — in which case lifo is applied. Any workers who refuse to take competency tests are regarded as having accepted retrenchment.

NUTW takes strong exception to Frame's retrenchment programme. Union general secretary John Copelyn says it is "subjective" and "grossly unfair" for the following reasons:

□ His union was not consulted even though NUTW members are affected by it,

□ The coupling of transfers with lifo in their new departments has meant that some workers have moved only to be retrenched soon thereafter. Copelyn argues that this reflects a high degree of cynicism on the part of management as they would have to have known beforehand that they intended to retrench in the new department,

□ The measurement of competency can only be a highly subjective process and allows management to retrench at will without sufficient justification,

□ Frame has not tried to introduce alternatives to retrenchment such as reducing overtime, or working short time,

□ Management has not given retrenched workers any undertakings to re-engage them, and

□ Unskilled employees have mainly been affected by the retrenchments placing ex-

tremely heavy burdens on skilled workers.

Frame Group joint managing director Selwyn Lurie denies Copelyn's allegations. He says that when NUTW members first challenged the group's retrenchment policy in court, counsel acting for them conceded that, given the state of the recognition dispute between NUTW and Frame at that time, it was not unreasonable for the group not to have consulted the union. Lurie also says that when workers are transferred this is done with the object of avoiding immediate retrenchment and in the hope that their employment with the company will continue as long as possible. However, if retrenchment subsequently becomes necessary in the new department, the workers already employed in that department would feel aggrieved if lifo was not used. He emphatically denies Copelyn's allegation about management cynicism.

Lurie states that employees' competence is easily assessed objectively by the tests used by the group. If Frame was to accept NUTW's claim that lifo is the only objective criterion for the selection of all employees for retrenchment, the group would find itself with an inefficient workforce as workers with greater ability would have to be retrenched at the expense of those who are less competent.

Lurie says Frame only retrenches as a last resort. Night work has been cut back and short time worked for many months. In addition, the group's mills have been shut down for short periods at various times in order to avoid short time and retrenchment. Workers took unpaid leave during those times.

Further, he says, given that competence is one of the criteria used in the selection of employees for retrenchment, it would be

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unreasonable to expect Frame to offer the first right of re-employment to retrenched employees at the expense of other, and possibly more competent, new recruits. He denies that the retrenchment of unskilled workers has burdened skilled workers. Skilled workers had previously been idle at some stages but now certain unskilled operations had been allocated to them making them more productive and allowing the group to retrench some unskilled workers.

NUTW members have challenged Frame's retrenchment programme in court. Industrial Court action has taken the form of applications for reinstatement by 10 workers retrenched in October last year by Consolidated Frame Cotton Corporation (CFCC), a Frame company which owns the Frametex, Seltex and Pinetex mills at New Germany.

Three of the workers, one of whom was retrenched within days of being transferred to a new department, had had unbroken service of 20 years. Of the remaining workers, one had served for 19 years, one for 12 years, one for 11 years and the rest two to three years each. The retrenched workers also applied for the appointment of a conciliation board to consider whether the retrenchment policy constituted an unfair labour practice.

Reinstatement applications

When the reinstatement applications came before the Industrial Court, CFCC opposed them on the grounds that the court did not have the power in law to order reinstatement in situations involving retrenchment, and that its policy is not unfair in a capitalist society. CFCC argued that the word "reinstate" implies placing workers back in their previous positions.

Because the positions had been made redundant, and therefore no longer existed, it was impossible to do so. The court, however, upheld the union's argument and ordered the company to either reinstate the workers or pay their wages — pending the final outcome of the dispute. CFCC has taken the Industrial Court's decision on review to the Supreme Court. The case is due to be heard on November 16.

Meanwhile, CFCC has been obliged to pay these workers in terms of the Industrial Court's reinstatement ruling — which has been extended a number of times. However, in May this year, CFCC stopped paying after taking the court's continued extension of the order on review. The workers are now considering whether to prosecute the company for refusing to comply with the reinstatement order.

In part, CFCC bases its application for a Supreme Court review on the fact that the retrenched workers refused to be represented on a conciliation board appointed by the Minister of Manpower at their request.

The workers did so because the Minister did not authorise the board to consider whether the company's retrenchment policy constituted an unfair labour practice.



NUTW's Copelyn ... alleging that Frame's retrenchments are unfair

Failure by the board to settle the matter would therefore bar the Industrial Court from considering whether an unfair practice was in fact involved — and its temporary reinstatement order would lapse. Copelyn has criticised the Minister for interfering in a matter which is best settled by the union and management.

Acting on legal advice the workers have taken the Minister's terms of reference for the conciliation board to the Supreme Court on review. The case is due to be heard on November 15, the day before the Supreme Court review of the Industrial Court's reinstatement decision.

Several other disputes over the retrenchment of NUTW members have also reached the courts.

One involves 25 workers retrenched by CFCC who applied to the Industrial Court to be reinstated as well as for a conciliation board to consider the dispute. CFCC applied for an interdict to the Supreme Court preventing the Industrial Court from hearing it, using much the same arguments as in the first retrenchment case. The case was heard on August 31. Judgment has been reserved.

A conciliation board was appointed for 19 of the 25 workers — again without including consideration of the retrenchment policy as an unfair labour practice in the terms of reference. The board deadlocked at its meeting on September 10, but in this case too the workers intend taking the Minister's decision on review. The Minister's decision regarding the remaining six workers is expected shortly.

A similar reinstatement application was brought by NUTW on behalf of six members retrenched by CFCC's associate company, Consolidated Woolwashing and Processing Mills (CWPM) at its Pinetown mill. This mill falls under an industrial council and therefore in terms of labour law the dispute was referred to it. The council upheld CWPM's contention that its retrenchment policy is not an unfair labour practice.

Frame's legal battles are complex and their ultimate solution may still be far in the future. Whatever the price in union bitterness — and the group has argued that where recognition is concerned employers should be able to choose to test a union's strength, if necessary by weathering a legal strike — the various disputes could lead to legal clarification of some disputed provisions of labour law.

Both Frame and the union should, however, be aware that their continuing confrontation involves the danger of violence which could spread to industries and areas not involved in the union or group battles.

BLANKET AGREEMENT

A new national industrial council agreement which raises minimum levels in the urban areas on average by over 16%, and by over 15% in the decentralised areas, has been concluded for the blanket industry.

The agreement was reached after protracted negotiations between the National Textile Manufacturers' Association (NTMA), the Trade Union Council of SA-affiliated Textile Workers' Industrial Union (TWIU), and the Textile Workers' Union (Tvl), an affiliate of the Council of Unions of SA. It runs until January 1986.

TWIU general secretary Norman Daniels said he thought the increases were satisfactory, particularly in the light of the recessionary conditions prevailing in the textile industry. The agreement would assist greatly in stabilising the industry, he said. NTMA chairman Selwyn Lurie concurred.

Administrator to be approached

24/9/84 S. Pau

Longer shop hours backed

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By Colleen Ryan,
Municipal Reporter

The campaign for extended shopping hours is gathering momentum. The Johannesburg City Council has agreed to take up the issue with the Administrator of the Transvaal, Mr Willem Cruywagen.

The council's management committee decided on this step after a recent meeting with the Johannesburg Chamber of Commerce

Businessmen appealed to the council to support their demand for flexible hours, said the deputy chairman of the management committee, Mr Jan Burger

Mr Burger said an executive member of the provincial council had asked the council to draw up a memorandum on the issue before the meeting with the Administrator

The council is particularly pressing for extended shopping hours on Saturday afternoons

ARGUMENTS

Main arguments in the memorandum are

● Most women in Johannesburg were working wives and Saturday had become the most important shopping day.

● The ban on Saturday afternoon shopping had led to the central business district being depopulated over weekends. This made the CBD un-

safe and an easy hideout for criminals

● Longer shopping hours would ease traffic congestion

Businessmen in Hillbrow have also launched a campaign for extended trading hours. They recently formed a traders' association and decided to give this issue top priority.

The chairman of the new Hillbrow Traders' Association, Mr Derick Ward, said businessmen were strongly opposed to the present arrangement because trade was suffering

He said if shop-owners wished to stay open at night they should not be harassed by "unnecessary laws"

Motor men (151) win 22 pc rise

Labour Reporter ~~1907~~ 27 Star

LABOUR BRIEFS

25/9/84

Motor components workers at Dunair Pty Ltd in Brits have won a 22 percent wage increase after negotiations between the National Automobile and Allied Workers' Union (Naawu) and management

The new minimum wage at the company is R1,70 an hour, 59c more than the minimum set by the Industrial Council agreement for the motor industry

Naawu members received a 17 percent rise in January. The latest increase brings the total increase for the year to 39 percent

"While the new minimum falls far short of the union's R3,50 living wage demand, it represents a major improvement in the living conditions of our members," said a Naawu spokesman.

● "Emerging unions in the Western Cape" is the title of a seminar to be held in Cape Town on October 4 by Andrew Levy and Associates

Areas which will be addressed by a panel of labour consultants, lawyers and unionists include the closed shop and inter-union rivalry.

Speakers at the seminar will include prominent labour lawyers Mr Halton Cheadle and Mr John Brand, and Mr John Copelyn of the National Union of Textile Workers

● As married women play an increasingly active role in economic life, the trend is towards smaller families.

This is the finding of a study by the International Labour Organisation into the relationship between fertility and female employment levels

In Eastern European countries, where over 70 percent of women of child-bearing age have full-time jobs, the fertility rate averages 2,2 births a woman

The researchers found that although there was a large measure of equality in the workplace, the sexual division of labour at home remained unchanged.

Women returned home from a full day's work to face more work, but men rarely did

The fertility rate remained low in spite of State family allowances for children, six months' paid maternity leave for working mothers and unbroken accumulation of social benefits such as pension funds

When new programmes were announced, there was always a marked increase in birth rate, the researchers found

Skw 2579/84

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Highveld lays cards on table

By Carolyn Dempster,
Labour Reporter
Anglo American's Highveld Steel management has agreed to lay all its financial cards on the table after an unsuccessful preliminary round of negotiations with the Metal and Allied Workers' Union and the SA Boilermakers' Society (Sabs).

The meeting between the two unions locked in a wage dispute with management takes place today.

Mr Ike van der Watt, general secretary of Sabs, said management representatives had been reluctant to open their books to the union auditors at the first meeting held last week

"But they are now prepared to open up everything to us," he said yesterday.

After the union auditors, shop stewards and organisers have inspected the books, a report-back meeting with about 4 000 black and white members at the steel complex will be held tonight.

Mr van der Watt said the move by the company was a surprise as it indicated that management might not be able to afford increases over and above those negotiated at the national Industrial Council for the metal industry

Highveld Steel management declined to comment.

Men sent to city firm after unrest

Labour Reporter

WORKERS from Pretoria have been sent to Durban to maintain production of radiators for new cars after labour unrest at one of Natal's largest radiator factories, Silverton Engineering at Isipingo.

The plant has been shut down temporarily while negotiations take place between the management and representatives of the South African Allied Workers' Union according to Mr Barry Land, the company's marketing director.

The 60 workers downed tools on September 18 protesting at the introduction of a four-day working week and were later dismissed after ignoring a return to work ultimatum.

Mr Land told the Mercury the company was forced to introduce short time because of the 'gen-

eral economic downturn' as well as the fact that a new-technology radiator was being produced at the company's Pretoria plant until it was possible to transfer the new production system to Durban.

The company's Pretoria factory was also helping in the production to ensure there were no disruptions in the supplies to the assembly plants of Toyota South Africa.

Recovering

A DURBAN man, Mr G Glazer, 23, who was knocked unconscious in a car smash on Wednesday night, has regained consciousness in Addington Hospital. His car roof was crushed when it went under a truck trailer and came out the other side in Edwin Swales Drive. He suffered head and neck injuries.

THE FAST

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200 g

Carlton 1 Ply Toilet Rolls 135
4 Rolls of 500 Sheets

Carlton 2 Ply Roller Towels 149
2 Rolls of 75 Sheets

Solo Oil

Golden Cape A

Pot OG Frozen Steak

A DECISION by South African Airways to restrict air fares, announced last week by the Minister of Transport, Mr Hendrik Schoeman, has angered travel agents

Mr Karl Plateau, managing director of a travel agency and chairman of the retail council of the Association

President Ronald Reagan spoke to a large celebration in Milwaukee this week.

200 back after ¹⁵¹ stoppage

By PHILLIP VAN NIEKERK

ABOUT 200 workers at Mathey Rustenburg Refiners in Wadeville, Germiston, who stopped work on Wednesday in protest against a supervisor who allegedly called their colleagues "kaffirs", were back at work yesterday

They returned after management agreed to investigate "allegations of bad language and unfair treatment"

A South African Chemical Workers' Union spokesman said the entire workforce downed tools after the suspension of 14 workers who stopped work on Monday in protest against the supervisor, who shouted and swore at them and called them "kaffirs"

The workers are demanding the immediate dismissal of the supervisor

'Sexist' judge drops ruling

INDIANA. — Judge James Clement wants the men to wear the pants in his courtroom but he will not push it.

The Superior Court judge drew a refusal this week from the county prosecutor Jack Crawford, who said he would not require women prosecutors to wear skirts

The judge backed off, saying the memo was only expressing his preference

Mr Crawford, who employs the women deputy prosecutors, said "I have told Judge Clement I will not require my female attorneys to wear dresses and skirts"

"In fact the reaction was pretty much that it was sexist." — UPI

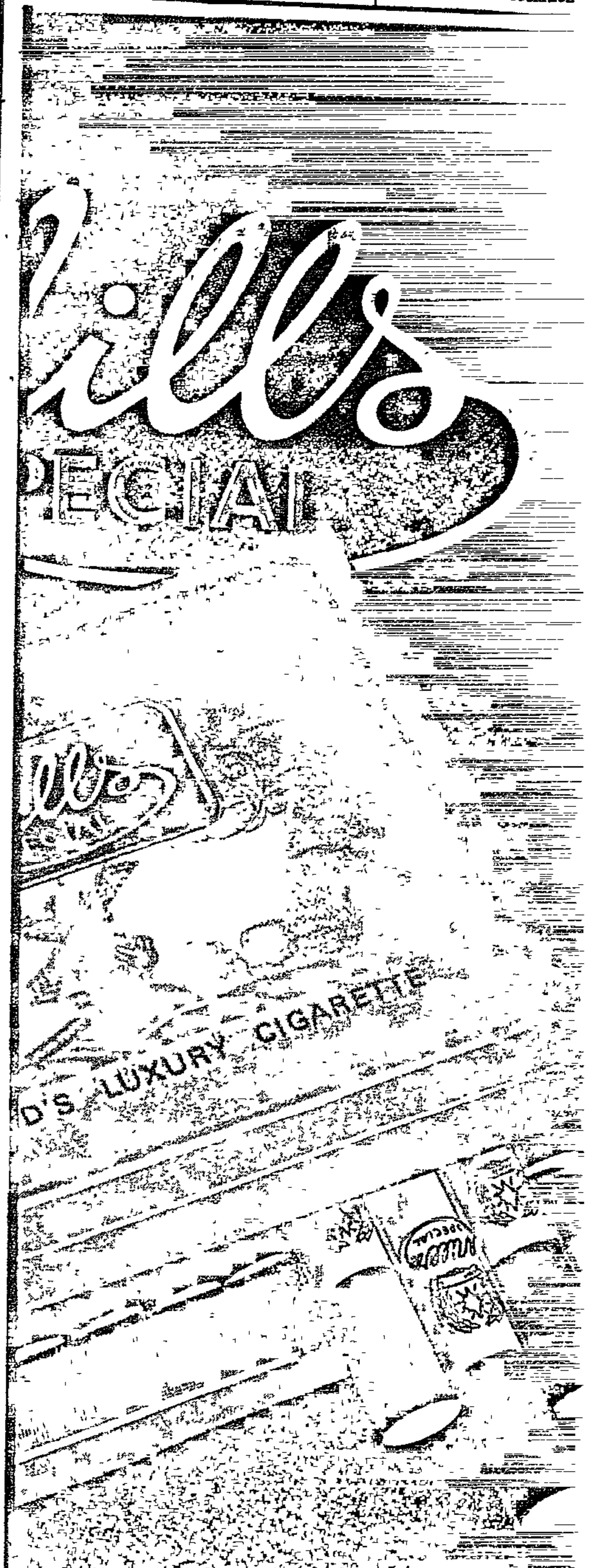
Chicken load disappears

Mail Reporter

THE TRUCKLOAD of live chickens that stood in central Hillbrow, Johannesburg, since Sunday vanished without trace yesterday

The chickens keeper, Mr Shadrack Mnyayi, told the Rand Daily Mail this week that he and his employer, Mr Louis Changuon, had arrived from Amersfoort and had not managed to sell the chickens they brought with them.

Presumably the two have sold the chickens or found an alternative venue for their sale.



FM 28/9/84

tem would enhance its cash flow positions and enable it to improve its pay offer

Ccawusa general secretary Emma Mashinini tells the *FM* the company had declared the dispute after the unions had expressed dissatisfaction with OK's pay offer and questioned whether the workers would accept the anniversary date system

The settlement of the dispute appears to have given OK faith in the mediation process, although Mashinini does not share this sentiment

Says Hartshorne "The fact that we settled in one day is remarkable when you consider that we were in dispute and that the gap between us and the unions was fairly wide We think a fair settlement has been achieved and are happy that it was reached through negotiation rather than through the courts or industrial action Mediation was very beneficial in this situation and we believe it helped the workers"

Mashinini, on the other hand, says "We would rather try to avoid mediation and arbitration We would rather settle our affairs on our own"

Mashinini says the settlement brings the minimum starting wage for OK workers to about R339/month Last year, after declaring a dispute with OK, the unions won a R45 across the board increase of which R35 was paid in December and R10 in April This agreement was reached at a conciliation board 10 days before Christmas According to one observer, OK was keen to avoid a repeat performance as it obviously made the company jumpy about coping with festive shopping

RETAIL TRADE An OK agreement

A national agreement which raises workers' wages by R54 on the anniversary of the date they were first employed by the company has been concluded for 23 000 OK Bazaars employees earning less than R700/month.

The agreement with the Commercial Catering and Allied Workers' Union of SA (Ccawusa) and the National Union of Distributive Workers (Nudaw) was reached last week in what is understood to be the first mediation conducted for parties in the retail trade It comes into effect on October 1

The joint Ccawusa/Nudaw negotiations with the company started in early August According to OK's industrial relations controller, Keith Hartshorne, a dispute was declared on September 3 over the company's insistence on re-introducing the anniversary date increment system instead of an annual across the board increase During the mediation the unions accepted the company's contention that the anniversary sys-



Ccawusa's Mashinini ... doubts about mediation

FM 28/1/84

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DEFY SETTLES

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Members of the newly-formed union, the United Mining, Metal and Allied Workers of SA (Ummawsa), have ended their four-day strike at the Defy factory in Vulcania, Brakpan. The FM understands that on Wednesday the 300 workers agreed to a 5c/hour across-the-board increase effective from August 1. In addition, Defy has agreed to add R1 000/week to its wage bill from the beginning of 1985.

The workers struck last Friday after Defy refused to concede to a demand for a 30c/hour across-the-board increase. Such an increase would have brought the minimum wage at the company up to R2,50/hour.

During negotiations earlier this week management offered a new bonus scheme but this was rejected. Workers also turned down a suggestion that the dispute should be referred to mediation.

The FM was unable to reach Defy for comment and the union says a joint statement will be issued shortly.

Ummawsa was established after the expulsion of four officials from the Metal and Allied Workers' Union. This is the union's sixth strike since its formation eleven weeks ago. It claims a membership of 13 400 at "32 well-established factories," mainly on the East Rand.

Workers

Sweeten 28/9/84
locked

out

ABOUT 300 employees of a transport company in Umbilo on Wednesday claimed they had been locked out by management because they had gone on strike on Tuesday.

Attempts to contact Mr T R Mezher, managing director of Storm and Company, on Tuesday and again on Wednesday proved fruitless. His secretary said he was not available to speak to the Press. She also said the company had no comment on the strike.

The strike followed claims by workers that the management was refusing to meet to discuss workers' grievances.

A spokesman for the South African Allied Workers' Union said the management had apparently refused.

He said the strikers — about 300 drivers and labourers — had been locked out of the premises but no incidents were reported.

The workers decided not to return to work until the company agreed to meet the union to discuss their grievances.

Meanwhile Mr Richard Gumede, president of Saawu, said that the union lawyers were being briefed to fight the dismissal of 40 black workers from the Salt Rock Hotel on the North Coast. He said they had been fired after striking in support of their demand for more pay.

Mr Weir Smith, manager of the hotel, could not be reached for comment on Wednesday night, but a spokesman for his office said they were "sick and tired" of Mr Gumede and the union. — Sapa.

Kicking up a stink!

'Don't treat us like slaves!'

MORE THAN 500 migrant workers employed by the Kayamandi Town Council as refuse and bucket collectors said this week that they would stage the town's first major strike if their pay demands were not met by the end of the month.

At their hostels in Kwazakhele — where they live in squalid bungalows — they complained that they were receiving a "measly salary"

"First we were badly underpaid by the Port Elizabeth Municipality, later by the East Cape Administration Board, and now we are being underpaid by our very own brothers

"They promised to give us an increase — but that ended there," a worker from Mount

Frere in the Transkei complained bitterly to City Press.

He has been collecting refuse for 12 years.

He said his gross salary of R200 a month was "peanuts" compared to their counterparts who work for the Port Elizabeth municipality

"I can't feed myself and my family in the Transkei on this salary."

The workers said their strike would not only last a few hours this time "We are determined to show them that we mean business," they said

The workers, who clean the township's rubbish and change its buckets, stopped work for five hours on September 5, demanding a pay in-

**By MONO
BADELA**

crease

All are from Transkei and employed under contract. They said the R200 they receive was only enough for a fortnight

"We stated our demands through a foreman — but we only received promises," they complained

On the day of the strike, Kayamandi mayor Norman Kaulela addressed them and promised that the council would look into their complaints

The hostel dwellers claim that the Kayamandi Town Council treated them like "slaves" and — like its pre-

decessor, the ECAB — completely neglected their welfare

"We live in filth and are exposed to many dreadful diseases," worker complained

The men told City Press that while other firms were upgrading the living conditions of their employees by spending money to brighten up their bungalows, the Kayamandi Town Council carried on as if everything was fine with them

When City Press visited the bungalows, it was found that their living conditions were appalling. There were no adequate basic facilities and there was a constant stench from the toilets

The buildings are of a poor standard, the lighting is poor, the bungalows are congested and the cement floors are filthy

In an effort to brighten the smoke-blackened rooms, men have stuck magazines, pictures and discarded photographs on the dirty walls

Toilets and showers are dirty, and water is heated in boilers. There are no gardens

Kayamandi council town clerk R J Scholtz told City Press that the council would meet the request to provide the worker's pay fortnightly

The demand for increased pay was also receiving the council's attention, he said



So this is home? A Kwazakhele resident.

30/9/84
C. Press

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OK Bazaars agreement for 23 000 workers

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~~151~~

By Carolyn Dempster,
Labour Reporter

1/10/84

A wage agreement covering 23 000 OK Bazaars workers nationwide has just been concluded with the company by the Commercial, Catering and Allied Workers' Union (CCAWUSA) negotiating jointly with the National Union of Distributive and Allied Workers (Nudaw)

Settlement in the wage dispute between the two unions and the retail chain was arrived at after mediation last week

The agreement applies to all OK employees earning a basic salary of R700 a month or less but excludes staff operating on the basis of salary and commission

Employees will receive a R54 increase on the anniversary of the date they joined the company, said Mrs Emma Mashinini, general secretary of CCAWUSA.

The concept of staggered anniversary-tied increases instead of across-the-board rises was a dramatic departure from previous negotiations with the company, she said. However, the unions' primary concern was to ensure that members received a substantial money rise.

A dispute was declared when the two unions rejected management's offer of a R22 across-the-board increase.

Mrs Mashinini said the workers had given the union negotiating teams a clear mandate

OK's group industrial relations controller, Mr Keith Hartshorne, was not available for comment on the agreement

Monday 3/10/84

Talks on
carpet

company dispute

Labour Reporter

FURTHER talks between representatives of the South African Allied Workers' Union and the management of Crossley Carpets are planned for today in a bid to end a dispute over the sacking of three workers

About 500 workers at the factory in Reunion, near Isipingo, downed tools yesterday morning and demanded the reinstatement of the three

Company spokesman Seaton Thompson said the three had been fired for refusing to work after the introduction of staggered meal breaks for some workers. There had been no question of them having to do additional work, he said.

'We are doing everything possible to get the workers back to their jobs and we undertook to consider their demand for the reinstatement of the three on condition that all the workers returned.'

Today's meeting was due to take place at 8 a.m., he added.

'Stormed out'

Local organiser of the union Elphas Luthuli said the strikers would not return to work until management undertook to hold talks with the union to negotiate the reinstatement of the three. He claimed that a meeting yesterday between the company had ended abruptly when the management delegation stormed out.

But this was strongly denied by Mr Thompson. He said an agreement had been reached that the company would consider the reinstatement of the three on condition that all the strikers returned. Midway through the meeting it had been discovered that none had returned. The meeting had ended at that point and further talks would be held this morning.

Wages union, firm agree

EAST LONDON — Federated Timbers and the General Workers' Union (GWU) have signed recognition and wage agreements, a union official said here yesterday.

~~11/5/84~~ 151
The branch secretary of the GWU, Mr David Thandani, said in a press statement "The GWU and Federated Timbers have signed a recognition agreement which accords full collective bargaining rights to the union and its shop stewards

D. Aspinall
"The union and the company have also concluded a wage agreement in terms of which the minimum basic wage will increase by 17 per cent

5/10/84
"In addition, certain service increments have been agreed upon"

A management spokesman for the company in Johannesburg said the agreements with the union, which is unregistered, would only apply to the East London branch

The group personnel manager, Mr R W Childs, said in a press statement yesterday "An agreement on wages was concluded today between the East London branch of Federated Timbers and the General Workers' Union

"Minimum wages will be increased by 17,3 per cent to R1,42 per hour with effect from October 1, 1984

"In addition the company will introduce a service allowance whereby employees with more than three years' service will receive an extra 30c per week for every completed year of service

"In view of the current economic situation and particularly the impact this is having on the demand for building materials, the company regards the increases as very fair and reasonable

"The company has an ongoing commitment to improve the wages and working conditions of all its employees. The company also has a responsibility to protect the jobs of its employees to the best of its ability, especially during periods of economic recession —
DDR

FA 5/10/84 (151)
FIRST FOR NEW UNION

The United Mining Metal and Allied Workers' Union (Ummawsa) and Chloride SA have entered into a recognition agreement for the company's Benoni factory

It is the first recognition agreement signed by the new union since its split from the Metal and Allied Workers' Union, an affiliate of the Federation of SA Trade Unions (Fosatu), earlier this year

According to a union spokesman, the agreement makes Ummawsa the sole collective bargaining representative of Chloride's workers. It was signed after the union proved it had majority representation at the plant. The agreement provides for wage negotiations, disciplinary and grievance procedures as well as retrenchment and dispute procedures

MINE LABOUR Whites get tough

SA's mining industry faces an industrial dispute, and the possibility of a white miner strike, as a result of efforts to racially integrate the industry's main pension fund

Arrie Paulus, chairman of the 25 000-strong all-white Council of Mining Unions (CMU), says the dispute with the Chamber of Mines was declared on Wednesday. However, the chamber's industrial relations adviser, Johan Liebenberg, says formal notification of the dispute has not yet been

received

The pensions issue is an emotional one for many white miners, who accuse the chamber of trying to integrate all mining industry structures "by stealth"

Liebenberg says the chamber's wish to open the pension fund to blacks arises out of a 1982 agreement with the Federation of Mining Unions (all of whose members are also members of the CMU) that black, coloured and Asian apprentices should be trained on the mines

Says Liebenberg "There are now around 150 black, coloured and Asian apprentices, some of whom will very shortly finish their apprenticeships and be graded as artisans. We have undertaken that, wherever possible, we will give the same benefits to blacks as to whites. It seems to us that these black, coloured and Asian lads should belong to the same pension fund as their white colleagues."

He adds that the admission of blacks to the pension fund would not affect the benefits paid to white members and that even if the chamber set up a separate fund for blacks, with the same contributions, it would not be able to guarantee the same benefits

From the point of view of the unions, the dispute arises out of negotiations which started two years ago, when the CMU asked the chamber to amalgamate the pension and provident funds of white workers. It also wanted the pension rules to be amended to allow members to draw one-third of their pensions in lump-sum benefits

White six

The CMU has six members: the Mineworkers' Union headed by Paulus, SA Engine Drivers, Firemen and Operators' Association, Amalgamated Engineering Union of SA, SA Electrical Workers' Association, SA Boilermakers' Society, and the Amalgamated Union of Building Trade Workers

According to Paulus, the negotiations initially went fairly smoothly. However, problems arose about the percentage the employers would be prepared to pay from the provident fund into an amalgamated pension fund.

Paulus says the chamber undertook to investigate different contribution structures for officials and union members — then dropped what he calls "a bomb". This was a statement that amalgamation of the pension and provident funds would be agreed to if the CMU agreed to change the pension fund's constitution to allow membership by black, coloured and Indian workers doing the same work as whites

The CMU saw this as an attempt to force integration in the mining industry and rejected it. There are few blacks, coloureds and Indians in the industry doing the same work as whites. But, as Liebenberg points out, black apprentices will shortly begin qualifying as artisans

Says Paulus "Blacks have had their own pension fund since 1970, but the chamber admits that it is inferior to the white funds. The CMU asked the chamber to bring the black fund into line with that for the whites, but it said it could not see its way to doing this." He added that the CMU is "quite prepared" to hold a referendum of members to test their feelings on the issue

"We cannot see why there cannot be a separate fund for blacks only," he says. "We feel it is an unfair labour practice for the chamber to expect us to forfeit certain privileges by holding a sword over our heads to force us to change Guidelines laid down by the Minister of Mineral and Energy Affairs make it quite clear that it is the responsibility of the employers to maintain peace in our industry. This will only cause friction."

Liebenberg says that as the papers on the dispute had not been served when the FM went to press, he was unsure of its basis. But he added that there was a feeling in the chamber that the CMU's refusal to allow an integrated pension fund was in itself an "unfair labour practice."

The dispute reflects the continuing controversy over the mining industry's racially exclusive "scheduled person" definition, which stops blacks from doing certain work. Paulus's MWU is resisting changing the scheduled person clause, which both the chamber and the government want dropped.

The fact that all CMU members, some of whom are considerably more liberal in racial matters than the MWU, are party to the pension fund dispute is not a hopeful sign that they will agree to drop SA's last remaining job reservation provision.

Union seeks conciliation board

By JEANETTE MINNIE

THE Sweet, Food and Allied Workers' Union (SFAWU) has applied for a conciliation board to consider two unfair labour practice charges against Simba Quix.

The move follows a dispute in which 464 SFAWU members were dismissed by the company at its Isando plant in August.

The first unfair labour practice charge is based on four arguments:

- The company failed to negotiate in good faith on the dismissal of the first three workers.
- The company refused to negotiate on the resulting conflict which led to the strike by another 464 workers.
- The subsequent dismissal of the 464 workers.

- After these dismissals the company hired workers on a racial and not economic basis (Coloureds were employed in place of 464 blacks)

The second charge follows the dis-

missal of five workers who were on leave during the strike and who, the union alleges, were dismissed because they refused to resign from the union or in any way dissociate themselves from its activities.

The company has welcomed the application for a conciliation board, saying it would prove who was right and who was wrong.

It has indicated a willingness to reconsider the matter, but only if new facts emerge. Simba's managing director, Mr Jan du Toit, has said that nine meetings of the company and union have been held since the strike. He was satisfied the dismissals were justified.

The company, and especially Simba Chaps, face a countrywide boycott over the dispute.

The SFAWU general secretary, Mr Jay Naidoo, announced this week that East Rand members of the National African Federated Chambers of

Commerce (NAFCOC) had come out in support of a boycott.

However, the majority of cater outlets in East Rand townships will be affected by the decision.

Dozens of support committees for the boycott are being set up around the country, including in Durban, Maritzburg, Johannesburg, all East Rand townships and in Lesasia.

Support for the boycott has already been expressed by more than 30 trade unions, including community organisations which will urge their members to boycott Simba products.

The company has stated that a boycott would not be in the interests of the economy, consumers or its remaining 900 black employees.

The organisations which have come out in support of the boycott include the Federation of South African Trade Unions (Fosatu), the Council of Unions of South Africa (Cusa),

the Commercial, Catering and Allied Workers' Union of South Africa (CCAWUSA), the National Federation of Workers (NFW), the African Food and Canning Workers' Union, the General Allied Workers' Union (GAWU), the South African Allied Workers' Union (SAAWU), the Johannesburg Scooter Drivers' Association, the Azanian Students Organisation (Azaso), the Congress of Students of South Africa (Cosas), the United Democratic Front (UDF), the Transvaal and Natal Indian Congresses (TIC and NIC), the National Union of South African Students (Nusas), the South African Council on Sport (Sacos) and Diakonia.

International support for the boycott may also arise from the SFAWU's decision to notify the International Union of Food and Allied Workers' Associations, to which the SFAWU is affiliated.

TEACHERS' WIVES' PAY

LOOMS

Row

7/10/84 ~~151~~ ~~151~~ 151 B. S. Twiss
By HENRY LUDSKI

THE Government's new teacher salary structure came under heavy fire from many principals this week when it was discovered that only certain of them would receive increases backpaid to January.

Others would receive their increases effective only from this month

This would mean, in effect, that post-level-five, D-category principals, with matric and four years training, and those teaching at schools with more than 600 pupils during the past six months, would receive pay packets totalling several hundred rand more

Those principals with C category qualifications — with matric and three years', or less, experience or those at schools with less than 600 pupils — would receive only their normal salary, plus the increase

The increases, which are effective from this month, and the backpay would be paid to D-category educators in December

Anger

This is a further source of unhappiness as the other categories of teachers and principals would receive their backpay only in April and May, next year

This has angered many principals, as they feel they are being discriminated against, several saying this week they felt they were doing the same work and should receive the same backpay at the same time

Other principals have also attacked the backpay scheme as discriminating against up-country schools, which generally have less than 600 pupils

"I think it is very unfair," said one disgruntled up-country principal

"I run a very good school here, and I can't see why I should be penalised for being in a small town

Distinction

"I don't know why they have made this distinction I intending asking about this as I believe that I have received a raw deal"

Another up-country principal said "I can't help it that I teach at an up-country school besides I like it here"

A local Cape Town principal said "I definitely intend getting clarity on this situation" Mr L Kluewer, chief personnel structure director of the Commission for Administration this week that there was "no reason for certain teachers to be unhappy"

He said "The only reason I can see for the unhappiness is that certain teachers don't understand the rationale behind why certain educators are receiving increases backdated to January this year, and others are not"

Mr Kluewer said it had to be understood that D-category educators were linked to the top salaries of the rest of the public service, who were given increases in January

He said it would have been "unfair" if the D-category had not received increases backdated to January as this brought their salaries in line with the top salary structure of the public service"

C. F. Press
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~~ZAB~~

Double up or else!

THE National Union of Distributive and Allied Workers has asked for a 100 per cent wage increase for workers in major chain stores and shops

Branch organiser Vincent Naidoo said that since last year's increase, the purchasing power of the rand had shrunk to the extent that most workers were finding it hard to survive

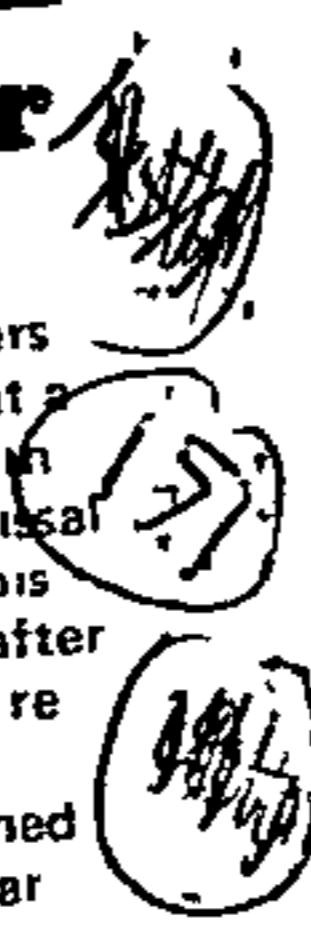
"Since the last increase in November, sales tax and the prices of many basic foods have been increased," he said

The union's recommendations have been forwarded to the wage board which will sit early next year to review wages

C. Press
**Victory for
3 workers**

MORE than 500 workers who had been on strike at a Durban carpet factory in protest against the dismissal of three co workers this week returned to work after management agreed to re instate the three

The workers returned to work at Crossley Carpets after negotiations with Saawu representatives.



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Garment workers ready to strike

Mail Correspondent

DURBAN — More than 50 000 garment workers in Natal could take strike action against low wage increases offered in the year's industrial council negotiations with the Natal Clothing Manufacturer's Association

Mr Frankie Hansa, general secretary of the Garment Workers' Industrial Union, said at a meeting of 500 shop stewards, representing workers from 425 clothing factories in Natal, that management's wage offer was rejected

"The workers are considering 'various options' if their demands aren't met. These include, strike action, go slow, and public meetings to focus attention on their low wages," he said

He said the workers were sticking to their demand for increases of between 58% and 177%

Negotiations were still taking place with the NCMA and it was hoped that it

would reconsider increasing its offer
Mr Richard Savage, chairman of the NCMA, warned that strike action would be unlawful.

"The action would be illegal while the Industrial Council agreement is still in force," he said

Mr Savage described the demand as "absolutely ridiculous," and said the employers' final offer of between 20% and 25% was the best in view of the current economic situation.

The manufacturers were not prepared to go any higher, he said

and Shipping

Seifsa head calls for clarity on labour law

JOHANNESBURG — Uncertainty arising out of the current legal definition of an unfair labour practice is inhibiting employers in the conduct of their industrial relations

This was stated today by the president of the Steel and Engineering Industries Federation of SA (Seifsa), Mr J W Nelson, at the federation's annual meeting here

Delivering his presidential address, he said intention of the revised industrial council dispute procedure introduced last year was to encourage parties to resolve their differences through agreed procedures rather than through strike action

"This appears to have happened. The industrial council has handled over 150 disputes in the past 12 months and it is encouraging to report that approximately a third of these have been resolved at industrial council level," he said

The increased use of official procedures by trade unions to take up matters on behalf of their members has also meant that the Industrial Court had to play a far more prominent role in the industrial relations arena. Over 300 cases have been referred to it since the start of 1983

This has led to a widespread debate on the role of the court and, during the course of the year, the Department of Manpower invited comment on the National Manpower Commission report in this regard

"The uncertainty arising out of the current definition of an unfair labour practice is inhibiting employers in the conduct of their industrial relations and it is important that a formula be found whereby the court can assist in ensuring fair employment practices without becoming directly involved in both the structure and practice of collective bargaining"

The past year had also seen increasing fragmentation of the trade union movement in the industry

"Some of the traditional alliances in the trade union movement appear to be changing and inter-union rivalry has continued at a high level

"This makes it difficult for employers to maintain stable collective bargaining and joint consultation arrangements"

The federation had continued to encourage maximum participation in the National Industrial Council on a voluntary basis by both employers and trade unions

"The National Manpower Commission has continued its investigation into collective bargaining by inviting comment on a working document dealing with levels of collective bargaining and the extension of agreements to cover non-parties

Seifsa has responded to this invitation with a detailed submission and it is hoped that the National Manpower Commission will complete its investigation as speedily as possible so as to bring to an end the damaging speculation that continues to take place regarding some of the key provisions of the Labour Relations Act

"The continuing imbalance in the supply and demand for artisans constituted a serious limitation both in the development of the industry and in the wage structure

"In view of this a plan to increase the intake and improve the training of apprentices has been formulated

"The plan seeks to encourage 'off-the-job' training in the industry by allocating a fixed proportion of income from the training levy to the establishment of industry apprentice training centres and by adapting the grant system so as to provide higher payments to companies in respect of apprentices who qualify by trade test"

Mr Nelson said activity in the engineering industry continued at a depressed level though the steep decline in production levels during 1982 up to mid-year '83 appears to have been halted — Sapa

Closed shop may be on the way out

By Carolyn Dempster,
Labour Reporter

A crucial Industrial Court ruling which could herald the beginning of the end of the closed-shop stranglehold on employees wishing to join the union of their

choice was handed down last week in the textile industry.

The provisions of the closed shop determine that employees who join a particular company are required to be members of the union recognised by the company.

Similarly, if an employee decides to resign from the union in order to join another he immediately loses his job.

This clause has led to heightened tensions between established unions who have added to their membership figures by virtue of the closed shop arrangement, and emergent unions who are militantly active in the same industries.

Last week, the closed shop hold on employees at James North Africa Pty Ltd who are members of the Garment Workers' Industrial Union (GWIU) was broken.

EXEMPTION

Mr DR van Schalkwyk of the Industrial Court upheld an appeal by the National Union of Textile Workers (NUTW) — a rival union — for exemption from the provisions of the closed shop arrangement at the Isando factory.

The NUTW initially applied to the Industrial Council for the Knitting Industry for exemption, but the application was turned down, and was then taken on appeal to the Industrial Court.

The court found that James North had been placed in an invidious position. Virtually the entire workforce signed a petition indicating they would not be members of the GWIU were it not for the closed shop clause.

The company was faced with the dilemma of either dismissing its whole workforce or resigning from the Natal Clothing Manufacturers' Association (NCMA) — the key employer association on the Industrial Council — to escape the closed shop clause.

At the same time, the GWIU threatened its members with expulsion if they did not give up their dual union membership, and this in turn would have meant the loss of jobs.

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(15)

Chips are down in boycott dispute

By PHILLIP VAN NIEKERK
SIMBA-QUIX'S management is to meet the Sweet, Food and Allied Workers' Union (SFAWU) today, to resolve the dispute which has sparked a potential nationwide boycott of Simba products, the firm's managing director, Mr Jan du Toit, said yesterday

The union has said it is prepared to settle, provided their sole demand is met.

This is the reinstatement of 464 workers fired during a work stoppage in August. The stoppage was in sympathy with three colleagues who

workers believed were unfairly dismissed

Mr Du Toit said. "We are going into the meeting today with an open mind."

A number of trade unions and community groupings have expressed support for the boycott, while other groups are awaiting the outcome of today's meeting, before deciding on whether to call a boycott.

Mr Du Toit said Simba sales had not yet been hit by the boycott, but he could not say what would happen if the boycott went ahead

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Pulp union ^{5 fac} rejects ~~3/1/84~~ ^{2/11/84 (151)} employers 5% offer ~~1/1/84~~ ~~1/1/84~~

By Carolyn Dempster,
Labour Reporter

The Paper Wood and Allied Workers' Union (Pwawu) has attacked employers for "playing games" in the opening round of Industrial Council negotiations covering 10 000 workers in the pulp and paper industry

Pwawu rejected outright the employers' offer of a five percent increase which would bring the minimum wage in the industry to R1,45 an hour

Union demands included a minimum wage of R2,30 an hour, a 13th cheque, a 40-hour working week, May 1 as a paid holiday, an allowance of R2 a shift and a service allowance of three cents an hour for every year of service

Employers represented at the talks in Johannesburg last week included Anglo American's Mondi paper group, General Mining Corporation's subsidiaries Sappi and Carlton Paper and the Nampak group which falls within the Barlow Rand fold

Pwawu is the largest union represented in the Industrial Council negotiations, with 4 500 members at 11 mills. Other unions taking part in the negotiations are the SA Electrical Workers' Association, the SA Boilermakers' Society and the Amalgamated Engineering Union of South Africa

Miss Refiloe Ndzuta, general-secretary of Pwawu, said the unions party to the talks had presented a unified front.

"However, Pwawu will have to seriously reconsider its presence on the Industrial Council if the employers persist in playing games," she said

This is the first year that Pwawu has been a party to the national negotiations. Miss Ndzuta said union officials would report back to their members

Metals union pleased as wages are doubled

11/10/84

Labour Reporter

A wage agreement signed on Tuesday between the Rand Scrap Iron and Metal Company and the Metal and Allied Workers' Union (Mawu) has been hailed as a victory for collective bargaining

More than 400 workers at Rand Scrap, a subsidiary of the major steel manufacturer Scaw Metals, are to receive substantial increases as a result of the agreement

The minimum wage has been doubled from 85c an hour to R1,73 an

hour and workers earning more than the current minimums in terms of the national Industrial Council agreement will all receive an increase of not less than 20c an hour

In addition, the company has agreed to pay a service allowance of up to five cents an hour and a holiday bonus

Agreement was reached after two and a half months of negotiations, and following the conclusion of talks, the union agreed to withdraw an application for a conciliation board

**Pay:
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EAST LONDON — Tek
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travening basic condi-
tions of the Employment
Act

D. Disputch
11/10/24
The Department of
Manpower alleged the
company had not paid
all the leave pay due to
some employees who
had been retrenched

The case was post-
poned to December 20
— DDR

CLIVE THOMPSON

Problems with strike law

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Clive Thompson is an attorney and a researcher with the Centre for Applied Legal Studies

In the field of labour law, the tension between *lawful* conduct and *fair* conduct continues to plague the development of a coherent body of rules for the regulation of the major areas of conflict between employers and unions.

After some initial hesitation, the Industrial Court tackled the question of individual unfair dismissals head-on and proceeded to apply the International Labour Organisation's standards with remarkable alacrity. Notwithstanding perfunctory notice periods in employment contracts, the court decided that a dismissal should be for good cause only and be preceded by a fair inquiry.

An employer's contention that a dismissal which complied with the contractual notice period and which was otherwise lawful could not be unfair was effectively rejected by the court in *Mawu v Barlows Manufacturing*. The objects of labour peace advanced by the Labour Relations Act were to take precedence over the formal and artificial "agreement" on termination assumed by the individual contract.

Unfortunately the court's treatment of larger-scale issues, usually involving trials of strength between unions (as opposed to employees) and employers, has been rather less salutatory. Perhaps struck by the stridency of recent criticisms which have come its way from certain employer parties and over-awed by the prospect of challenging the boundaries of managerial prerogative on really telling issues, the court has de-

monstrated a conservatism that comes close to an abdication of its rule-making function. The result has been that the emerging law on strikes is shot through with confusions and that one looks largely in vain to the 1984 clutch of decisions for guidance on the subject.

At least one steady theme does emerge: workers who ignore negotiated and statutory dispute procedures and who engage in wildcat action will have a tough time in securing relief through the court. This judicial attitude underscores the premium placed by the Act on collective bargaining. However, the virtues of the bargaining process have apparently been overlooked in pronouncements on other features of labour disputes.

Trade unions like to argue that all strikes are provoked by management. The Industrial Court could not be accused of being uncharitable if it regarded this proposition with a measure of scepticism. Nonetheless, where mass dismissals have followed in the wake of strike action, the court's first inquiry should be to ascertain who was responsible for the breakdown. Should it be established that the strike was indeed triggered by provocative managerial behaviour, especially behaviour which itself amounts to an unfair labour practice, the court should not be chary in reinstating the affected workers. Instead it has tended to engage in an exercise to determine whether the parties' conduct has been lawful rather than fair. The practice has been to assess whether the dispute can be characterised as a lock-out or a strike and, if it decides on the latter (which, given the nature of labour disputes, it usually must), it declines to give relief. Only the grossest managerial action meets with a reinstatement order, and then normally a qualified one.

Arbitrary and selective dismissals or

rehirings in the course of labour disputes are also expedients which deserve short shrift before the court. They lend themselves to abuse and are a deviation from the basic legal principle that like cases should be treated in like manner. In *Ngobeni v Vetsak*, however, the court was not impressed by these considerations and came to the startling conclusion that, provided an employer was legally entitled to dismiss, he was also at liberty to rehire as he saw fit. Instead of viewing the dispute in question as a whole, it scanned the sequence of events and then homed in on a particular segment which it declared to be decisive. If one accepts that only a careful assessment of the equities of the total situation can lead to sound industrial relations and labour stability, this piecemeal approach grounded in narrow common law notions must be eschewed.

A more discerning and contextual treatment can be found in the decision of *Raad van Mynvakbonde v Kamer van Mynwese*. Here the court had to decide whether the otherwise lawful dismissal of workers on a legal strike would also be fair. It concluded that under certain circumstances such dismissals could be unfair, and noted that one of the factors that needed to be taken into account was whether the parties had negotiated in good faith during the strike. It also indicated that selective dismissals and rehiring could constitute unfair labour practices.

The principles regulating individual unfair dismissal have crystallised out after a relatively short period of uncertainty. Despite the clear guidance available in the more developed jurisdictions abroad, and despite an accommodating domestic statute, the weighty issues of collective action and mass dismissals remain unresolved in this country. In the interregnum, self-help will presumably prevail on all sides.

Financial Mail October 12 1984

Oct 1984

INDUSTRIAL COURT
Unions take a loss

Trade unionists are wondering whether their recent successes in the Industrial Court set the true pattern for future decisions — or whether the parameters are changing. Two recent decisions that went against them in Natal have raised doubts.

In the case of the Paper Wood and Allied Workers' Union (PWAU) v Unply, the union sought the reinstatement of two shop stewards who it alleged had been unfairly dismissed. In a separate action, it applied for the reinstatement of the entire workforce, which had been dismissed following a strike over earlier dismissals.

The court found that the shop stewards had not been unfairly dismissed. There was sufficient evidence to justify dismissal. In the case of the remainder of the workforce, it found that they had precipitated their own dismissal by walking off the job and not following strictly the procedures laid down in the Labour Relations Act.

A similar judgment was handed down in the case of the National Union of Textile Workers (NUTW) v Lanatex. In this instance, two workers were allegedly unfairly dismissed. The firing was followed by the dismissal of two shop stewards who protested on their behalf and, finally, the entire workforce, who had come out in support. Here the court found that the workers

labour

and the two shop stewards had, in fact, been unfairly dismissed and ordered their reinstatement.

But it did not reinstate the other workers because they had acted unilaterally and, in so doing, had placed themselves outside of the law.

Both judgments, says labour lawyer Chris Albertyn, create serious problems for trade unionists. "It appears," says Albertyn, "that the courts are not coming to the assistance of workers facing mass dismissal where the proper procedures have not been followed."

MINE LABOUR

Situation **simmers**



In two conciliation board meetings last week the Chamber of Mines and the National Union of Mineworkers (NUM) failed to reach agreement on wage disputes at The Employment Bureau of Africa (Teba) and the Rand Refinery. At the latter, however, the Chamber made an "improved offer" which the union has undertaken to refer back to its membership for consideration.

Last Thursday's conciliation board meeting, which considered the Teba dispute, ended in deadlock when neither party moved from their previous positions. The NUM is demanding 18% increases while the Chamber is offering 14%. The union is to hold a report-back meeting this week where members will consider what steps to take. Teba is the Chamber's labour-recruiting arm.

On Friday the Chamber "tabled an improved offer" for Rand Refinery workers. The union's demand here is also 18%, while the Chamber was offering 9% before the conciliation board meeting. The union is to inform the Chamber by October 11 whether its members at the refinery find the new offer acceptable.

Both the NUM and the Chamber are being tight-lipped about details of the new offer. The Rand Refinery is the largest refinery in the world, processing SA's entire gold output as well as a substantial amount of silver.

Serious consequences

A drawn-out strike could have serious consequences for the gold mining industry. However, a Chamber spokesman is optimistic that both the Teba and the Rand Refinery disputes will be settled "amicably". According to the union, over 95% of the 250 black workers at the refinery belong to the NUM while more than 500 of the 600 black Teba workers are also NUM members.

Another Chamber-NUM wage dispute, at the Rand Mutual Hospital, has been referred to mediation. The outcome will possibly be known by the end of the week.

Meanwhile, a strike occurred at the General Mining Corporation's (Gencor's) Marievale goldmine on Monday night. According to the NUM's Cyril Ramaphosa, the mine manager had promised the workers the same increases which were agreed with other Chamber mines last month. The strike began when workers discovered that their increases were, in fact, lower.

Francois Albert, Gencor's public relations officer, confirms that "most of Marievale's 1 160-strong black workforce" are participating in the strike. He says that at a meeting on Monday before the work



Mineworkers ... establishing their power base

stoppage miner's representatives expressed dissatisfaction with their wages. He points out that because the correct procedures have not been followed the strike is illegal.

201 12/10/84

Bid to end dispute at Simba Quix

Mail Reporter

EFFORTS to resolve the dispute between the Sweet Food and Allied Workers Union and Simba Quix are continuing after the company and the union met on Tuesday.

The dispute has sparked off a boycott of Simba products.

Mr Jan du Toit, managing director of Simba Quix, said this week's meeting was a preliminary to a meeting to be held next Tuesday.

At this meeting they would try to resolve the dispute.

A spokesman for the union — an affiliate of the Federation of South African Trade Unions (Fosatu) — said yesterday the boycott would not be called off until there was a settlement.

The union is demanding the reinstatement of 464 workers fired at Simba's Isando plant after stopping work in August in sympathy with three dismissed workers.

Mr Du Toit said Tuesday's meeting had simply been an exchange of viewpoints and was not meant to be conclusive.

"We agreed to go back to our directors and the union officials agreed to go back to their executive with the different viewpoints which were expressed at Tuesday's meeting.

"I remain hopeful that a settlement to the dispute is possible," Mr Du Toit added.

He would not say what exactly had been offered and discussed at the meeting.

Key Industrial Court ruling will affect rights of migrant workers

by Carolyn Dempster, Labour Reporter

A key ruling which has wide ramifications for the employment status and rights of migrant labourers was handed down by the Industrial Court this week, nearly two years after the dispute was declared.

The judgment, by Mr J A Erasmus, additional member of the Industrial Court in the dispute between the Metal and Allied Workers' Union (Mawu) and Screenex Wire Weaving Manufacturing, comes eight months after the court hearing.

Ten migrant workers, who lost their employment on December 9 1982 when their contracts were not renewed, were not "retrenched", the court found.

Mr Erasmus ruled that the workers should not be reinstated on the basis of an unfair labour practice. But because the company had not given the migrant workers due warning, they should be awarded back pay. On this basis, the court determined that five of

Union attacks 'ineffective' Industrial Court

Workers are losing "all faith" in the Industrial Court as a means of righting wrongful actions by their employers and are likely to turn increasingly to other means.

This is the warning issued by the Metal and Allied Workers' Union (Mawu), who this week hit out at the court's judgment on the Screenex Wire Weaving Manufacturing case as "disappointing and dissatisfying".

Nearly two years after the dispute, and eight months after the end of the trial, the court had issued a judgment which contained inaccuracies and seemed to remove from migrant workers "much of the meagre protection they enjoyed from the law", said the union.

The most worrying aspect of this was that the rights of migrant workers to be represented in negotiations by their trade unions had been removed at a stroke.

In effect, the judgment placed migrant workers outside the protection of the law and denied them

the applicants be awarded three months' salary, three of the applicants should be given two months' salary, and the two remaining applicants the equivalent of one month's salary.

Mawu originally charged that the Alrode company had committed a series of unfair labour practices in

- Failing to meet and negotiate with a representative trade union.
- Retrenching 10 employees on December 9

full trade union rights. It also made them second-class members of the Industrial Council.

The court had failed to give any judgment as to whether the company's refusal to negotiate with the union was an unfair labour practice; referred to non-existent legislation (the Black Workers Areas' Act) and had accorded white workers special status in the case, Mawu claimed.

It was becoming increasingly clear that the court had drawn back from the progressive role it had played since 1979 in establishing some rights for workers, said the union.

In the light of recent judgments handed down by the court and the Minister of Manpower's refusal to appoint independent boards in dismissal disputes "Mawu believes that unions will have to re-evaluate their entire attitude to the Industrial Court".

South African workers would have to ask themselves if they could still benefit from the court, Mawu added.

1982 contrary to established practices and procedures, and in an unfair manner in that the retrenchments were unnecessary.

- Retrenching the same employees contrary to the provisions of the main agreement for the Iron, Steel, Engineering and Metallurgical Industry.
- Dismissing two employees in circumstances which the company was not entitled by law to do.

During the course of

the hearing, it was determined that the affected workers had been employed by the Alrode company for periods ranging from two to 12 years.

Screenex admitted that on December 9 1982 the 10 employees had been informed that their migrant labour contracts would not be renewed and their reference books were signed off — resulting in immediate retrenchment.

The company also ad-

mitted to the allegations that it had not applied fair retrenchment procedures in that it failed to give proper prior warning of the retrenchments, failed to consult a representative trade union or worker representatives, failed to afford the retrenched adequate opportunity to find alternate employment, did not apply the principle of Last In First Out (LIFO) and did not offer any alternatives to retrenchment.

The court found that the expiry of the contracts through the natural passage, of time did not constitute retrenchment. Because the employees had not been retrenched *per se*, the loss of employment could not be said to be an unfair labour practice, said Mr Erasmus.

"There can only be a question of retrenchment when a valid contract exists and the worker is perforce retrenched due to the fact that his job has either become redundant, or there is insufficient work to warrant his further employment," he added.

Secondly, the employers could not have contravened the provisions of the main agreement if the employees were not retrenched.

However, Mr Erasmus did find that, where annual migrant labour contracts were not going to be renewed after the first renewal, "there rests an obligation on the employer to give the employee reasonable notice that it is not going to renew the contract".

Garment workers talk of strike over pay

Labour Reporter

WORKERS in the garment industry are angry over what they call 'paltry' wage increases offered by their employers

Mr Frankie Hansa, general secretary of the Garment Workers' Union, which claims to represent 50 000 workers, said that unless employers increased their offer, the industry would be faced with large-scale industrial unrest

Mr Hansa's warning comes in the wake of a decision by 500 shop stewards, representing workers from 425 clothing factories in Natal, to reject the employers' offer of increases ranging between 20 percent and 25 percent, effective from next year

He said the workers had asked for increases of between 58 percent and 100 percent, spread over the next two years

'This may appear to be unrealistic, but monetarywise the increase is reasonable,' he said, adding that employees in grade one and grade two, who made up about 80 percent of the workforce in the industry, were earning between R45 and R55 a week

'We are asking that the wages of a grade-one employee

be increased from R55 a week to R100 a week and for grade two employees, from R45 a week to R80 a week — the increases being spread over two years'

A shop steward said the management had offered increases of between R11 and R13 a week over the next two years

Mr Hansa said that at a recent shop stewards' meeting, it had been decided to give the union representatives a mandate to make another attempt to get the employers to increase their offer

If that failed, the workers would consider industrial action

'They are seriously considering various options if their demands are not met. These include strike action, go-slow and public meetings to focus attention on their low wages,' he said

Mr Richard Savage, chairman of the Natal Clothing Manufacturers' Association, said the demand was 'absolutely ridiculous'. The final offer of between 20 percent and 25 percent was the best in the economic situation

The manufacturers were not prepared to go any higher, he said. If the offer was not accepted, a deadlock would be declared and the matter would be referred to the Industrial Council

Factory workshop incident described in court

15/1
E. Post
16/10/87

By CHRIS RENNIE

AN incident at the Volkswagen factory in Uitenhage, between a white man and a black which had "far reaching effects" in the motor industry, was described in the Uitenhage Magistrate's Court today.

Mr Ntutuseh Johnson Gaika, of Tulis Street, Uitenhage, is charged with assaulting a workshop foreman, Mr Burger Steyn Delport, on June 29 this year.

Mr Jacobus du Toit told the court that following an incident between him and Mr Gaika the previous day, he was being interviewed by a shop steward, a Mr Smith.

He told the court Mr Gaika had hit him under the chin when they argued about instructions he had given but that he had not wanted to make a report.

When he was telling Mr Smith that he had nothing against Mr Gaika and did not wish to make a complaint, Mr Delport intervened.

Mr Delport said if he had hit the "kaffir" he would have been fired and insisted that a report be made.

Mr Gaika had told Mr Delport to keep his nose out of the affair. He then hit Mr Delport and they grappled on the ground.

Mr Smith pulled Mr Gaika off but while Mr Delport was still on the ground, Mr Gaika kicked him in the face.

They grappled again and

Mr Gaika throttled Mr Delport with his own tie. Mr Du Toit said he did not see Mr Gaika hit Mr Delport with a chain.

Cross examined, Mr Du Toit admitted he knew the incident had far-reaching effects.

He also admitted that he did not make a statement to the police about the incident until August 28, the day the trial started.

He contradicted himself several times about the reason for the delay, whether it was because of a misunderstanding or that the police had forgotten to take a statement from him. He denied that he had refused to make a statement at any time.

Further cross-examined, he admitted that the relationship between him and Mr Gaika was very good and that there had been no problem between them.

He admitted they often played the fool and during the incident the day before he had been pushed in fun and had fallen, which was the reason he did not want to make a complaint.

He denied that Mr Delport had sworn and used the term "kaffir" when he intervened.

He said Mr Delport had misunderstood the position but he had not told Mr Delport he was wrong.

(Proceeding)

Mr W Smit was on the Bench. Mr F Botha appeared for the State. Mr G G Huisamen appeared for the defence.

SA ^{18/10/84} union's dispute ¹⁵¹ is taken overseas ¹⁵¹

FOR the first time in South African labour history, a union has referred a dispute with a West German multinational to the International Labour Organisation and the European Economic Community.

The Metal and Allied Workers' Union (Mawu) has referred its dispute with Transvaal Alloys, a subsidiary of Nord Deutsche Algemeine of Hamburg, to the International Metalworkers' Federation (IMF) in Geneva.

The IMF will present the dispute to the ILO and the EEC, according to a statement issued by Mawu yesterday.

Mawu said it had set out the circumstances of the dispute in which more than 200 workers were dismissed from the vanadium mine and plant at Middelburg, Transvaal, last year.

The union accuses Transvaal Alloys of breaching clauses of an agreement multinational companies in SA

have with the ILO and the EEC's code of conduct for companies with subsidiaries in South Africa.

The union accuses the company of

- Paying "starvation" wages of 55c per hour, well below the minimum specified in the codes,

- Denying workers trade union rights and representation,

- Subjecting workers to racial discrimination;

- Breaching international standards of human rights and freedom of association,

- Subjecting workers to unfavourable wage benefits and working conditions,

- Failing to consult, examine grievances and attempt to settle disputes

- Failing to alleviate suffering caused by the migrant labour system

According to Mawu, Mr Brian Fredericks, the IMF secretary in South Africa, has undertaken to assist the workers — Sapa

Reinstate 90, union tells ice cream firm

Mail Reporter

THE FOOD Beverage Workers' Union of South Africa has demanded the immediate reinstatement of about 90 workers at the Dairy Maid Ice Cream Corporation's plant in Olifantsfontein and have threatened to take Industrial Court action if the demand is not met.

The workers were dismissed by the company in February after the entire workforce of about 300 held a work stoppage in support of a demand that a white employee who had allegedly assaulted workers be dismissed.

Just over 200 workers

were subsequently reinstated but not the remaining 90

The union has dismissed a settlement proposal by the company to compensate the dismissed workers, who include union representatives, and to re-employ them on a selective basis when vacancies occur.

The union has handed the case over to legal representatives and claims that more than two dozen unfair labour practice charges can be brought against the company.

Neither the plant manager nor the managing director of Dairy Maid could be reached for comment yesterday.

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18/10/84

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Dispute (51)

referred ~~to ILO~~

to ILO ~~to ILO~~

Star
Labour Reporter

18/10/84

For the first time in South African labour history, a union has referred a dispute with a multinational to the International Labour Organisation and the European Economic Community

The dispute between the Metal and Allied Workers' Union (Mawu) and Transvaal Alloys, a subsidiary of Nord-Deutsche Affinerie of Hamburg, has been referred to the International Metalworkers' Federation (IMF) in Geneva

A spokesman for Mawu said the IMF would present the case — arising out of the dismissal of 200 workers — to the ILO and the EEC

'Starvation Wages' paid by British

From JOHN BATTERSBY

LONDON — British companies with subsidiaries in South Africa are paying "starvation wages" to their black employees, dragging their feet in recognizing independent trade unions and using "tricks and distortions" to conceal the low wages to black employees.

These shock findings emerge from a study of reports submitted to the British Government by 107 British companies in the October issue of Labour Research.

The study reveals an alarming disregard of the code of conduct drawn up by the Euro-

pean Economic Community for firms operating in South Africa which Britain has subscribed to since 1977. The study found that:

● Seven British firms pay 1 700 workers below the minimum living level.

● Thirty-nine British companies pay almost 9 000 workers below the supplemented living level — the EEC recommended minimum.

● Only 20 out of the 107 companies analysed recognize independent trade unions.

● Many firms that submitted reports to the British Department of Trade and Industries used "tricks and distortions"

to conceal the low wages being paid to "black workers and some companies continued to pay "scant regard" to the EEC code

The study was based on reports submitted to Labour Research by 107 of the 142 companies which reported to the Department of Trade and Industries in line with the requirements of the EEC code

Twelve required to submit reports to the British Government refused to participate in the code at all.

A further 11 companies refused to submit their reports to Labour Research while an-

other 19 failed to respond. Reports are required to be submitted by 154 companies to the British Government — those with a shareholding of 50 percent or more in a South African subsidiary and employing at least 20 blacks.

There are 400 British companies listed on the stock exchange which have subsidiaries in South Africa which together make up over half of the 2 000 foreign-owned companies in the Republic

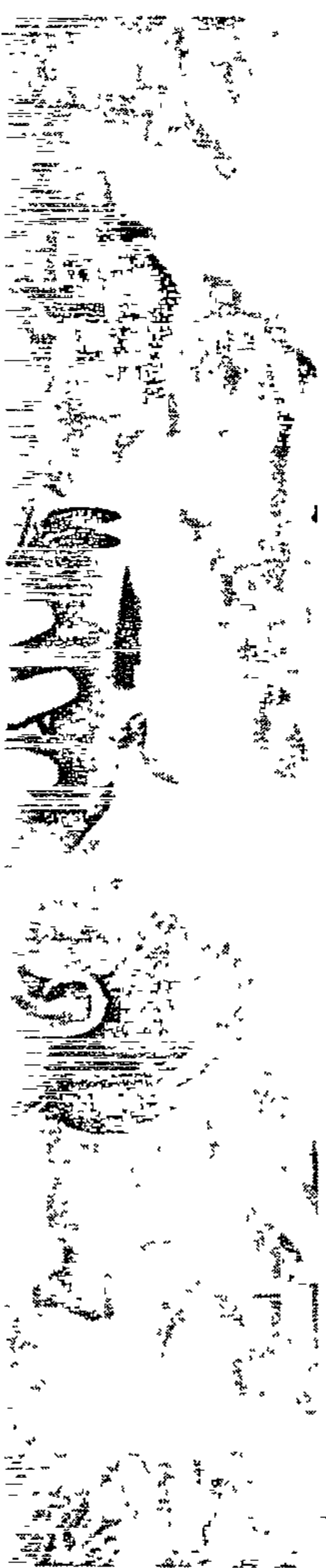
The seven companies singled out for paying "starvation wages" — below the EEC's minimum living level — were the Pritchard Services Group,

Pilkington, Low and Bonar, BTF, Lonrho (non-mining), the Electronic Rentals Group and the International Thomson Organization.

Some wages paid to workers by these seven firms ranged between R30 and R60 a week.

The study found that the EEC code of conduct "has done little to improve the working conditions or wages of black African workers".

"It is the increased militancy and organization of black African workers which is changing the balance of industrial relations," the survey concluded.



Nobel
for
finding
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Workers seen as 'HP people'

By RIAAN DE VILLIERS
Labour Reporter

THE majority of over 6 000 Cape Town City Council workers interviewed in a major union investigation lived "from hand to mouth", the Industrial Court was told this week.

Mr John Ernstzen, secretary of the Cape Town Municipal Workers' Association, described them as "hire-purchase people" who

spent their pay packets before they received them and had to borrow money for necessities — including food

He was giving evidence in an industrial court hearing which started on Wednesday to arbitrate in the pay dispute between the CTMWA and the council.

Sketching the findings of an eight-month-long union investigation into circumstances among its

11 000 members, he said families attending cinemas were "unheard of" and visits to the beach were "annual occurrences"

Low pay levels led to conflict within homes, resulting in separations and broken marriages.

There was a "scramble for overtime" and many council workers undertook after-hours casual labour to make ends meet. Workers were often forced to take young children out of school to help pay off loans.

Because rentals were difficult to meet, council workers lived under conditions of "abject overcrowding" leading to "tragic human conditions", he said.

When wage negotiations started earlier this year, the union demanded that minimum wages of R59 in the lowest category be increased to R116 — an increase of nearly 100 percent. The council offered R75

When negotiations deadlocked, the parties agreed to arbitration in terms of the Labour Relations Act

Sketching the background to the dispute, Mr Ernstzen said from 1974 to 1979, the position of the bulk of the union's membership had worsened relative to the cost of living

Pay levels

From 1980 workers had also felt increasingly unhappy about their pay.

Members resolved last year that a special committee be appointed to evaluate pay levels and formulate a "comprehensive set" of pay demands.

The hearing was adjourned yesterday for discussions between legal representatives on the council's grading system

Mr Denis Kuy, SC, instructed by Cheadle, Thompson and Haysom, is appearing for the claimants Mr Harry Smitcher, QC, instructed by Silberbauers, is appearing for the respondents

The presiding officer is Mr J J Human, with Mr Alec Erwin and Mr G Powell acting as assessors

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Times
19/10/84

Threat to jobs mars clothing pay deal

By ROBERT GREIG

CHRISTMAS spending in the Western Cape is likely to rise after a new wage agreement in the clothing and knitting industry, but jobs are in danger.

The agreement, effective from December 13, will put R10-million, including holiday pay, in the pockets of 62 000 workers up to July 1985.

But industry spokesmen warn that reduced consumer demand and rising costs could mean that smaller employers might have to lay off staff.

In terms of the agreement, announced yesterday by the Industrial Council for the Clothing Industry (Cape), minimum wages of qualified machinists will rise to R64 a week from December 13 — a 12,5 percent increase. Qualified machinists form the bulk of the industry's work force.

In 1985, their wages will rise to R72 and on July 1, 1986, to R77 a week.

In the two years to December 1986, machinists will receive a cumulative increase of 32,7 percent, of which 15,5 percent will be in 1985.

The agreement includes higher termination pay and increased Sick Fund and Provident Fund contributions.

Signatories are the Cape Clothing Manufac-

turers' Association, the Cape Knitting Industry Association and the Garment Workers' Union.

"All these increases will inject tens of millions of extra spending power into the economy of the Western Cape over the next two years," said the chairman of the council, Mr A M Rosenberg.

"Holiday pay will be calculated at the new wage rates, and the thousands of workers in the industry earning wages in excess of the minimum rates will benefit, as the wages negotiated tend to ripple through the industry, affecting all wage-earners."

Employers and employees alike welcomed the agreement. They also warned that the coming year would see increased unemployment, especially among smaller firms less able to absorb higher costs.

The general secretary of the Garment Workers' Union, Mr L Petersen, said it was "a very good agreement." But he added that widespread unemployment was expected next year.

The chairman of Sear-

del Investment Corporation, Mr Aaron Searll, said the terms of the agreement were justified. Searll employs 10 000 workers in the Western Cape.

He said employers had a responsibility to lift the level of wages. However, he warned that the time had come when the industry could no longer absorb increases unless productivity improved.

Mr Searll said the increase was "double-edged" in that it would probably affect the fortunes of smaller firms.

Mr R Malcolm, managing director of Bonwit, which employs 2 200 workers, said the agreement was fair. He said it was company policy not to lay off staff.

A spokesman for Asso-com, Mr Vincent Brett, said from Durban that though he was not fully acquainted with the industry, "it would appear that employers and employees are forcing themselves out of existence."

"Such an increase, with the downturn in the economy, is likely to exacerbate unemployment," he said.

2 Cape Times, Rm
Oct. 1984

Abo
Stev

151

C. T. King
23/10/84
151

4th day of pay dispute hearing

Staff Reporter

CITY Council labourers had little chance of promotion and had to wait for "dead men's shoes" before there was a chance of promotion, the Industrial Court was told yesterday

Mr John Ernstzen, secretary of the Cape Town Municipal Workers' Association (CTMWA), said this under questioning by Mr Harry Snitcher, QC, representing the council, on the fourth day of the arbitration hearing on the pay dispute between the CTMWA and the council

Mr Snitcher said a CTMWA poster informing its members of their dispute with the council "was redolent of the black power salute, engendering into the dispute an element of emotion".

There was laughter from a large section of the public in court.

Mr Snitcher said the council provided a very important source of income for workers

Mr Ernstzen said that while this was so in theory, it was not always so in practice. He provided evidence of the low number of labourers who had been promoted

The City Council had been "disrespectful" of the wishes of the union which had demanded that the offered increase not be applied until the dispute was arbitrated. The council had, however, increased wages and in doing so had weakened the collective bargaining power of the union.

Mr Snitcher said the council had increased the wages "without prejudicing the union's right to arbitration"

The hearing continues.

SA on path for record industrial action year

THE National Manpower Commission's annual report released last week reads like a litany of last year's facts and trends ... more than 10 months into 1984.

The report shows that during 1983 there was a drop in the number of work stoppages and strikes

Already in 1984 this trend has been reversed and the country is well into a record year for industrial action.

The report shows an increase in the use of statutory machinery by emerging trade unions

While this trend has continued into 1984, emerging unions are increasingly questioning the value of using this machinery and the trend could soon well move the other way.

The report notes that unemployment reached record levels during 1983, but that a turning point in the economic cycle had been reached, bringing with it a further improvement in the unemployment situation.

That turning point did not last long. With hundreds of thousands of school-leavers flooding onto the job market, there is little doubt that the unemployment situation is worse now than it was a year ago.

□ □ □

ONE thing to emerge from the report is that the NMC's long-awaited investigation into the conditions of domestic and agricultural workers is complete.

However, the report has been handed over to the Minister of Manpower and is unlikely to be made public before next year.

Farm and domestic workers are outside the ambit of the Labour Relations Act and are not protected by most of the legislation that governs workers in other sectors.

That this situation is unsatisfactory was recognised by Mr Fanie Botha, the then Minister of Manpower, when he launched the investigation almost three years ago.

From replies by Dr Hennie Reynders, chairman of the NMC, at a Press conference last week, it seems that the NMC is likely to recommend a mixed bag

Because of the "peculiar" conditions relating to

the employment of farm and domestic workers, they are unlikely to be neatly slotted into labour legislation alongside other workers.

□ □ □

LABOURWISE, 1984 has belonged to mineworkers

So one NMC statistic that makes interesting reading is the figure for strikes and work-stoppages. According to the report, the total number of workers in all sectors who went on strike during the whole of last year was 60 000.

In the National Union of Mineworkers' legal strike at six Anglo American mines last month at least 40 000 workers went out

Add to that the miners who struck at Hartebeestfontein, Western Areas, West Rand Consolidated, Unisell and Durban Deep and you have a figure of more than 60 000 in one related industrial action alone

And, in a reminder of the first dispute between the NUM and the Chamber last year, Rand Refinery workers stopped work last week.

They could return to a legal strike at anytime, while workers at the Johannesburg depot of Teba and at Rand Mines' Rietspruit and Duvha collieries are also entitled to take legal strike action.

After the failure of mediation, the NUM's dispute with the chamber over the wages of workers at the Rand Mutual Hospital has now been referred to arbitration.

So while the mining industry may have established something of a record for the number of workers out, the industry is not doing so badly for the number of disputes declared either.

PE firm
S. Post
guilty
23/10/84 (151)
of not
paying
R19 758

Courts
Court Reporter
COMPANY, M G van
Niekerk and Sons (Pty)
Limited, was found guilty
yesterday on 26 counts of
not paying a total of
R19 758,72 in contributions
in terms of the Labour Re-
lations Act

Two men who are direc-
tors of the company, Mr
Michael Henry van Nie-
kerk, of Davy Street, Sid-
well, and Mr Harold Ray-
mond van Niekerk, of
Jamano Court, Adcockvale,
had the charges against
them withdrawn

The court found that the
company had failed to pay
contributions to the
National Industrial Council
for the Iron, Steel, Engin-
eering and Metallurgical In-
dustry between April and
July last year

The company had failed
to pay contributions to the
council in terms of the
Administration Expenses
agreement, the Technologi-
cal, Fund agreement, the
Pension Fund agreement,
the Group Life Provident
Fund agreement, the Edu-
cation and Training Fund
agreement and the Educa-
tion and Training Supple-
mentary scheme

Mr F Wilke, for the State,
accepted the company's
offer to pay R750 a month
He asked the court for an
order of repayment

Mr R J Cloete, for the
defence, said that if the
company was fined they
would have to close down

Two payments of R750
had made already

Sentence was postponed
until December 2, 1986

Mr I S van der Merwe was on
the Bench

ADM 24/10/84 (15)

Union-Simba talks on

Mall Reporter

ANOTHER meeting is to take place between the Simba Quix company and the Sweet, Food and Allied Workers' Union, which is demanding the reinstatement of 464 workers dismissed by the company at its Isando plant in August after a work stoppage.

The dismissal has sparked off a wide scale boycott of Simba products.

The managing director of Simba, Mr Jan du Toit, would not reveal details of the talks held with the union on Monday — and described as "crucial" by a union spokesman last week — but said that another meeting would be held "soon".

Mr Du Toit said yesterday that the important thing was that the two parties "were still talking".

Union spokesmen could not be reached for comment.

24/10/84
151 165 122 147 C. T. M. W. A.

Dispute centres on wages claim

Staff Reporter

THE CITY Council and the Cape Town Municipal Workers' Association yesterday agreed to settle some major aspects of their industrial dispute out of court.

At an industrial court hearing both parties agreed that the court would arbitrate only on the key issue concerning the CTMWA's demand for a basic living wage.

Mr Joe Adams, Deputy City Administrator and acting Town Clerk, yesterday confirmed that some issues under dispute had been removed from arbitration.

The council will now, in consultation with the union, negotiate all elements of rationalization within the grading system, and the regrouping and evaluation of all jobs raised in the dispute.

The council has agreed to accede to the union's demand for reward on promotion. An employee promoted to a scale with a higher maximum will now also be given an extra notch on promotion.

The decision to settle these issues out of court will substantially reduce the length of the hearing.

Counsel for the council asked for the adjournment because the documentation had to be revamped after the focus of the arbitration had changed.

Mr Denis Kuy, SC, instructed by Cheadle, Thompson and Hayson is appearing for the claimants. Mr Harry Snitcher, QC, instructed by Silberbauers, is appearing for the respondents. The presiding officer is Mr J J Human, with Mr Alec Erwin and Mr G Powell acting as assessors.

day, October 24, 1984

Legal move against U S firm over pay

Mercury Reporter

LEGAL action is being taken against an American company, operating in Ladysmith, for allegedly contravening the Wage Act

Labour lawyer Richard Lyster, who is attached to the Legal Resources Centre, said an application was being brought before the Supreme Court, Pietermaritzburg, against Tidwell Housing

'We allege that the company has contravened a clause of the Wage Act which prohibits a company from victimising people such as trade union activists

'Five people, all elected employee representatives on a steering committee of the Metal and Allied Workers' Union, were dismissed in July this year,' he said

'The union is supported by a majority of the workforce and it was

seeking recognition. The five people were dismissed under circumstances which overwhelmingly suggest victimisation for trade union activities'

Mr Lyster said the matter would probably come before the Court in about six weeks

The union recently alleged that certain British and American companies operating in KwaZulu were taking advantage of the fact that the South African Labour Relations Act did not apply in KwaZulu

No machinery existed for enforcing what little labour legislation there was in KwaZulu and unions were powerless to take action against companies

The managing director of Tidwell Housing, Mr R J Rebone, would only say that the allegations against the company were untrue

Fosatu slams foreign firms in homelands

24/10/87 Jan 157

Labour Reporter

The central committee of the 150 000-member Federation of South African Trade Unions (Fosatu) has charged that multinationals take advantage of South Africa's apartheid structures

The committee expressed its concern and anger over what it calls increased efforts by multinationals to use the homelands policy to exploit workers

South Africa's present decentralisation policy, it said, was designed to destroy jobs in existing areas and move them to homeland areas demarcated "union-free zones".

Here there was no legislation to protect workers as the homelands had been given power to pass separate legislation. As a result there was "gross exploitation" with some Fosatu workers earning less than R15 a week, said the committee

"South African com-

panies and multinationals are taking full advantage of these horrors of apartheid. Companies dismiss union members and refuse to recognise or negotiate with unions," said the committee

The federation has demanded full freedom to organise in these areas in terms of the conventions of the International Labour Organisation

The committee reaffirmed its commitment to struggle for a truly democratic South Africa and its opposition to the apartheid policies of the Government

A senior Fosatu committee has been appointed to monitor the union's response to the demands of thousands of boycotting school pupils and has extended its support for their basic demands

Mr Theminkosi Mkalipi, a senior shop steward with the Chemical Workers' Industrial Union, has been elected a vice-president of Fosatu

to appeal to court

Mall Reporter

THE South African Chemical Workers' Union (SACWU) is to appeal to the Supreme Court to overturn a ruling by the Minister of Manpower in a dispute with Triomf Fertiliser

The union will ask the court to overturn the Minister's refusal to appoint a conciliation board in the dispute which was over the firing of 400 workers

The workers — from Triomf's Potchefstroom plant — were dismissed after stopping work in April in support of nine fellow-workers who refused to undergo an alcohol test

Charges of intimidation against 16 of the workers were dropped in the Potchefstroom Magistrate's Court in June.

The union applied to the

Minister in mid-July to appoint a conciliation board, alleging that the workers were locked out and that their dismissal was an unfair labour practice

Last week — they received a letter from the Minister of Manpower telling them their application had been turned down

Mr M Samela, general secretary of the SACWU, said the union would appeal to the Supreme Court to have the Minister's decision reversed

He alleged that Triomf, whose chairman is Mr Lous Luyt, had a close relationship with the State

He said this explained the Minister's decision to block the conciliation board and the use of police to arrest workers at the time of the strike

Bid to reduce axings

at VW

E. Post 25/10/84
Post Reporter

NEGOTIATIONS between the National Allied Automobile Workers Union (Naawu) and Volkswagen management are continuing today in a last-minute bid to reduce the number of people to be retrenched tomorrow.

On Monday, Volkswagen announced that 680 employees would be retrenched at the end of the week.

Mr Brian Robinson, the industrial relations manager at Volkswagen, confirmed today that negotiations had been held yesterday and were continuing today.

So far no decision has been taken on whether Volkswagen will follow Ford's example and close earlier than usual for the Christmas break, according to the community relations manager, Mr Gavin Cowley.

He said the people to be retrenched would know who they were tomorrow. Discussions were still under way as how best to break the sad news to them, Mr Cowley said.

He said the company had used the "lifo" (last in, first out) principle in determining who would be retrenched.

Mr Les Ketteldas, regional secretary of Naawu, was not available for comment.

Naawu was also scheduled to hold a meeting last night to discuss the possible implications of the negotiations between Ford and Pretoria-based Amcar.

Workers earn too little for house subsidy

Staff Reporter 25/10/74

MEMBERS of the Cape Town Municipal Workers' Association would stop "moonlighting" if their demand for a basic living wage was met, an Industrial Court was told yesterday

Mr John Ernstzen, CTMWA secretary, said during cross-examination in the hearing of a wage dispute between the CTMWA and the City Council, that CTMWA members did not gain the same benefits as other council employees

He said only 8,2 percent of CTMWA members qualified for a share in the council's monthly housing subsidy of R293 698. The workers' share was equivalent to 18,39 percent or R54 003

On the other hand, 36,6 percent of the membership of the white South African Association of Municipal Employees (SAAME) qualified for the subsidy. This was equivalent to 81,61 percent or R239 695

Most CTMWA members were disadvantaged because of their low incomes and did not qualify for this subsidy because not more than 25 percent of a salary could be used for bond repayments

Questioned Mr A Omar, for the union, Mr Ernstzen denied that his union was responsible for incitement or creating unrest among workers, as suggested by counsel for the City Council, Mr Harry Snitcher, QC

Giving evidence on behalf of the CTMWA, Mr S Daantjies, employed by the council for 24 years, said he earned a gross income of R97 a week

"I'm like a prisoner on weekends because I cannot afford any form of recreation," he said

Another witness, Mr John Abrahams, a father of five and employed by the council for 21 years, told the court he earned a gross sum of R97 per week which, after deductions, came to R81

"I live from hand to mouth," he said, adding that several applications for promotion and better pay had been turned down

The hearing continues

Mr Denis Kuny, SC, assisted by Mr Omar, both instructed by Cheadle, Thompson and Haysom, are appearing for the CTMWA. Mr Harry Snitcher, QC instructed by Silberbauers, is appearing for the council. The presiding officer is Mr J J Human, with Mr Alec Erwin and Mr G Powell

26/10/84

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Poverty level 'full of fallacies'

C. Times

Staff Reporter

THE minimum subsistence level on which wages were based was "full of fallacies and anomalies which expect human beings to be machines", an Industrial Court was told yesterday

Expert witness for the Cape Town Municipal Workers' Association, Ms Debbie Budlender, a researcher at the University of Cape Town-based South African Labour and Development Research Unit (Saldru), said in papers submitted to the court that

"We need to ask whether the maintenance of health and decency is

what we normally term 'living', or is it mere existence"

The 11 000 strong CTMWA, in a wage dispute with the City Council, is demanding a minimum wage of R116 per week.

In the research document presented to the court, Ms Budlender said the popularly-used poverty datum lines, the Minimum Living Level (MLL) and the Supplemented Living Level (SLL)—both designed by the University of South Africa—had several inherent "anomalies"

"The MLL does not constitute a living wage

And it has been empirically proved that the MLL living level is not reached until the wage is at least equal to the SLL, and by extension the SLL is also not a living level

"Human beings are not plants for which some might argue that one can calculate fairly exactly the scientific requirements for existence

"Living necessitates the requirements for full psychological and mental as well as physical existence. Poverty datum lines had been constructed with increasing accuracy and sophistication, which gave a false sense of security," Ms Budlender said

"People will not be happy to earn just enough to keep body and soul together if they see people around them living in the lap of luxury

"They feel that if they contribute to creating the wealth of a society, they have a right to a share in that wealth"

Data submitted on the basis of a 1980 Unisa Bureau of Market Research in the Cape showed that an average coloured family of five with an average annual income of R2 500 to R2 999 overspent on essentials such as rent, insurance, washing and cleaning and personal care

'Crude stereotype'

This went against the "crude stereotype" that coloured people "drink their money away", she said. This showed that "more people are insuring against an insecure future", she added

Although access to coloured education was free, the subsistence level models did not make provision for post-secondary education

"In effect this condemns the children of all those who are living at this low level to low-paying jobs, which means that they in turn will live at low levels. This goes against all notions of equal opportunity."

The hearing continues today

Mr Kuy, SC, assisted by Mr A Omar, both instructed by Cheadle, Thompson and Haysom, are appearing for the CTMWA. Mr Harry Snitcher, QC, assisted by Mr J J Gauntlett, both instructed by Silberbauers, are appearing for the council. The presiding officer is Mr J J Human with Mr Alec Erwin and Mr G Powell

Mercury 27/10/84 (151)

Dorbyl claims loyal workers intimidated

Labour Reporter

THE management of a Durban ship-building yard, hit by labour unrest, yesterday claimed that many of its employees had indicated that they wished to return to work but were afraid of intimidation.

About 200 Dorbyl Marine workers who went on strike protesting at the retrenchment of their 16 colleagues, were fired this week after ignoring a

return-to-work ultimatum.

Mr Rob Deane, managing director of the company, said yesterday there had been three violent incidents since the work stoppage last week and in one case, an employee with 30 years' service had been attacked and stabbed.

'He is presently in a serious condition in the King Edward VIII Hospi-

tal. He is able to identify his assailants and the matter has been reported to the police,' he said.

'A driver in the employ of the company for 34 years and who is not a member of the General Workers Union and who did not participate in the strike, was severely beaten near his home.

'His attackers did not permit his wife to take him to hospital for treatment and he was forced to attend a union meeting the following day to serve as an example to other loyal employees who wished to return to work.

'A further assault victim was an employee who had 10 years' service and who also was not a member of the GWU. Threats of intimidation have continued,' he said.

Retrenchments

Mr Deane denied allegations by GWU branch secretary Mike Morris that the company had not adopted the internationally accepted principle of 'last in first out' in retrenching the workers.

'The union has also stated in discussions that they would accept the retrenchments of the other employees provided the senior shop steward, Mr W S Dlamini was excluded.

'It was stated that if he were not excluded, it would be alleged that all the retrenchments were unfair. Management were unable to accede to this demand which in itself is inherently unfair,' he said, adding that they had been informed that Mr Dlamini had been temporarily employed as an official of the union.

Mr Mike Morris, branch secretary of the union, could not be reached for comment yesterday.

29/7/84
C. Times
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'Unacceptably high' wages put jobs at risk

Staff Reporter

IF wage demands were made "unacceptably high" it could result in unemployment, an Industrial Court was told on Friday

Mr Harry Snitcher, QC, representing the City Council in its wage dispute with the Cape Town Municipal Workers' Association said this during questioning of Ms Debbie Budlender, a researcher at the University of Cape Town-based South African Labour Development and Research Unit and an expert witness for the CTMWA.

"Unions' demands for unreasonably high wages often end in more money for some, and no jobs for many," he said

The 11 000-strong CTMWA is demanding a minimum living wage of R116 a week and rejects the council's unilateral 12 percent increase in July

In evidence to the

court, Ms Budlender pointed out that the accepted poverty levels on which wages were based were inadequate measures for a living wage

Mr Snitcher said Ms Budlender attempted to "torpedo" or "modify" these accepted poverty standards in her critique of the Supplemented Living Level (SLL) and the Minimum Living Level (MLL) of the University of South Africa (Unisa)

He said her statistics—based on a 1980 survey of Unisa's Market Research Bureau which showed that coloured families of five with an average annual income of R2 500 to R2 999 overspent on insurance by 124 percent—were "a distortion of real life"

"This is the data the SLL is based on and if it is a distortion, then this proves that there is something wrong with the SLL," Ms Budlender replied

Responding to her cri-

tique of the poverty levels which made no provision of post-secondary education, Mr Snitcher said. "One of the problems we have in South Africa is that we are spending on universities for those who can most afford it."

The now-scrapped coloured labour preference policy in the Western Cape and the influx control laws prevented a "depressive effect" on wage structures in the Western Cape, he added. Ms Budlender replied that such a conclusion could not be prejudged

Another witness and a CTMWA projects organizer, Miss Alison Curry, in papers to the court, said 52,5 percent of her union's employees earned below the requirements of the Supplemented Living Level. The council's unilateral 12 percent wage increase in July did not improve CTMWA members' income patterns, she said

CTMWA

evidence fabricated

C. Timms 3/10/84

Staff Reporter

THE evidence of the Cape Town Municipal Workers' Association's chief witness was "misleading" and "fabricated", it was alleged in the Industrial Court yesterday

Mr J J Gauntlett, appearing for the City Council in its wage dispute with the CTMWA, told the court that documents submitted to the court by the witness,

Miss Alison Curry, were "false and fabricated"

Miss Curry is projects organizer for the CTMWA

Mr Gauntlett told Miss Curry during cross-examination that she had lied in her evidence on Monday and yesterday, after she had admitted that she did not submit all the source documents relating to her testimony, as she had claimed earlier

Counsel for the council said only 73 survey questionnaires relating to living conditions of labourers were received, as opposed to the 178 the witness reported. Another 14 survey questionnaires submitted yesterday were "fabricated" by Miss Curry, Mr Gauntlett told the court.

The 73 questionnaires submitted to the court were "riddled with lunacies", Mr Gauntlett said.

Miss Curry replied that some questionnaires were lost during their return from a computer data-processing firm.

She told the court it was a "grave error" on her part to have submitted the evidence in the first instance.

Her survey was "illustrative" and not a "descriptive" one, she repeatedly told the court.

Mr Gauntlett told Miss Curry that she could not

reputate her in-depth survey with such "alacrity". As far as the CTMWA was concerned it was "a normative moralistic approach", he added.

Mr Denis Kuny, SC, for the CTMWA, told the court that his client's wage demand was not based on Miss Curry's survey on workers' conditions, but was based on the justification of a basic living wage.

The 11,000-strong CTMWA is demanding a

minimum living wage of R116 a week — an increase of nearly 100 per cent. The council offered R75

Mr Kuny, SC, assisted by Mr A Omar, both instructed by Cheadle, Thompson and Hayson, is appearing for the CTMWA. Mr Harry Snitcher, QC, assisted by Mr J J Gauntlett, both instructed by Silberbauers, is appearing for the City Council

The presiding officer is Mr J J Human, with Mr Alec Erwin and Mr G Powell acting as assessors

FOREIGN INVESTMENT

Border disputes

Disputes between the Metal and Allied Workers' Union (Mawu) and two multinationals could reverberate in the campaign to bar foreign investment in SA.

Mawu accuses American mobile home manufacturer Tidwell Housing and the British motor components company Mintex of refusing to recognise a representative union and of victimising employees by dismissing them because of their union membership. Tidwell is also charged with paying wages which are one-fifth of minimum rates recommended by the Sullivan code.

The union has demanded that both companies should reform their industrial relations practices or "get out of SA." It has also called on the governments of KwaZulu and the US, and the US union movement, to support its campaign against Tidwell. The company is not a Sullivan signatory.

The dispute is complicated by the fact that there is uncertainty about whether Tidwell, which is located in the Peters industrial area near Ladysmith, is in SA or KwaZulu. The difference is crucial as SA labour law differs considerably from that in KwaZulu which has no equivalent of SA's Labour Relations Act.

But KwaZulu's chief labour officer, Africa Khanyile, says Peters is a "released area," falling under the SA Development Trust, and therefore subject to SA legislation. Other contradictory opinions have been given by the Ladysmith municipality, the KwaZulu Development Corporation and the Department of Co-operation and Development.

Mawu's Natal branch secretary, Geoff Schreiner, says that Tidwell's minimum wage of R18/week and average wage of R25-R30 are the lowest in the area and less than a quarter of wages paid by other companies operating in the same market. This, he believes, has allowed Tidwell to undercut the other companies.

Tidwell's personnel manager, Judy Wade, tells the FM the company is not prepared to recognise the union. Says Wade "We are doing as much for our employees as anyone else could, and do not need outsiders to make decisions for them."

Continued on page 51

(151) Wade confirms Mawu's figures on wages but argues that they "are substantially the same as those paid by other companies in the area." She says other conditions at the factory "are good because we comply with the Basic Conditions of Employment Act regarding annual leave, sick leave and overtime pay."

The Mintex dispute concerns 220 workers dismissed for striking over the dismissal of a fellow worker. Mawu charges that when the company subsequently re-employed some of the workers it did so on a selective basis and excluded a number of shop stewards and other union activists.

Mintex MD, Adrian Venter, denies Mawu's allegations. He says the company, which is in KwaZulu, "is prepared to talk to any union with majority membership" and had in fact started recognition negotiations with Mawu before the strike.

According to Venter, the company had already filled most positions when the strikers applied for re-employment and there were only 80 vacancies. These were filled without regard to their union status. He says the recognition talks broke down because of Mawu's "policy of confrontation."

151
Witness lied to
CTMWA *Times*
inquiry court 2/11/54

Staff Reporter

A WITNESS for the Cape Town Municipal Workers Association this week told an industrial court that she repudiated part of her testimony after admitting that it was "not scientific".

Miss Alison Curry, a CTMWA projects organizer and witness, also said that she had lied, misled the court, and fabricated some of the documents which were part of her testimony on the living conditions of City Council labourers.

Under re-examination by Mr Denis Kuny for the CTMWA, Miss Curry told the court that her association was not equipped to perform a detailed and scientific survey of living conditions of labourers and that she repudiated the whole of her survey submitted to the court.

The 11 000-strong CTMWA and the council are in a wage dispute. The CTMWA is demanding a minimum living wage of R116 a week—an increase of nearly 100 percent.

Earlier this week under cross examination by Mr J.J. Gauntlett, for the council, Miss Curry admitted that she had lied and had misled the court by giving an impression that all the original

source material relating to the survey was submitted to the court.

Counsel for the council said only 73 survey questionnaires were received and not 178 as Miss Curry claimed. The other 105 had disappeared, she told the court.

Another 14 questionnaires submitted to the court by Miss Curry were "fabricated" from computer processed data, Mr Gauntlett told the court.

However, under re-examination by Mr Kuny for the CTMWA, Miss Curry denied that she "deliberately excluded" information regarding bonus payments from her testimony, as it was put to her under cross-examination by Mr Gauntlett.

"I was scared and under pressure during cross-examination and take full responsibility for what I have done," she said.

The hearing continues on December 3.

Mr Kuny, SC, assisted by Mr A Omar both instructed by Cheadle, Thompson and Haysom is appearing for the CTMWA. Mr Harry Snitcher, QC, assisted by Mr Gauntlett and instructed by Silberbauers, is appearing for the City Council. The presiding officer is Mr J.J. Human, with Mr Alec Erwin and Mr G Powell acting as assessors.

R.D.V. 2/11/84 (151)

Union starts legal action

DURBAN — Representatives of workers at Allied Publishing have started formal proceedings to bring the company before the Industrial Court, or to pave the way for a legal strike because they allege management has breached an agreement to negotiate.

The Commercial, Catering and Allied Workers' Union of South Africa (CCAWUSA) has applied to the Minister of Manpower, Mr P du Plessis, to set up a conciliation board to resolve the dispute which involves 250 workers.

Mr Kevin McCullough, personnel manager of Allied, confirmed the firm had received the application for a conciliation board, and had handed it to attorneys.

In September about 100 workers went on strike over pay and the recognition of their trade union, but returned to work after

three hours of negotiation.

At the time, Mr C Eyles, provincial director of Allied, said "The workers returned to work after we agreed to discuss the resolution of (their) grievances with the trade union."

Mr Important Mkhize, local organiser of CCAWUSA, said the workers agreed to return to work on condition that their union and the company held wage talks, and the parties also agreed to negotiate and sign a formal recognition agreement.

"However, when we met management refused to negotiate wages and said increases would only be considered in April, 1985."

The Minister has 30 days in which to appoint a conciliation board. If he fails to do so, or if no agreement can be reached, the union has the legal right to call for strike action. — Sapa.

Nurses

Angry over no-pay overtime

151
S
2/11/84

Staff at provincial hospitals in the Transvaal have been asked to work an extra 2½ hours a week — without pay

This is just one of many stringent controls being introduced to beat the financial crisis in the Department of Hospital Services

The Chief Superintendent of Johannesburg Hospital, Dr R J Broekmann, said in a circular letter "The recent economic downturn, coupled with the severe drought, fall in the value of the rand against the dollar, and the present inflation rate, have precipitated an almost unprecedented economic crisis

"Recently in the United States when a similar situation was experienced, public servants were forced to take unpaid leave, and in Australia public servants were subjected to cuts in salaries"

Financial savings

Dr Broekmann said he believed jobs and salaries could be saved, but "every single staff member must make drastic changes to their present methods of work to ensure the necessary financial savings are made"

Nurses at the hospital are outraged at having to work the extra time without pay.

Said one "We already work long hours for pitiful salaries, and now we are being asked to work even longer hours without pay

"Our night duty hours are inhuman — we work 84 hours over a seven day stretch once a month"

Another asked "Why can't the hospital cut back on their lavish functions and VIP lunches to curb spending?"

A lawyer told *The Star* last night that he was investigating the possible introduction of a nursing

trade union — because nurses were furious about the extra 10 hours a month they will have to work without pay

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This week the Directorate of Hospital Services asked provincial hospitals to cut down on spending and implement drastic savings measures

The lawyer said some nurses had approached the Nursing Association of South Africa for assistance

Doctors culpable

By Janine Simon

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This week the Directorate of Hospital Services asked provincial hospitals to cut down on spending and implement drastic savings measures.

The lawyer said some nurses had approached the Nursing Association of South Africa for assistance.

"The association said it was not interested in helping solve the overtime problem, and because of its attitude I am investigating the introduction of a nursing trade union.

"If this union is formed, it will ask for more reasonable working hours"

Shopping

He said Johannesburg Hospital has done away with the 7 am to 1 pm shift "This shift was popular with nursing staff as it gave them time to catch up on shopping and organise their lives.

"The new shifts do not leave the staff with much time for themselves or their families"

Dr Broekmann said today that all employees, including himself, had been asked to work a payless extra half-hour a day

"I have no idea about a nursing trade union. No one at the hospital has complained to me"

He said he felt the new hours should be accepted with "good grace".

● See Page 2.

Doctors culpable

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Dr Michael Kramer (72).

Congo fever scare

Own Correspondent

CAPE TOWN — The latest over.

A spokesman for Tygerberg that Mrs A Bothma of Worcester strict isolation.

The results of final plasma on Monday. If these prove negative preliminary tests, she will be released

Mr J J Williams from Na... leased from Gordonia hospital... he definitely had not had Congo

SPEAK

Phone your... on Zola's death

Should Zola Budd have turned international fame and on her death in Britain? Did she make the most of it? Was it a fair one? Telephone... between 5 pm and 7 pm on 63...

Faith in labour court ebbs

By Carolyn Dempster,
Labour Reporter

major decisions of the Industrial Court from 1980 to June 1983

The decisions of the Industrial Court since its inception in 1979 reflect the uncertainty created by post-Wiehahn labour legislation.

The study sets out the history and functions of the court, 11 key cases adjudicated by it, and conclusions as to its role in the new era of labour relations

But the court, despite some employer concern about the substantial gains which unions have achieved through its forum, has in practice applied only the fundamental principles of equity and fair play

This is the finding of University of Cape Town MBA student and attorney Mr R Huntley in a comprehensive business report comprising the

Its publication comes at a time when the Industrial Court is increasingly coming under fire from emergent unions. Recent rulings have roused the ire of the unions, who are losing faith in the court's ability to establish firm guidelines on the murky issue of unfair labour practices

Several unions have stated that there seems little point in using the statutory machinery if the trend continues. The danger now is that workers will resort to other means of righting the "wrongful actions of employers", which may lead to increased unrest at shop floor level

In his review, Mr Huntley says that it is uncertain whether clear employment principles can be distilled from the judgments handed down by the court thus far

But guidelines that have emerged include:

- Employers should ensure they have disciplinary, dismissal and retrenchment procedures which are fair and consistently adhered to
- The disciplinary procedure should provide for all warnings to the employee to be recorded in writing. The employee must also be made aware of such action and be given the opportunity to state his case
- Victimisation of union members will be ruled an unfair labour practice
- The use of retrenchment as a disguise to remove union activists will be regarded as an unfair labour practice
- Failure by employers to negotiate in good faith with a representative union may be deemed an unfair labour practice
- The use of derogatory terms to refer to employees constitutes an unfair labour practice
- Unfair dismissals can

be seen as unfair labour practices and will result in the reinstatement of the workers

- Employer deviation from established custom and practice with its employees may be rectified with the granting of a temporary status quo order

Up until 1984, the Industrial Court ruled predominantly in favour of the trade unions

But recently this direction has changed to favour employers. A number of unfair labour practice cases have also been prevented from reaching the court through the decision of the Minister of Manpower to limit the ambit of conciliation boards.

Star
5/11/84

Monday 6/11/84 (15)

Workers go back after pay dispute

Labour Reporter

THE KwaZulu Department of Works in Umlazi was functioning normally yesterday after being hit by a work stoppage following a pay dispute last week

Mr J D Peterson, the works manager, said further talks between the workers and KwaZulu Government officials in Ulundi would be held at a later stage

Hundreds of labourers at its Umlazi depot downed tools on Thursday after a breakdown in wage negotiations. The workers also complained about conditions of employment

According to a spokesman for the workers, some with eight years' service were still regarded as casual workers, earning R80 a month, while others were taken on permanent staff only two months' after joining

The entire workforce was at a standstill on Thursday and cars, trucks and other implements were lying idle when petrol attendants refused to service them. Clerks and switchboard operators also joined the strike

Big pay rise for builders

By PAUL DOLD
Financial Editor

THE Western Cape building industry has awarded major pay increases to its 36 000-man labour force which is part of a new deal to upgrade the industry's productivity

The increased pay for 10 000 artisans and 26 000 labourers will be a significant boost to the Western Cape economy ahead of the Christmas season

The chairman of the Industrial Council for the Building Industry, Mr Harry McCarthy, announced yesterday that agreement had been reached with the unions for the minimum wage of artisans to be increased by 22,4 percent and unskilled workers by 24 percent effective from mid-November

Mr McCarthy emphasized that the increases did not mean a similar jump in building costs. Many workers are being paid far above the minimum wage. The increases include substantial travel and inclement weather allowances which have not been increased for a number of years.

Negotiations with the Building Workers' Union, the SA Woodworkers Union, the Amalgamated Society of Woodworkers, the Amalgamated Union of Building Trade Workers and the South African Operative Masons' Society began nine months ago.

The minimum hourly wage for artisans (the industry works a 40-hour week) is R4,30 an hour while labourers receive R1,75, with fringe benefits.

The increases are linked to a restructuring of labour within the national industry, providing for 3 levels — artisan, craftsman and master craftsman.

In future skilled workers will only be recognized once they have completed either a three-year apprenticeship or a four-year term of learnership at the new Building Industry Training College at Belhar.

Whites blamed for tension on the factory floor Foremen block way to blacks



John Burns, bugbears for blacks

By Angus Macmillan
THE clash between white foremen and aspirant black workers is one of the biggest barriers to black advancement in industry.

Lack of training is problem No 1, but black-white confrontation fills second spot, says John Burns, executive director of the Manpower and Management Foundation.

He pinpoints retraining of white managers and foremen, and an assurance by employers that their jobs are not threatened, as essential steps to defuse tension.

Group Areas

Dr Burns says "Whites who impede this process do not belong in their particular positions."

"Although the Group Areas Act is the most comprehensive stumbling block for black advancement, it is not one which industry can overcome."

"It all but prevents development of black managers because no company is encouraged to advance staff who are geographically stat-

ic. Few, if any, of the laws that have been changed have encouraged the private sector to advance blacks."

Dr Burns bases much of his argument on the inadequacy of basic education for blacks and gives some figures on the lack of education of South Africa's economically active population.

Vary

According to Central Statistical Services, there were 6 030 000 economically active blacks in SA and the national states in June this year.

It estimates the total black population at 18 255 000, of whom 22 225 000 — 66% — are not economically active.

Various government and private organisations give different numbers of the economically active population.

Twice as high

Dr Burns quotes 11-million as the total economically active population — including the other population groups — and says 30% of these people have no education, 36% have only completed primary school, and 4-million in the work force are illiterate. Central Statistical Ser-

vices puts black unemployment in June at 488 000. This figure is only 5 000 up on June 1983 and 0.5% down as a percentage of economically active blacks.

The Cape Town-based Southern African Labour and Development Research Unit says the figure is more like 2-million.

The University of South Africa's Nic Wiehahn talks of a percentage about twice as high as the Government's 8% estimate.

Unlike Britain or the United States where unemployment figures are reasonably accurate, South Africa's figures are always questionable.

Unemployment benefit payments do not reflect the number of jobless workers as many do not register. Unemployment statistics in rural areas and the national states are often way off the mark.

Surveys

Central Statistical Services draws its information from monthly population surveys. Its quarterly releases provide comparative figures back to January 1980.

The latest release, whether its figures are accurate or

not, gives an indication of the effects of the recession in rural areas of the national states.

It puts unemployment in these areas at 18.1% in June, the highest since June 1983.

Next worse off are blacks in towns in the Cape who average a 17.3% unemployment rate. Cape cities fare worse than those in the other provinces with black unemployment above 12%.

Rights lost

Dr Burns adds an interesting observation on black unemployment and the effects of drought and recession.

He says "Being laid off is devastating enough for

whites. For blacks it is often the end of the line. Unemployed whites can move around the country job-hunting, but unemployed blacks invariably lose their rights to remain in the job market area and are forced to return to a homeland."

It has been estimated that by the year 2000, only one in 10 of SA's work force will be white and about 1-million blacks will be in managerial positions traditionally filled by whites.

Although most whites are employed, about 50% of the black population has yet to enter the job market and will comprise 80% of the labour supply in the next 20 years.

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Unions demands
C. Times
to govt
13/11/84
Labour Reporter

TENSIONS between the government and the independent trade union movement mounted further yesterday with the Federation of South African Trade Unions (Fosatu) and seven Western Cape unions demanding the release of trade union leaders and others detained over the past week.

In a statement after a special central committee meeting at the weekend, Fosatu also announced that "detailed and far-reaching" decisions had been taken to "protect Fosatu and ensure the release of those detained"

These would be referred to all regions and affiliates for their approval and implementation, followed by a report-back to a Fosatu executive meeting

Fosatu would also contact other unions to support it in its actions "Fosatu is not prepared to stand by and watch its leadership being detained."

The Fosatu campaign follows the detention of Mr Chris Dlamini, its president, and two Transvaal union officials in the wake of last week's two-day stayaway

FM 16/11/84

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fringe benefits and longer working hours for civil servants, while all forms of subsidisation are under critical review

"We're cleaning house," says Secretary for Finance Johan Jones. He says the austerity campaign was launched because of economic pressures on SA — SA contributes almost half Namibia's budget — and because it has become time for Namibia to begin to stand on its own feet as he believes the territory's independence cannot be too far off

A spending cuts study group under chairman Danie van Vuuren tells the FM the aim is to have a much smaller and more effective civil service. A radical first step was to scrap 300 posts — a saving of more than R2m per year. This figure will rise as the process goes on.

Fringe benefits

Civil servants have already been asked to work 2.5 hours more per week without extra pay. This could become compulsory once the investigation is completed, says Van Vuuren.

At the same time there is an investigation into fringe benefits for civil servants. Housing subsidies and travel allowances are under scrutiny.

All forms of subsidies — "there are pages full of them," says Jones — are being reconsidered by two of the administrator general's policy advisory committees. Two-thirds of the members of these committees are from the private sector and the remainder are senior civil servants.

Says Jones "Every subsidy, be it for housing, drought or interest rates, has to prove its right of existence from scratch. I am sure we are going to save a few rand on that."

The initiative for the austerity campaign was Windhoek's, he says. It was underscored by the findings of the Thirion Commission on maladministration in Namibia.

In any event there is soon to be an amendment to Proclamation AG 8 to tighten government's financial control over second tier spending.

LEATHER INDUSTRY

Legal battle

The National Union of Textile Workers (NUTW), which is attempting to obtain a foothold in the Natal leather industry, has encountered fierce resistance from a Maritzburg shoe manufacturer, Jaguar Shoes.

The conflict has developed into a complex legal battle and is one of the few instances in which a company has brought an unfair labour practice charge against a union.

NUTW, an affiliate of the Federation of SA Trade Unions, approached Jaguar Shoes for recognition in May claiming it had organised the majority of its workforce at

two factories — Jaguar Shoes and Reva Shoes.

At a meeting on May 14, Jaguar, which recognises the National Union of Leatherworkers, agreed in principle to recognise NUTW with the proviso that it should be recorded in a written agreement.

Jaguar undertook to prepare and submit a draft agreement to NUTW. However, the union claims the company failed to submit the promised draft despite several requests that it do so. As a result NUTW referred the dispute to the Industrial Council for the Leather Industry in June.

Soon afterwards Jaguar sent a draft recognition agreement to NUTW. The union responded by arranging a meeting for July 2 to settle the dispute which had been referred to the industrial council and to discuss the draft agreement. Numerous hitches held up the recognition negotiations and disputes arose over the union's claim that management had agreed to grant it stop order facilities and access to the factories.

From the union side matters came to a head when its members decided to institute a ban on overtime work on Saturdays to pressurise Jaguar to recognise NUTW. The union conducted a ballot on August 27 in which 650 of 677 workers voted in favour of an overtime ban. NUTW claimed that the overtime ban was a form of a legal strike because the industrial council had not settled the recognition dispute that had been referred to it.

The union also claimed that the overtime Jaguar was expecting its workers to work contravened the overtime limits laid down in the Basic Conditions of Employment Act (BCEA) which had come to apply in the factories because the industrial council agreements covering them had expired.

In response, the company said it would dismiss any employee who failed to work

overtime and disputed NUTW's claim that the overtime ban was legal as the council believed the recognition dispute had been settled by the despatch of the draft recognition agreement.

The company also said the overtime ban would be illegal because

The union had widened the terms of the dispute originally referred to the industrial council to include the issues of stop orders, factory access and refusing to enter into bona fide negotiations with the union,
 The ballot had not been conducted properly, and

An overtime ban would constitute a breach of the employment contract as overtime work was a well established practice and had been accepted by the workers for a number of years.

The company threatened to

Seek an interdict restraining NUTW and its members from the threatened overtime ban,

Dismiss any employee who failed to work overtime without an acceptable reason,

Seek an order from the Industrial Court for a status quo order restraining the introduction of an overtime ban on the grounds that it would constitute an unfair labour practice. It has subsequently lodged an application with the court.

Status quo order

On September 5 NUTW referred the dispute over the threatened dismissals to the leather industrial council and on September 12 it made an application to the Industrial Court for a status quo order to restrain Jaguar from giving effect to its intention to dismiss the employees who refused to work overtime.

Four Jaguar employees were subsequently dismissed for not working overtime and a number were summoned to appear

quotable

Anglovaal chairman Basil Hersov in his annual report:

The increasing urbanisation of the SA population continues to constitute a major factor in the planning of the future of the country. This is a matter of particular concern to the private sector because of the close connection between urbanisation and economic growth. Urbanisation is an inevitable and irreversible process, requiring carefully considered initiatives rather than futile and expensive attempts to counter its progress. Urbanisation must be accepted and converted into a positive element in our situation. This would not only help to stimulate the country's economic growth, but, by encouraging formal and informal sector businesses, would help to relieve unemployment.

Several private sector leaders have

recently called for joint private sector, public sector and community involvement in formulating a national urbanisation strategy. It cannot be emphasised too strongly that the current concentration on only one element, namely the control over the movements of people, remains a politically facile and dangerous response.

It is clear from our own experience and that of other countries that large-scale forcible relocation of people should not and cannot form part of a long-term response to urbanisation. Accordingly, government's continued use of removal in the pursuit of certain ideological patterns of resettlement is unacceptable from the point of view of the private sector at large, and strenuous representations in this regard have been made by a variety of private sector sources.

F.M.
10/11/84

before a company disciplinary hearing
These matters prompted NUTW to make a successful application to the Industrial Court for an urgent interdict to

- Restrain Jaguar from requiring or permitting its employees to work overtime in contravention of the BCEA,
- Restrain Jaguar from locking out any NUTW members, terminating their employment contracts or refusing to re-employ any workers in order to compel its employees to comply with its demand that they work overtime on Saturdays

This is the first instance in which this type of application has been made successfully in the court as labour lawyers have been daunted by the very narrow view the court has taken of its powers in this regard in the past NUTW claimed that

- Overtime work is a voluntary matter and could not be a breach of contract to refuse to work it,
- The overtime the company was demanding exceeded the limits laid down in the Basic Conditions of Employment Act,
- The dismissal and threatened dismissal of workers who refused overtime work constituted a lock-out and that the lock-out was illegal because Jaguar had not referred the dispute about working overtime to the industrial council

LOCAL AUTHORITIES Councils failing

Black councils established under the Black Local Authorities Act seem doomed. Members are quitting their posts in response to calls by activist groups

Eleven councillors — eight in Duduza (Nigel) and three in Tembisa (Kempton Park) — have resigned in the wake of the violence which accompanied the two-day stayaway last week

They explain that they are quitting because government's new dispensation has failed to accommodate black aspirations in urban areas. They also say they fear for their lives because of lack of government protection for their families in the townships.

When the unrest first erupted in the Vaal Triangle early in September, four local councillors resigned after four others were murdered in the townships of Sharpeville and Sebokeng

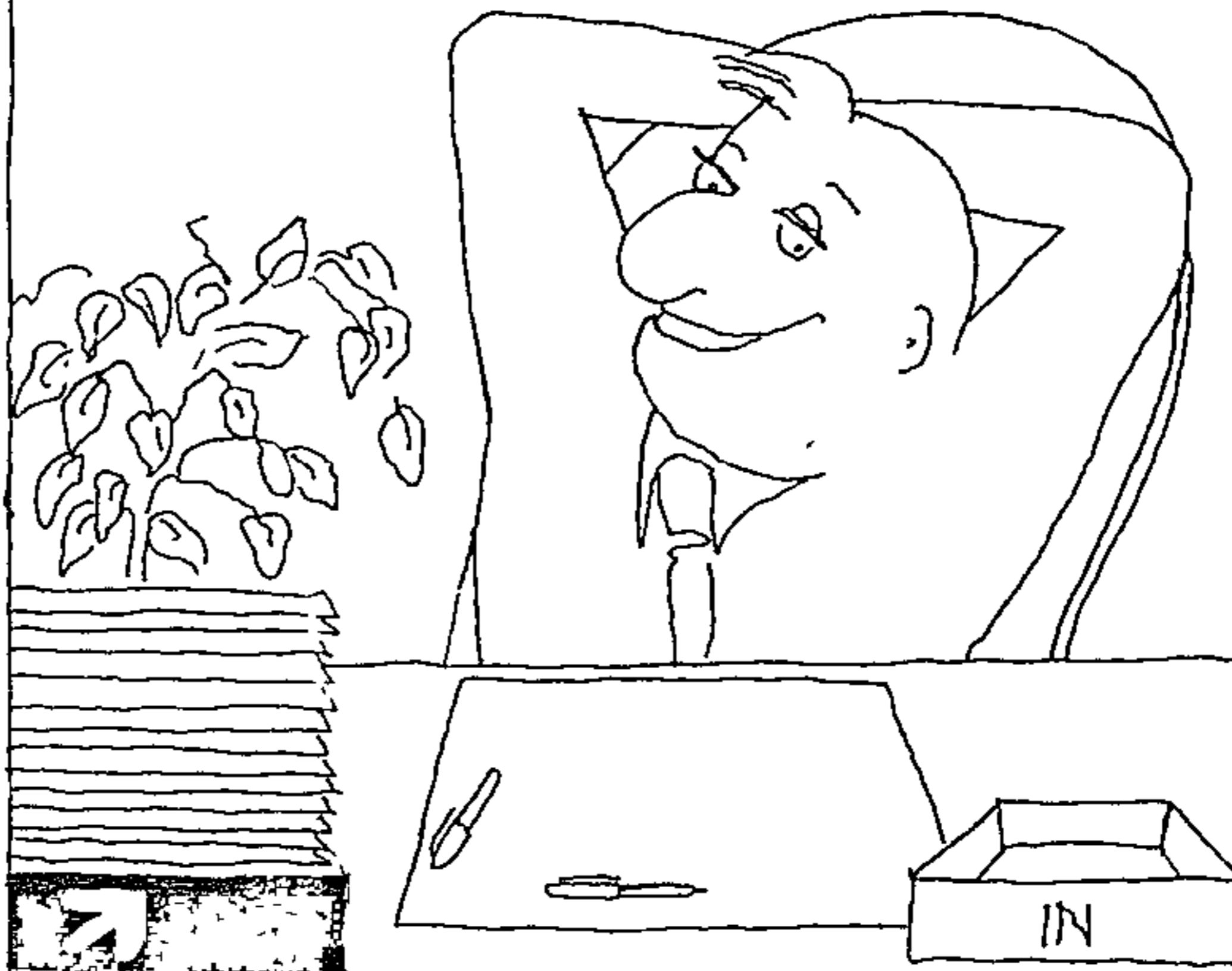
In Duduza, where an East Rand Development policeman was beaten by residents and later died in hospital, local council chairman Kebane Moloi and seven of his councillors have resigned, leaving only one member in the council

Tembisa, where three councillors quit their posts, was most violent during the stayaway. Shops belonging to councillors became targets of rampaging youths

The shops were looted and burnt. A tram and several administration buildings as well as beerhalls were gutted

Financial Mail November 16 1984

Pick-me-up for energy and vitality

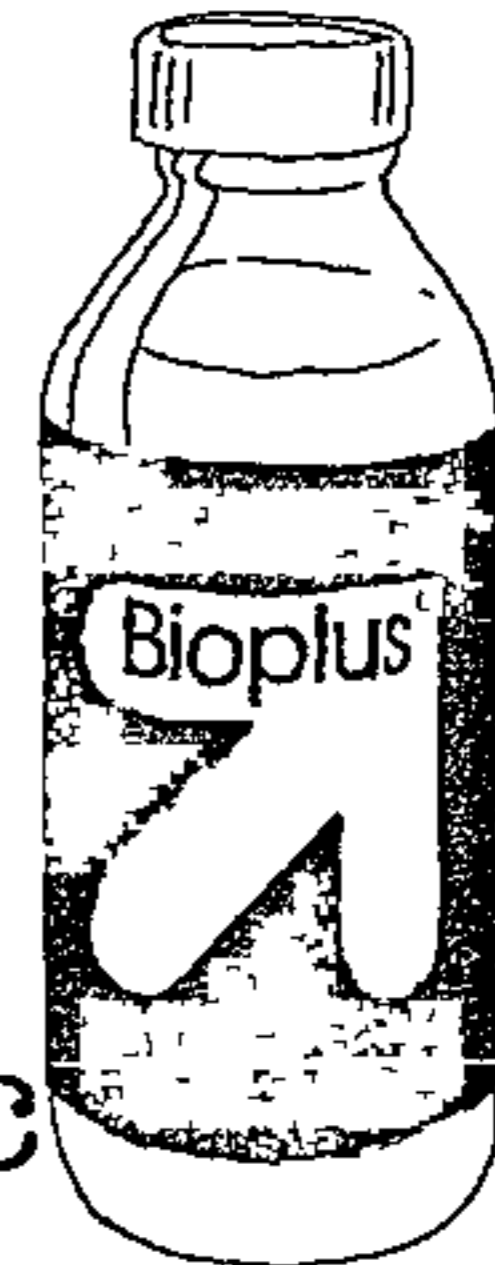


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Compensation

consternation

(151) 1892 18/11/84 C. Press

FORTY-NINE workers took their boss to court this week for underpaying them — only to be told he had gone bust.

The San Sales workers in Verulam were told there was no point in proceeding with their case, as the company had been liquidated in the Durban Supreme Court and had no as-

By JABULANI
SIKHAKHANE

sets.

Even if they won their case, San Sales would be unable to pay, Prosecutor Anton Scheepers said

To make things worse, the workers were also told that the magistrate dealing with their case, a Mr Hitchcock, was dead

Worker Vasco Langa said they had been told by an Engineering Industrial Council official that San Sales had been liquidated after they started their proceedings, but that they still had no case

This has been disputed by Durban lawyer Chris Albertyn, however, who said the workers can start proceedings against the company

owner's estate

Mr Albertyn also said the workers' claim should be given first preference, as it is a claim for wages.

Most of the workers have been out of work since February 1982. They said they don't know what more they can do to get their money

One worker said they had been relying on their compensation for survival

Back on the job

151
~~123~~
C.P. Per

18/11/84

COMMERCIAL, Catering and Allied Workers' Union of SA shop steward David Ebeditse, who was sacked by Checkers' Potchefstroom branch in July, was reinstated this month.

Mr Ebeditse said he was fired for being a member of Ccawusa and charged with "luring" other

workers to join the union. He is a father of two.

He said his world crumbled when he was dismissed.

He and his family were maintained by his mother while he was out of work. He had hoped that the union would prove that his dismissal was unfair.

Ccawusa's Western Transvaal organiser Joseph Machoba met

with Checkers' management, but could not reach an agreement at first.

Negotiations with Checkers' headquarters lasted for four months.

Ccawusa had pressed for the case to be referred to a conciliation board. But Checkers eventually gave in and agreed to reinstate Mr Ebeditse from November 1.

Sasol terms for taking staff back

STAR 20/11/84
Labour Reporter (151)

Sasol today announced it would consider applications for re-employment by the 5 400 Secunda workers dismissed earlier this month after participating in the two-day regional stayaway.

A spokesman for the oil-from-coal corporation said the re-employment of the dismissed workers would be subject to certain conditions, but membership of a union would not have any relevance in the matter.

"It has been decided that these applications will be sympathetically considered together with other applications, provided such ex-employees can satisfy Sasol that they were not guilty of intimidation or incitement to participate in the stay-away and that they were victims of such intimidation or incitement," he said.

"Appointments will be based on merit. Factors such as reliability, loyalty, competence and other attributes which normally play a part in the selection of staff will obviously be taken into account.

TRADE UNION

"Whether or not an applicant belongs to a trade union will not have any relevance in considering his suitability for appointment."

Altogether more than 1 000 new workers have been recruited for the Sasol 2 and 3 plants and both plants have been operating normally and at full production since the stay-away on November 5.

"After 15 days of continuous operation, nothing has happened to change Sasol's view that they can continue to operate at full production — albeit with extraordinary efforts."

Sasol has denied claims by the Chemical Workers' Industrial Union (CWIU) that the army is being used to fulfil functions at the two plants.

There are still a handful of the dismissed employees in the Sasol hostel accommodation in eMbalenhle township, and about half of the 250 Sasol houses are occupied by the ex-employees.

The CWIU has notified the International Federation of Chemical and General Workers' Unions in Geneva of the sackings, and the IFCU has undertaken to mount protest action over the Sasol dismissals.



Mr Dirk Mostert . . . justified sackings.

Tough public sector attitude to strikers threatens reform

Sasol sackings raise crucial labour issues



Minister Schoeman . . . no "outside" unions

While rubbish piled up in Johannesburg's streets during the winter months of 1980, a struggle was being waged which was to set the stamp on the State's handling of the new style of black trade unionism

For Joe Mavi's Black Municipality Workers' Union (BMWU) the lesson was a hard one

After the initial success of the strike by 10 000 of the city's black workers, 1 350 were dismissed and bussed back to their homelands, and the month-old union effectively crushed

The municipality admitted backing and favouring the Union of Johannesburg Municipality Workers — to the extent that the in-house union was registered and recognised with only 40 paid-up members

It had a signed-up membership of 2 000 out of a potential 15 000 — hardly representative

Labour consultants and commentators were critical but understanding of the reactive way the management committee had handled the strike

It was, after all, not long after the implementation of the Wiehahn Commission's recommendations, and it was a reaction more typical of the times than anything else

In September 1982, South African Transport Services (SATS) peremptorily fired 423 East London railway dock-workers for staging a go-slow in an attempt to pressure SATS into talks with the non-racial General Workers' Union

The Minister of Transport, Mr Hendrik Schoeman, made it blatantly clear at the time that "outside unions" were not welcome in SATS and would never be recognised — not as long as he was Minister

The premise for the dismissal was that SATS was an essential service and already had staff associations that could adequately articulate the needs of the massive 240 000 worker force.

But it was arguable at that stage whether the newly-formed Black Staff Association (BSA) — a "sweetheart" in-company union — was voicing the needs of its members

Wages, working conditions and benefits of black SATS employees have traditionally been unilaterally decided upon

The mass firing of some 6 000 Sasol workers this month has raised crucial questions about the role of the public and parastatal sectors in labour reform in South Africa. CAROLYN DEMPSTER reports.

by the State, and the advent of the BSA did not alter this fundamentally

In any event, SATS took a hard line on the issue in spite of Minister of Manpower, Mr Fanie Botha's open criticism of "sweetheart unions" and the new spirit of enlightened labour reform

Less than six months after the mass dismissal, the Conditions of Employment (SA Transport Services) Act was passed

By law all public sector employees are excluded from the provisions of the Labour Relations Act, cannot go on strike and are not afforded many of the protections which private sector employees enjoy.

The Act took this even further. Black, coloured and Indian SATS employees are openly discriminated against — they do not enjoy equal rights accorded to whites.

Nor does SATS have to deal with any unions it does not choose to recognise.

And collective bargaining — an essential feature of the new era of labour relations — has no real place in the Act

Even freedom of association has been undercut in the legislation SATS employees are allowed to belong only to unions which are officially permitted to exist

Both the BMWU and GWU's attempts served as an explicit demonstration of just how difficult it would be to organise the public sector — and what treatment was likely to be meted out in the event of industrial action

But the grievances which drove 10 000 Johannesburg municipal workers to form the BMWU and 1 100 SATS employees to join the GWU have not abated, nor have emergent unions given up the fight to organise the public sector

Because of this, and against the backdrop of the progress that has been achieved in labour relations in the private sector, the hard-line stance adopted by Government and parastatal organisations is seen as counter-productive and a growing threat to labour reform

Sasol this month vigorously denied the Government had any say in the firing of some 6 000 black workers

Yet the fact remains that until it went public in 1979, Sasol was State-controlled, and today seven out of its 11 directors are State-appointed or have strong Government links

Sasol workers, unlike public sector employees, are subject to the provisions of the Labour Relations Act

At the time of the stay-away, the corporation's senior general manager, Dr Dirk Mostert, justified the mass firing as "morally right," but the action has drawn sharp criticism from private sector industrial relations practitioners.

"Industrial relations is a game of consequences and social and political issues are a part of the process," said Mr Mark Anstey, director of the Institute of Industrial Relations

"A dismissal of work-

Firm sacks workers and closes

By ALINAH DUBE

ABOUT 300 employees at Continental China in Rosstyn, Pretoria, were dismissed from work yesterday and the plant closed down after negotiations for better pay had ended in a deadlock.

Mr Jack Masemola, a secretary of the South African Allied Workers' Union (Saawu), told The SOWETAN that they were contemplating taking the company to court. He said they viewed the dismissals of their mem-

bers as a violation of an agreement they had entered into with the factory. He added that it was agreed that no action would be taken against the employees unless consultations were held with Saawu.

"Trouble at the plant started when the company reduced the workers' hourly rates by 22 cents recently. Our members were angry because they did not know why the reductions were im-

posed without them being informed. The R2,00 hourly earnings were brought down to R1,78.

"As representatives of the entire work force we brought this to the attention of management. It was agreed thereafter that the union would be kept informed on all the changes the firm underwent, but we were surprised to learn that workers were instead issued with a directive to work overtime without pay," Mr Masemola

said.

A statement by Continental China said they had suffered heavy losses in the past. The increases inflated production.

"Work stoppages have severely disrupted reduction and management has implemented the agreed disciplinary procedures. Under these circumstances, we have reluctantly had to cease operations until further notice," the statement said.

STAR 26/11/84 (7) (151)

Chamber shelves mine fund plan

By Carolyn Dempster,
Labour Reporter

Attempts by the Chamber of Mines to amalgamate the mines' Pension Fund and Provident Fund, and integrate them at the same time, have been shelved in the face of fierce opposition from the all-white Council of Mining Unions

The two funds are to be amalgamated on December 1, but the integration issue will be tackled later, an industrial relations adviser to the chamber, Mr Johann Liebenberg, said

When the chamber attempted to tie the two issues together at the start of the pension negotiations earlier this year, the Council of Mining Unions immediately declared a dispute

Their prime objection

was the attempt by the chamber to open the amalgamated fund to "non-white" miners above a certain job category level

In an editorial in *Die Mynwerker*, mouthpiece of the all-white Mine Workers' Union, the general secretary, Mr Arrie Paulus, said that the chamber's attempts to integrate the fund had resulted in a cloud over the negotiations

After the dispute had been declared, negotiations were re-opened and agreement was reached at the end of October when the chamber shelved its conditions for amalgamation

However, the chamber has by no means given up attempts to integrate the funds and will try again in the future, said Mr Liebenberg

In the latest issue of *Die Mynwerker*, Mr Paulus says that as it is obvious the chamber "has only thrown in the towel for the time being," the issue of separate funds for non-whites should be addressed

"Let us point out again that a separate pension fund has been in operation for non-whites since 1970. When we drew the attention of the chamber's negotiators to this fact, we were told that it is an inferior fund

"We would suggest that the chamber lives up to its liberal tradition by improving that fund," he said

From the date of the amalgamation of the funds, members will be able to choose whether they want split lump sum pension payments or a full pension payout

Long ^{RAM 29/11/74} dispute ends in pay rise ⁽¹⁵⁾

By PHILLIP VAN NIEKERK

AFTER 18 months of wrangling, Checkers and the Commercial, Catering and Allied Workers' Union (CCAWUSA) have signed a national recognition agreement — and at the same time ended their wage dispute by agreeing to increases of R46 a month

The agreement provides the union with recognition at all stores where it has a majority of members

CCAWUSA claims to have majority membership at Checkers as a whole — about 10 000 workers out of the company's total labour complement throughout the country of 16 000

A statement by the union yesterday said it came at a time of "tense" relationships between the union and Checkers management and that there had been numerous accusations of a "poor" management attitude to workers

The statement said the negotiations had started 18 months ago after widespread industrial unrest at Checkers and had been marked by deadlocks, stoppages and disputes

CCAWUSA said Checkers had had an average of 1,3 strikes a week over the past two years

A Checkers spokesman, however, said they "looked forward to a continued constructive relationship with the union"

The wage increases — which are effective from December 1 — mean that Checkers staff will get a R46 increase on their anniversary date of employment

The Checkers spokesman said the increases included the statutory minimum wages.

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MINES PENSIONS

Right wins a round

A rightwing backlash over proposals to integrate the mining industry's main pension fund has been averted. The Chamber of Mines has backed down on the issue following the declaration of a dispute by the all-white Council of Mining Unions (CMU).

The dispute has a complicated history. The CMU, which represents some 25 000 workers, approached the chamber two years ago to ask for the amalgamation of the Mine Employees Pension Fund (MEPF) and the Provident Fund. It also wanted the rules amended to allow members to draw one-third of pension in a lump sum on retirement.

According to CMU chairman Arrie Paulus, the negotiations proceeded smoothly with only minor difficulties regarding the percentage the mining employers were prepared to pay from the provident fund into an amalgamated pension fund.

The trouble started when the chamber introduced a new element into the negotiations. It insisted that amalgamation of the funds would be dependent on the CMU agreeing to a change in the pension fund's constitution to allow for membership of blacks, coloureds and Indians who do the same work as whites.

The chamber's proposal resulted from a 1982 agreement with the Federation of Mining Unions (all of whose members also belong to the CMU) that blacks, coloureds and Indian artisans should be trained on the mines. The first black artisans are due to qualify at the end of the year. The chamber's industrial relations adviser Johann

Liebenberg says the chamber undertook that, wherever possible, workers would get the same benefits as their white counterparts.

The CMU declared a dispute with the chamber early in October, alleging that the chamber had committed an unfair labour practice. At the time Paulus, who is also general secretary of the ultra-conservative Mineworkers' Union, writing in its newspaper, *Die Mynwerker*, accused the chamber of trying to integrate all mining industry structures "by stealth".

In terms of the settlement reached on October 30, the chamber has now dropped integration as a condition for merging the MEPF and the Provident Fund. Says Paulus in the latest issue of *Die Mynwerker*: "We are glad that the amalgamation has now become a reality. At the same time we must regret the unnecessary delay caused by the negotiators on behalf of the chamber. If they had not been so stubborn the amalgamation would already have been in operation since the beginning of this year, which would have meant a bigger pension."

Inferior fund

But Paulus also warns his members: "It is, however, obvious that the chamber has by no means given up its plan to make non-whites members of the amalgamated pension fund." Paulus argues that the chamber has admitted that the pension fund for blacks which was established in 1970 is "inferior". "We would suggest that the chamber live up to its liberal tradition by improving that fund. Why should only some non-whites be favoured by allowing them to join the 'superior' fund?" he writes.

Did the chamber take fright at the CMU's hard-line reaction to its proposals? Liebenberg insists this is not the case. "We weighed up whether we would win or lose an unfair labour practice case in the Industrial Court. We came to the conclusion that either way we would not achieve our objective of opening the fund to blacks, coloureds and Indians and commutation of pensionable benefits. Therefore, in the interests of the employees concerned we decided to split the two issues," he says.

According to Liebenberg, talks on the incorporation of blacks, coloureds and Indians into the amalgamated fund will follow. Says Liebenberg: "Paulus is trying to make out that we will try to surprise the CMU, but we gave notice on October 30 that we are not going to abandon our desire to allow certain classes of blacks, coloureds and Indians into the amalgamated fund."

This could presage yet more conflict between the chamber and the CMU. Paulus, who has levelled scathing criticism at the chamber's negotiators in *Die Mynwerker* over the past few months, writes: "the trade unions cannot stand idly by while the chamber's negotiators harm their interests by dragging their feet and all sorts of 'clever' little tricks. If the chamber's negotia-

tors are not going to mend their ways, the union men will in their own interests have to resort to an alternative approach. It may be that union men will have to insist on separate agreements with the individual mining houses."

DETENTIONS

Business cools off

The conflict between government and organised commerce and industry over the detention of trade union leaders in the wake of the November 5 and 6 stayaway seems to be cooling down.

After heated public protest that the roundup of unionists would endanger industrial peace, the Associated Chambers of Commerce (Assocom) and the Federated Chamber of Industries (FCI) have adopted a more conciliatory stance. The reason seems to be that court action will be taken against the stayaway organisers. According to the SA Police, investigations are underway and dockets will be forwarded to the Attorney General.

Assocom and the FCI appear to have been placated by assurances from Law and Order Minister, Louis le Grange and Manpower Minister, Pietie du Plessis that the detainees will be brought to court as soon as possible. FCI director Johan van Zyl, says his delegation was given some confidential information about the detentions, although they were told there were other details that "could not be divulged".

The FCI agreed with government that "stayaways are destructive and potentially dangerous" and Assocom says it accepts "that the law must now take its course".

No indications

Both bodies emphasise, however, that detainees should be charged as soon as possible. They were not given any indication of when this would happen. Assocom says it also drew attention to "the urgent need for the authorities to address the economic and political fundamentals of urban black unrest".

The Afrikaanse Handelsinstituut, which was also party to the protest against the detentions, is due to meet the two ministers later this week.

Assocom says that any differences of opinion were handled in a "frank and friendly manner". Van Zyl tells the *FM* he is "quite happy" with the outcome and is looking forward to further meetings.

However, while expressing general consensus with Assocom's view, Michael Wright, chairman of Associated Commercial Employers, says a crucial question remains unanswered. Wright says it must be assumed that the unionists were detained for their role in the stayaway, but argues that this is not sufficient reason for the detentions. "If there are other reasons, we should be told about them," he says.



MWU's Paulus ... possibility of separate agreements

'IT' A CON!

Durban's workers reject 'increase'

2/12/84 C.P. rev

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151

MORE than 1 000 Durban municipal employees this week declared a dispute with the municipality over wage increases due to come into effect next year.

Municipal Services Workers' Union secretary T S Khumalo said the Manpower Minister has been asked to appoint a conciliation board to resolve the issue.

According to Mr Khumalo, workers rejected increases of between 6,55 and 8 percent - council workers are demanding increases of between 20 percent and 63 percent for themselves.

"Civil service salaries have increased by 30 percent this year," he said.

In a statement the union said workers went on strike early this year because they were des-

CP Correspondent

perate

"Many of us are not only feeding our own families in these difficult times, but our brothers and sisters and their families as well.

"The workers returned to work on condition that the council consider our case. But now the circumstances have not changed," the statement said.

The statement said workers had proposed a minimum wage of R110 a week, instead of the R61 they get now.

The workers rejected their wage increase next year as a pittance "because it does not even keep up with the inflation rate and the con-

sumer price index.

"We will therefore be worse off than we were this year.

"Our wages do not reach the minimum living level. We have not even been offered 10 percent.

"The council has broken its word to us and has misled us," the statement said.

The statement said the workers would inform the Durban Mayor, PFP leader Frederick van Zyl Slabbert, all Durban's MPs, Kwa-Zulu Chief Minister Gatscha Buthelezi, Inkatha's secretary-general, the Solidarity Party and the Durban Management Committee of "this affair so that the rightness of our case may be understood".

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Star

Heavy rain causes 49 accidents in Roodepoort

West Rand Bureau

Heavy rain was the main cause of an unprecedented number of traffic accidents in Roodepoort at the weekend

The municipal traffic department reported 49 accidents for the week ending yesterday. A spokesman said this was double the average

Four people died when a mini-bus collided with a railway truck on Main Reef Road on Friday

The police have not yet released the names of the victims, three coloured men and a boy. An unidentified black man was killed on the Western Bypass at the weekend

In thirty-nine of the accidents there were...

Jobless claim unfair dismissal

3/12/84

By Tim Cockerell,
Star Line

As the recession claims more jobs, the jobless claim employers are resorting to methods of dismissal which are both "unfair and unjust"

Workers who thought their jobs secure have suddenly found themselves out on the street after missing work due to illness

"You can't postpone sickness," said Mr Robert Leyde, whose employers, Trentyre-Bandag, dismissed him when he submitted a medical certificate for a spinal operation

"I asked for a letter stating the reasons why I had been dismissed but



was told this was not necessary. My employers said the stores were in a mess and that I had been sick too often

"I had been sick for five days in eight months," he said

Mr Leyde told Star Line that his unemployment card stated he had been made redundant

The day after Mr Leyde's dismissal, a colleague, Mr John Raftopoulos, was also fired

after being off work with bronchitis and sinusitis

"My doctor's certificate was hardly looked at. I was told business had suffered because of my absence and that I was dismissed," said Mr Raftopoulos

Both men feel they are the victims of unfair labour practice

The managing director of Trentyre, Mr Steve Follard, said his branch manager had refuted the claims of the two men and that the matter had been taken up with the Department of Manpower. He had no further comment until the investigation was complete

4 30 pm when a car con-

Union action on detentions soon

Own Correspondent
JOHANNESBURG — The Federation of South African Trade Unions (Fosatu) will launch a "far-ranging" campaign in the next two months in protest at the detention of several of its leaders and the sacking of union members by Sasol

A Fosatu statement yesterday said the campaign, which might be backed by other unions, was a result of the "in-

ability" of employers to persuade the government to release detained unionists

It attacked "employer involvement" in police investigations into the detainees' roles in the recent stay-away

At the same time, Fosatu said it could not support a planned boycott of shops over the Christmas period and asked its members to make a "symbolic" gesture of mourning

Fosatu said the current protests by American activists were "justified morale support to detained union leaders"

"Certain actions" in response to the detentions and firings, had been decided on at a special central committee meeting over the weekend. These would be put to other unions to seek their support, and would be implemented over the next two months

Fosatu declined to give details until other unions had been consulted. But the latest issue of Fosatu's newspaper, Fosatu Worker News, suggests that "international solidarity action" will play a part in the campaign

Several key Fosatu officials, including its president, Mr Chris Dlamini, have been detained in the wake of the recent stay-away by hundreds of thousands of Transvaal workers

Police have been gathering information from employers and journalists — a move which is believed to precede a trial of the stay-away's alleged organizers

Meetings

Fosatu said its central committee had heard reports from all regions on meetings between shop stewards and their employers over the detentions and the recent firing of 6 000 Sasol workers, and reports on meetings between Fosatu and major employer bodies

"It is our view that employers are unable to influence a stubborn, misguided and misinformed government," Fosatu said

It was also convinced that "employer involvement" in the charges to be laid under section 54 of the Internal Security Act (against the detainees) would be "disastrous to future industrial relations"

Fosatu believed the government and "certain major employers" were not fully aware of the implications of charging union leaders

It warned that the course of labour relations could be "irreversibly altered"

McDonald's
WYNBERG

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visit our CHRISTMAS STORE

PERSONAL GIFTS FOR HER

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- ★ Bathing costumes, bathing caps, mix and match tops, shorts, slax, for the holiday season
- ★ Sewing baskets and sewing accessories
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- ★ Dressing Table sets
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- ★ FREE cosmetic bag given with every 3 pairs of "so soft, so sheer" pantihose purchased
- ★ Bags to suit all occasions

GIFTS FOR THE HOME

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- ★ Protea fibreglass trays
- ★ FREE pillowcase with every Sheraton Duvet purchased
- ★ Novelty velvet and neck cushions
- ★ Table cloths, tray cloths, novelty drying up cloths

GIFTS HE WILL APPRECIATE

- ★ Hang-Ten trunks, baggies and cotton knit shirts and tops

section

Fosatu ~~151~~ planning ^{slow} campaign ¹⁵¹ of protest ^{4/12/84}

By Carolyn Dempster,
Labour Reporter

The 115 000-member Federation of South African Trade Unions (Fosatu) is to take strong action in response to the detention of prominent trade union leaders, the State's "attack on unions" and the mass sacking of Sasol workers earlier this month

Fosatu has also warned that employer involvement in the charging of union leaders will irreversibly alter the future course of industrial relations

A special Fosatu central committee meeting at the weekend decided to launch the actions as part of phase two of a campaign in response to the detentions, crack-down and mass dismissal of Sasol workers

The committee did not detail its plans but said that certain proposals would be put to other unions for their support and the actions would be "far-ranging and implemented in the next two months"

Among those detained were Mr Chris Dlamini, president of Fosatu, and

Mr Piroshaw Camay, general secretary of the 150 000-member Council of Unions of South Africa

"It is our view that employers are unable to influence a stubborn, misguided and misinformed Government," said Mr Joe Foster, general secretary of Fosatu

"Fosatu is also convinced that employer involvement in the charges to be laid under section 54 of the Internal Security Act will be disastrous to future industrial relations," he added

After discussion at regional level, the federation has decided that a call for a "Black Christmas" would be divisive, rather than uniting workers, and an effective national campaign could not be mounted at such short notice

Instead of a ban on Christmas purchases, Fosatu is calling on all its members to make a symbolic gesture over Christmas as a sign of their concern at the detentions and their rejection of the Government's actions

This includes showing black on their clothing or houses as a sign of mourning

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By Carolyn Dempster
Labour Reporter

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5/12/84
New forum for biscuit men

A new negotiating forum for the biscuit industry, covering biscuit workers in Natal and the Transvaal, has been set up following the collapse of the industrial council in August this year

The council disintegrated after the Sweet Food and Allied Workers' Union (SFAWU), which is affiliated to Fosatu, was blocked from becoming a party to the council negotiations by a trade union affiliate of the Trade Union Council of South Africa (Tucsa)

In order to bargain with SFAWU, the industry's two major biscuit producers — Bakers and Fedbisco — withdrew from the council and joined with the union to form a new bargaining forum

However, the negotiating course has not been an easy one SFAWU together with the minority unions put forward a demand for a 32 percent across-the-board increase and a minimum weekly wage of R110

LABOUR BRIEFS

The employers' response was an offer of a 12,5 percent rise and a refusal to accept demands on overtime pay, working hours and public holidays

The dispute has now gone to mediation in an attempt to bridge the gap between unions and employers

The Black Health and Allied Workers' Union of South Africa this week signed a recognition and procedural agreement with Pretoria Wholesale Druggists

This is the third agreement the union has notched up since its inception a year ago and signifies that it is a growing force to be reckoned with on the pharmaceutical front

A sudden rush for jobs in the platteland has

prompted the organisation ROEP (Restore Our Endangered Platteland) to appeal to farm managers and platteland business concerns to contact them if they need personnel

The increasing flow of inquiries, says ROEP, comes from as diverse a range of people as doctors, businessmen and women, teachers and other professional people

Those interested in securing a platteland position, or finding a platteland employee should contact Dr G H Craven at 04952 1630 or write to PO Box 29, Steytlerville 6250

D. Dispatch
Factory recognises May Day *185* *5/12/84*

JOHANNESBURG — An Eastern Cape glass factory, Pilkington Glass, has become the first employer in decades to allow workers to take May 1, International Labour Day, as a paid

holiday *(157)* *(1987)*
The company agreed to this in recent negotiations with the Chemical Workers' Industrial Union, according to the latest issue of Fosatu's

newspaper, Fosatu Worker News
May 1, May Day, is celebrated by workers in many countries as a holiday in honour of the labour movement and worker rights. — DDC

CAPE TOWN 6/12/80

Living wage 'not defined'

Staff Reporter

EVIDENCE put forward by the Cape Town Municipal Workers' Association (CTMWA) had failed to establish what a "living wage" was, Mr Harry Snitcher, QC, told an Industrial Court hearing yesterday.

Mr Snitcher was opening the case for Cape Town City Council in the Industrial Court hearing to arbitrate in the wage dispute between the council and the CTMWA.

'Not proper'

The 11 000-member CTMWA has demanded an increase that would represent a 100 percent increase in minimum wages on the grounds that this would be a "basic living wage".

Mr Snitcher said he would lead evidence to show that the "so-called living wage formula" put forward by the CTMWA was "not a proper formula to be used to formulate wages".

The CTMWA's emphasis on an employer's duty to pay a "socially responsible wage" was designed to create an atmosphere which detracted from the proper function of wage determination which was the duty of the court, he said.

The first witness called by Mr Snitcher, Mr Abraham Martinus Brand, a senior lecturer in Manpower Management at the University of

Stellenbosch, presented a lengthy document to the court, arguing against points raised in evidence presented by the CTMWA.

Mr Brand contended that the approach of the CTMWA in calculating a living wage was flawed because the union had seized upon "arbitrary figures" in respect of the cost of rent and education.

Figures calculated by the CTMWA for these costs were "contrived, unrepresentative and without adequate factual foundation", he said.

Mr Brand said the union had seized upon the figure of a five-member household upon which to base its calculations, while there was clear evidence that the average household size among CTMWA members employed in the J903 and J904 categories was 2.4 members.

'Benefits'

Calculations by previous witnesses called by the union had not taken into consideration benefits of up to 30 percent of the cash wage that municipal workers received.

Mr Denis Kuy, SC, assisted by Mr A Omar, both instructed by Cheadle, Thompson and Haysom, is appearing for the CTMWA. Mr Snitcher, assisted by Mr J Gauntlett, both instructed by Silberbauers, is appearing for the City Council. The presiding officer is Mr J J Human, with Mr Alec Erwin and Mr G Powell acting as assessors.

CAPE TOWN 7/12/86
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Evidence on City labourers' wages

By MARTINE BARKER

THE basic wage paid by the Cape Town Municipality to its labourers compared "well" with market rates, Mr A Brand, lecturer in Manpower Management at the University of Stellenbosch, told an Industrial Court hearing yesterday.

Mr Brand was giving evidence for the second day in the hearing to arbitrate in the pay dispute between the 11 000-member Cape Town Municipal Workers Association (CTMWA) and the municipality.

Mr Brand contended that although the average wage paid to municipal workers was below the market rate it did not follow "that this justifies a general wage increase" for labourers.

A problem in structure of wage scales in the municipality meant that individuals might be kept at the top of one job category and be unable to be promoted to the

next, said Mr Brand.

This problem could not be resolved by "piece-meal tinkering" with the structure but by a "pending job evaluation exercise".

Mr Brand said any meaningful assessment of wages received by employees had to include fringe benefits.

A 13th cheque added 8,33 percent to yearly wage earnings. If this was taken with such benefits as two weeks annual leave, pension fund and medical aid contributions, labourers added 30,83 percent to their earnings.

Mr Denis Kuny SC, assisted by Mr A Omar, both instructed by Cheadle, Thompson and Haysom, is appearing for the CTMWA. Mr Harry Snitcher, QC, assisted by Mr J Gauntlett, both instructed by Silberbauers, is appearing for the City Council.

The presiding officer is Mr J J Human, with Mr Alec Erwin and Mr G Powell acting as assessors.

CAE Tmk 8/12/84

Facts not checked — expert

Staff Reporter

MR A M BRAND, senior lecturer in Manpower Management at the University of Stellenbosch, yesterday told an industrial court hearing that he had not checked the accuracy of the material on which he based calculations presented to the court as evidence

Mr Brand, giving evidence in the hearing to arbitrate in the wage dispute between the Cape Town Municipal Workers Association (CTMWA) and the Cape Town City Council, acknowledged this during cross examination by Mr Dennis Kuny, appearing for the CTMWA

He said there had not been enough time to do full investigations for his evidence which showed that the average household size of municipal labourers was 2,4. Mr Brand has argued that the figure of a 5-member household on which the CTMWA based its demand for a "living wage" is not representative of the real size of workers' households

Tax forms

Mr Kuny argued that Mr Brand had no grounds for claiming he had "clear evidence" for saying that the average household size of CTMWA workers was 2,4. He asked Mr Brand if he had checked whether the information he based his calculations on — taken from tax forms filled in by workers when they began working for the municipality — had ever been updated

Mr Brand said he did not know Mr Harry Snitcher, appearing for the Cape Town City Council, interjected that he had told the court earlier the forms were updated "from time to time"

documents were available they would show a different picture to the one arrived at by Mr Brand

In further cross-examination Mr Kuny quoted from a document presented to the court in which Mr Brand criticised a survey conducted for the CTMWA and set out criteria for assessing the credibility of research. Among these Mr Brand said the question should be asked "Does the design answer the research question?"

'Best material'

Mr Kuny argued the tax forms on which Mr Brand based his calculations of household size were not designed to show the household size of employees. The questions did not show if a worker was living with a woman without being married to her, he said. Such information could alter calculations

Mr Brand acknowledged this but added the tax forms were the best material available on which to make calculations

Training

Mr Brand's document had also stressed the importance of the proper training of research interviewers so as to ensure that all questions were properly understood, said Mr Kuny. He submitted it was not known whether the details of questions on the forms had ever been explained to employees filling them in and it was also not known whether all questions had been answered by all employees

Mr Brand said the guidelines he had set out were for the purpose of scientific research. To apply them stringently in business situations would be "unrealistic". The hearing continues next week.

Mr Denis Kuny SC, assisted by Mr A Omar, both instructed by Cheadle, Thompson and Haysom, is appearing for the CTMWA. Mr Harry Snitcher QC, assisted by Mr J Gauntlett, both instructed by Silberbauers, is appearing for the City Council.

The presiding officer is Mr J J Human, with Mr Alec Erwin and Mr G Powell acting as assessors.

Too little

Mr Kuny said he was dubious about this since workers in the categories being discussed were earning too little to pay tax. Changes in family size would make no difference to the workers' tax obligations. He asked for the original documents to be made available for him to study.

Mr Kuny said he suspected that if updated

Cape Times
11/12/84

Cusa threatens national strike

Own Correspondent

JOHANNESBURG — The 165 000-member Council of Unions of SA (Cusa) says it will launch a national strike unless Sasol reinstates 5 500 workers fired for taking part in the recent Transvaal stay-away and agrees to negotiate with their union

Cusa also announced yesterday that it had launched a consumer boycott of Dairy Maid Ice Cream in support of 90 members of its Food, Beverage Workers' Union who were fired by the company after a stoppage in Pretoria in February

These decisions were taken at a meeting of Cusa's joint executive council in Johannesburg at the weekend

The meeting also decided that Cusa would continue to take part in talks aimed at uniting major emerging unions in a new federation

It has been suggested that some Cusa unions were unhappy about continuing to take part in the talks

Cusa's decision to support a national strike in support of the fired Sasol workers comes a week after the Federation of SA Trade Unions (Fosatu) decided on "action plans" to protest against the arrest of union leaders and dismissal of Sasol workers

It said it would seek support of other

unions before releasing details. Most of the workers fired during the dispute belong to Fosatu's Chemical Workers' Industrial Union (CWIU)

The Cusa decision is given added significance by the fact that there has been tension of late between the CWIU and Cusa's SA Chemical Workers Union

In a statement released after the meeting, Cusa said it had agreed "to support the struggle" of the dismissed Sasol workers

If Sasol did not reinstate the workers and agree to negotiate with CWIU over the firings, Cusa and its affiliates would "take all necessary steps to ensure the reinstatement of all dismissed workers, even if this means a national strike," it said

On Dairy Maid, the statement said the meeting had heard a report on the dispute from the Food, Beverage Workers' Union (FBWU) and had agreed to support the union's call for a national boycott

It said it would seek support for this from other unions

The FBWU has already taken industrial court action against Dairy Maid, which is part of the Barlow Rand group, alleging that it is guilty of a wide range of "unfair labour practices"

Probes into unrest deaths

PRETORIA — Police investigations would be launched into all the deaths that resulted from police action in township unrest during the past three months, according to a police spokesman in Pretoria

He was reacting yesterday to weekend reports of two police investigations into the shooting of a Sebokeng youth and the alleged rape by two policemen of two teenage girls

Both incidents were dealt with in a booklet on township violence published last week by the South African Catholic Bishops' Conference (SACBC)

The SAP spokesman said the police investigations had not resulted from the SACBC survey

The official death toll in townships following police action this year had reached 96 by the middle of November. Injuries totalled 195

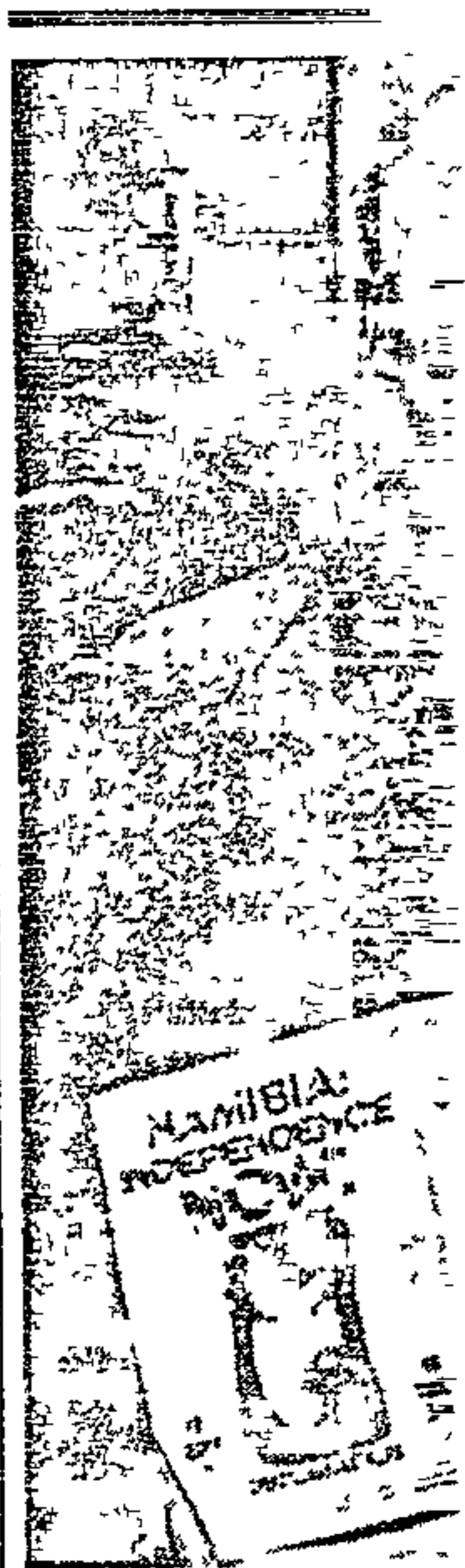
Police killed

According to figures released by the Minister of Law and Order, Mr Louis le Grange, during a speech in Virginia last month, another 34 deaths and 215 injuries were not related to police action. Two police members were killed and a further 84 injured during the same period

The police spokesman said investigations would not be launched into cases of injury "unless people charged that they had been injured illegally"

The spokesman confirmed that a member of the SAP had been temporarily suspended after the police investigation into the alleged murder of Mr Jacob Moleleki, who was arrested at an Evaton funeral in September. According to the SACBC report, the policeman shot Mr Moleleki through the forehead at point-blank range

The spokesman also confirmed that police were investigating allegations that two black girls, aged 15 and 16, had been raped by two white policemen in Sharpeville in September — Sapa



The Bishop of St. Downing Street y... list of 400 organ...

SWA

From JOUBERT MALHERBE

LONDON — The British Government was yesterday urged to adopt a new line on the quest of SWA/Namibian independence and to do all its power to help end the end of "South African illegal and inhuman occupation" of the territory. A "Declaration to British Government Namibia", signed by influential group of...

We will decide says Pik

DECISIONS on regional and security in South Africa are taken by government on the basis of what it considers to be in the interest of the country, the Foreign Minister, Mr Pik Botha said last night

Reacting on inquiry from the SABC in Cape Town to reports on President Reagan's claim that the United States was using quiet diplomacy

VISIT
McDonald's
SHOWROOM FOR HER
CHRISTMAS GIFT



Very feminine nightwear including shortie pyjamas, waltz and full length nighties and gowns to match, if you wish. Dainty bedjackets and underwear all by



ATLANTIC

Our staff will give you

Too late for classification DEATHS

DREYER — Doreen Beatrice passed away peacefully on December 9, 1984. Lovingly remembered by Harry, Mary, John, David, Peter, Alan and Michael

LOST

LABRADOR, chocolate brown, called Coco, lost in vicinity of Campground Road, Rondebosch. Large reward. Ph 65 5070

HAMILTON RUSSELL VINEYARDS

In search of great wine



warns

Cape Times
On 12/12/84
125/128 253/151

wages

Staff Reporter

THE migrant labour system, as well as influx control and the coloured labour preference policy in the Western Cape, had kept wages for unskilled labourers artificially high, Professor J L Sadie, a professor of economics, told an industrial court hearing yesterday

He was giving evidence in the hearing to arbitrate on the wage dispute between the Cape Town Municipal Workers Association and the Cape Town Municipality, in which the 11 000-member association is demanding a "living wage"

Euphemism

Professor Sadie, a former director of the Bureau for Economic Research, told the court that additional forces which caused the "contrived scarcity" of unskilled labour and higher wages in the Western Cape were trade unions who catered for the interests of their members only

He said it made "absolute economic nonsense" to raise wages according to increases in the cost of living. This would perpetuate the spiral of "senseless inflation"

To raise municipal rates in order to pay a big increase would be "unjust to others", he said

If a living wage was defined as being what people needed to survive, it had to be noted that needs for different employees would be different according to their circumstances and their frugality

'Contrived scarcity'

The term "living" in the demand for a "living wage" could easily become a euphemism for middle-class comfort

Professor Sadie warned that paying workers wages that were not determined by the free market would mean that South Africa would "price itself out of the international market"

The hearing continues

Mr Denis Kuny, SC, assisted by Mr A Omar, both instructed by Cheadle, Thompson and Haysom, is appearing for the CTMWA. Mr Harry Snitcher, QC, assisted by Mr J Gauntlett, both instructed by Silberbauers, is appearing for the City Council. The presiding officer is Mr JJ Human, with Mr Alec Erwin and Mr G Powell acting as assessors

more contented

Municipal Reporter

A DRAMATIC difference of opinion between Cape Town's rich and poor over the efficiency of municipal services and what improvements are needed has emerged from Cape Town's first opinion survey

Not only did the more affluent Capetonians respond to the survey in far greater numbers than poorer citizens, but they are more satisfied and their concerns in most areas are significantly different

The rate of return in middle-class "white" suburbs was a remarkably high 17.17 percent, while the return from the townships and poorer white areas was 3.25 percent

The only "very dissatisfied" rating (the highest criticism of a service on the questionnaire scale) came from a poor area

The service referred to was rented council housing and the rating came from a home-ownership scheme on the Cape Flats

No service rated less than a neutral "neither

satisfied nor dissatisfied" in the overall results for the wealthier areas, whereas mass public housing for the poor and children's playgrounds earned a "dissatisfied" rating overall in other areas

Residents of the poorer areas were most dissatisfied with housing for the poor, swimming pools, sidewalks and pavements, beach amenities and children's playgrounds, with many of these services earning a "dissatisfied" rating in certain suburbs

Richer households were most dissatisfied with housing for the poor, the bus service, council housing and traffic control, although the dissatisfaction was more muted than that for the issues noted under the poorer areas

People in the poorer areas were also less willing or less able to pay higher rates than those in more affluent areas

According to the council's summary of survey results, the two areas in need of most urgent attention are Woodstock/Kensington and council housing estates

City's transport causes discontent

Municipal Reporter

CAPETONIANS have voiced their general dissatisfaction with bus and train services in the Peninsula, in the mass opinion survey conducted by the City Council

Although public transport does not fall under City Council control, the service was included in the questionnaire and the results are to be submitted to City Tramways and South African Transport Services

The most telling indications of discontent came from the comments at the end of the returned questionnaires rather than from the survey's "scale of satisfaction" section

Trains were repeatedly described as "ineffi-

cient, dirty, irritating and highly inadequate" by respondents throughout the municipal area, with subways, lack of security, high fares, overcrowding and the train route emerging as common areas of concern

Buses were described as "filthy, noisy and uncomfortable" and the drivers "rude and careless"

High fares, smoking on buses, delays, overcrowding, and the high step on to buses were singled out by many respondents

Buses caused most dissatisfaction in the wealthier areas, while the poor quality of the train service was a more frequent complaint from less affluent commuters

City refuse removal 'good'

Municipal Reporter

REFUSE collection is the cause of much satisfaction in Cape Town, according to the City Council's first mass opinion survey

This service, which was also rated as one of the most important, emerged with top honours in the survey as a whole, and even earned a few kudos in the generally negative comments from residents

Complaints focused on rubbish being spilt from bags while being collected, residents putting bags out before collection day and these being torn or ransacked by dogs, and the non-removal of garden refuse

one under the Transkei Public Security Act and 40 others about whom it was not known under which Act they were held

The total number of detentions in 1984 now stand at 1 110. Detentions during this year could only be compared to the intensity of widespread detentions during 1976, Dr Coleman said

According to the DPSC less than one percent of the more than 1 093 people detained during 1984 have been convicted of a crime so far

This represents a significant drop in the rate of convictions, since in 1983 3.7 percent of the 453 people detained were convicted

So far this year more than 1 093 people are known to have been detained, and only 13 have been convicted of a crime, according to the DPSC

This excludes those who have paid admission of guilt fines or who have had charges laid against them and later dropped

Altogether 401 detainees have been charged and acquitted, while about 150 others are awaiting trial

About 330 were released without being charged at all

About 170 people are in detention now, a drop from the 213 who were held without trial at the beginning of the month

Trade unionists

Although most of the detained trade unionists have been released, there are still six held in various parts of the country

They are Mr Hlubi Johnson, of the Orange/Vaal General Workers' Union, Mr Ntsikelelo Qaku of the African Food and Canning Workers' Union, Mr Andile Xintolo of the SA Allied Workers' Union, Mr Jerry Kau of the National Automobile and Allied Workers' Union, Mr Isaac Lehoko of the United Metal, Mining and Allied Workers' Union and Mr Andile Ngqeza, held in Ciskei

The bulk of the other detainees this year have been students and teachers, of whom 564 have been held

the facts

TO correct material errors of fact, write to the Editor, Cape Times, P O Box 11, Cape Town, or dictate the complaint briefly to the Editor's office telephone 24-2233 ext 220 between 9 15am and 5pm (Monday to Friday)

- 6 35 Documentary A look at sources of the Amazon and Lindaba (News)
- 7 00 Ukuvikelwa Kwezingozidi (News)
- 7 13 Ukuvikelwa Kwezingozidi (News)
- 7 35 Ezisematheni/Undaba—concerning topical events
- 7 49 Cape Town Regional Report
- 8 01 Okucwaningwe/Okucwaningwe (Programme)
- 8 13 Izigemegeme Zikajani—modern drama series
- 9 00 Izindaba (News)
- 9 28 Weather
- 9 31 Ezenkolo (Epilogue)

TV 2

WERE it not for the regular Tuesday evening local music programme Ezodumo, last night's viewing would have been unbearable

The line-up was as monotonous as one could expect from two long-running programmes

Mina Nelungelo may have always covered every legal aspect affecting our daily lives, but admittedly presenter Sidney Chama, who is obviously knowledgeable about legal matters, makes a whole difference to an educational series that refuses to die

The Art magazine was somewhat confusing. Since when is gardening



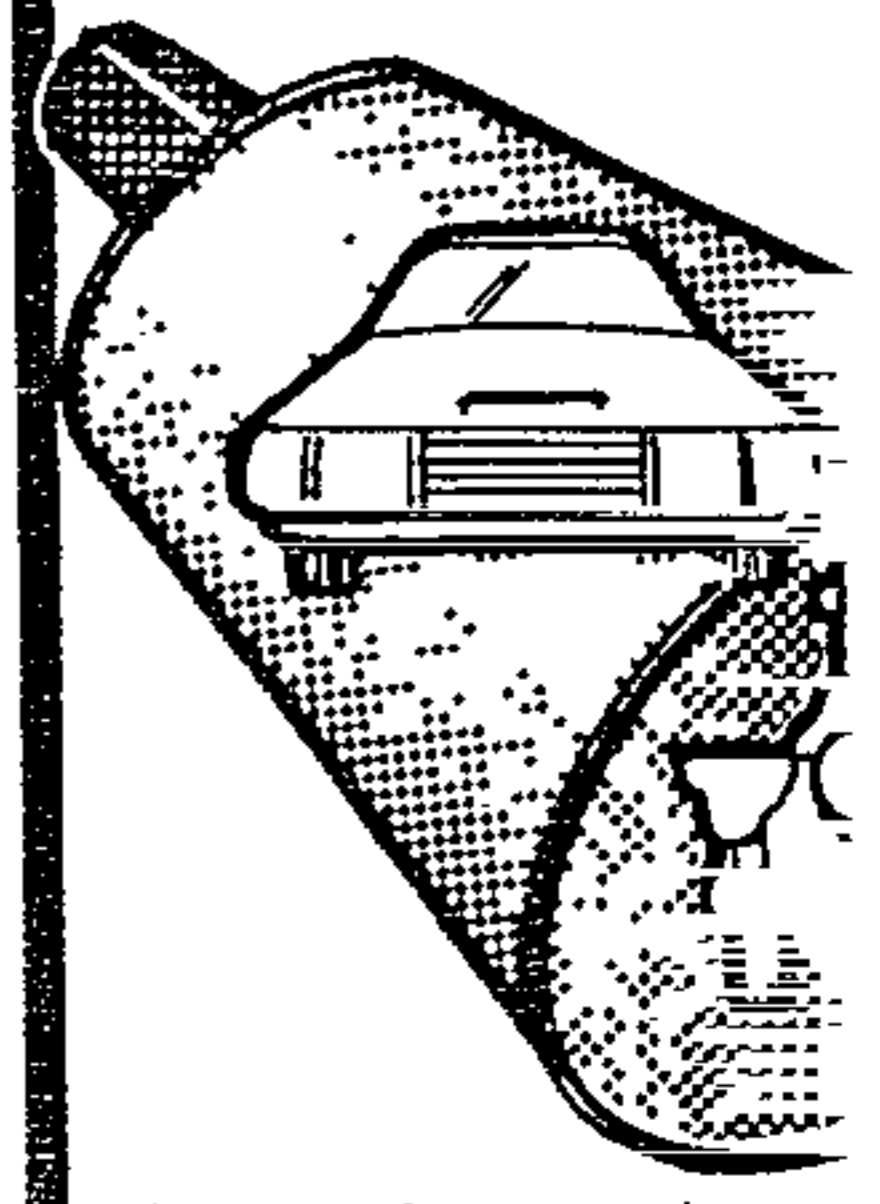
From page 1

secretary Mr Patrick "Terror" Lekota said the release of detainees did not represent a change of heart by the South African Government

"The small number of detainees that were released were obviously handpicked and selected to decorate the constructive-engagement policy"

The planned departure time from the consulate coincides with

You come the Car, you come up the Siler.



Mediator fails to solve Ccawusa dispute

By JOSHUA RABOROKO

A MEDIATOR has failed to settle a wage dispute between the Commercial, Catering and Allied Workers Union (Ccawusa) and an American company operating in South Africa, 3M.

A Ccawusa spokesman told The SOWETAN that the US parent company paid approximately R6 per hour and that the local subsidiary was taking "advantage of cheap labour" in South Africa

The dispute, which involves about 280 workers, was referred for mediation when the parties were unable to reach an agreement on the matter.

Increase

3M has offered the bargaining unit an R80,50 per month across the board increase, effective from January 1 for a period of one year to January 1986. This represents a 20 percent increase for the lower paid workers

The union is demanding an increase of R100 across the board, effective from January 1, 1985 for a period of one year

The union's spokesman said that management was not prepared to meet their demands. The parties have been involved in wage negotiations since October.

Fighting

"We shall continue fighting for our members' rights in the plant and hope that the dispute will be settled soon," the spokesman added

3M's public relations officer, Ms Deme Jansen, confirmed that the mediator had been unsuccessful in settling the matter.

Meanwhile Ccawusa has declared a dispute with giant supermarket, Checkers. The issue was also referred to mediation which is due to begin next week

12/12/84 (151)

Dispute move after firings

Mercury Reporter
THE Commercial, Catering and Allied Workers' Union has declared a dispute with Brown's Retail, which controls 11 of the

Spar grocery stores in Natal

This move follows the dismissal of 180 workers at eight Spar outlets in Natal after they stopped work in support of more pay and recognition for their union. All eight outlets are owned by Brown's Retail.

Mr Jay Naidoo, an organiser for the union, said yesterday that the union had applied to the Department of Manpower for a conciliation board hearing.

He said employees at three of the stores had asked to see the management, but the management had refused to accede to this request and the workers had been dismissed.

Mr Naidoo said the executive committee of the union would hold a special meeting to consider the dispute.

Mr Dennis Love, a personnel manager for the Spar chain, was not available for comment yesterday.

Cape Times 13/12/86
151

Sadie opposes 'living wage'

Staff Reporter

THE number of unskilled workers without full employment in South Africa would grow to more than five million by the end of the century if present labour practices continued, Professor Jan Sadie, emeritus professor of economics at the University of Stellenbosch, told an Industrial Court hearing yesterday.

Arguing against paying workers a "living wage", Professor Sadie said a "living wage" which caused labour to be overpriced meant a "no-wage situation for millions".

Giving evidence in the hearing to arbitrate on the wage dispute between the 11 000-member Cape Town Municipal Workers Association and Cape Town Municipality, Professor Sadie said there would be less capital available for the creation of jobs the more the country's national in-

come growth was absorbed by wage rises.

A policy of paying a "living wage" had to be weighed up against the "poverty and squalor" of those whose chances of employment were lessened by such wage practices.

He argued that the ripple effect of a "disproportionate rise in wages" of employees of Cape Town Municipality would mean there was a danger that the Western Cape would become an economic backwater, and that the action of the municipality in respect of wage policy could be emulated by others.

The hearing continues

Mr Denis Kuy, SC, assisted by Mr A Omar, both instructed by Cheadle, Thompson and Haysom, is appearing for the CTMWA. Mr Harry Snitcher, QC, assisted by Mr J Gauntlett, both instructed by Silberbauers, is appearing for the City Council. The presiding officer is Mr J J Human, with Alec Erwin and Mr G Powell acting as assessors.

1 | ~~M...~~ 15/12/84
800 in
factory
deadlock

Pietermaritzburg
Bureau

THE Industrial Conciliation Board has been asked to resolve a dispute between 800 workers and the management of their factory at Howick after 18 months of negotiations ended in a deadlock this week.

Workers at B T R Sarmcol downed tools earlier this week over severance pay for 18 retrenched workers and for the lack of a 'recognition agreement'

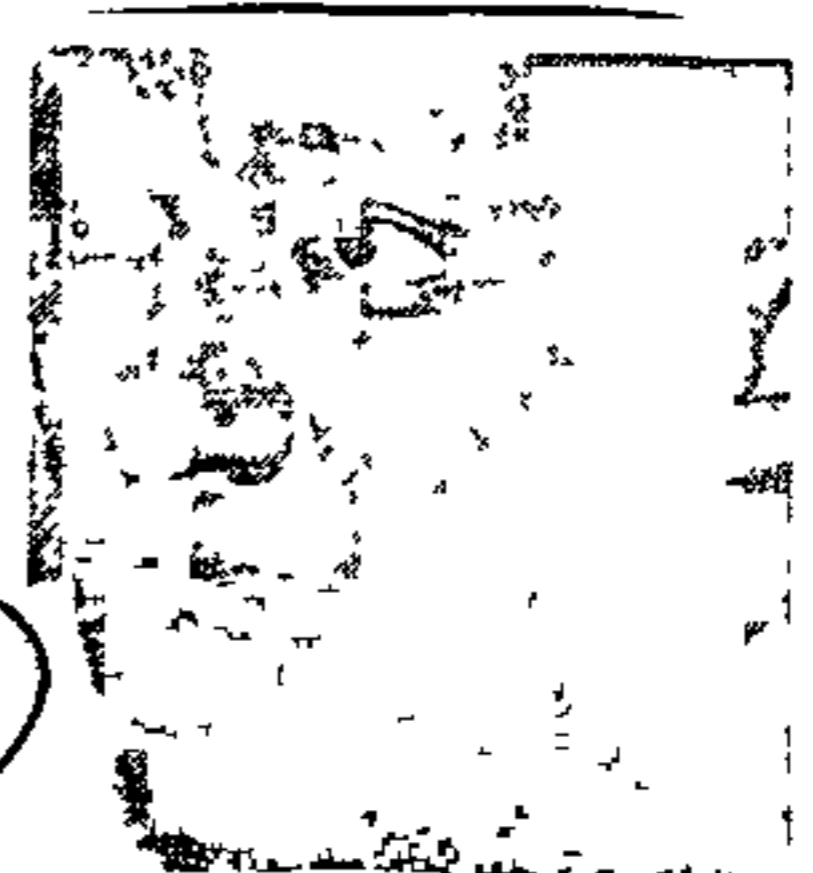
The deadlock arose between representatives of the workers, the Metal and Allied Workers' Union (Mawu), and the management of the factory

If the Conciliation Board did not succeed in breaking the deadlock in the required 30 days, the union would consider various other possibilities, a Mawu spokesman said

A spokesman for the factory said it was shutting down for Christmas and no one was available for further comment.

'NO MORE FOOD FOR LAID-OFF WORKERS'

151
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C Press
16/12/04



CHRIS MLANGENI "Black workers have little chance of surviving"

THIS week's retrenchments at East London's Mercedes Benz plant worsened the lot of thousands of black motor industry workers — they face a bleak future

Trouble at the plant started when Car Distributors and Assemblers "reviewed production needs" in discussions with the Port Elizabeth-based National Automobile and Allied Workers' Union CDA, which assembles

By ZB MOLEFE

Mercedes Benz and Honda cars, then laid off 280 of the 45 000 black workers

Ford, General Motors and Volkswagen have already closed till February — affecting 13 000 black jobs of tional organiser Fikile

Kobese told City Press that his union had al- Motor Assemblers and Component Workers' Union of SA na- these, 683 were retrench- ed last month

ready exhausted its Save the Starving Community Fund set up in March with community donations to feed jobless motor workers

"Retrenchments have hit us hard — we have lost more than 1 030 members," said United African Motor and Allied Workers' Union assistant general secretary Chris Mlangeni

ZAMDELA residents went on rampage on Wednesday night burning down shops and locking horns with the police

They went on to burn Lekoa mayor Esau Mahla tsi's butchery, tycoon Paul Mofokeng's shop and a bus belonging to the Vaal Transport Corporation

Monday 18/12/84 (151) (151) The

Workers' grievances 'ironed out'

Labour Reporter

THE dispute over wage increases for Allied Publishing workers in Durban has been settled, according to a spokesman for the workers

Mr Jay Nardoo, local organiser of the Commercial, Catering and Allied Workers' Union of South Africa, CCAWUSA, said yesterday that various grievances, including pay, had been amicably ironed out at recent talks between representatives of the union and the management

'We also succeeded in narrowing the wage gap between Allied workers in the Transvaal and Natal

'Local employees were earning about 11 percent less than their Transvaal counterparts, but the latest increase which we managed to persuade the company to grant effectively narrowed the gap down to about six percent

'Our aim is to have the wage gap totally eliminated,' he said, adding the workers were pleased with their wage increases

Mr Kevin McCullough, personnel manager of Allied Publishing in Natal,

yesterday confirmed that the dispute had been settled and said that after lengthy discussions between the management and union representatives, including CCAWUSA's general secretary in Johannesburg, Allied's present recognition agreement with the union had been extended to Natal

'Minimum wage scales will be adjusted from December 10 when the amended agreement was signed

'In addition management offered to make a further adjustment to Natal workers' minimum wage scales effective from April next year, immediately prior to the implementation of the 1985/1986 wage scales to be negotiated with CCAWUSA in March

'The overall effect of the wage adjustment ranges between R6,78 and R19,10 a week,' he added

19/12/84 (151)

19 fired over bonus dispute

Labour Reporter

NINETEEN employees of Afship, a clearing and forwarding company in Maydon Wharf, who went on strike over a dispute concerning bonuses, were fired yesterday

A spokesman for the strikers said they were upset that the company had failed to honour an undertaking given to the workers earlier this year that they would be paid 'big bonuses' and receive 'big wage' increases at the end of the year

'To our disappointment, all we've got is one week's pay as bonus and no increase in wages,' he said, adding that the workers downed tools yesterday and requested a meeting with the management.

Among those dismissed were forklift drivers and

labourers

'Most of us worked long hours, often finishing about 2 a m or 3 a m. We've also worked over weekends,' he added

Mr Rudi Kotze, the company's general manager, confirmed yesterday that the workers were dismissed following a row over bonus payments

He said the strikers were given an ultimatum to return to work or face dismissal 'They chose not to return to work'

He said the workers were given two pay increases this year. He also confirmed that the police were called to 'protect those who did not take part in the strike'. But there were no incidents

Mr Kotze said new staff would be hired to replace those dismissed

KOM 1417184

151 165

R5 500 for sacked dairy employees

DURBAN — Three former employees of Clover Dairies in Durban were paid out a total of R5 500 in an out-of-court settlement following a dispute over their sack-

ing. Their lawyer, Mr Chris Albertyn, confirmed on Monday that the dispute had been settled shortly before the matter was to have been heard in the Industrial Court. The settlement had been reached with nei-

ther party conceding defeat

The dispute involved Mr Ndoda Dlamini, Mr William Msomi and Mr John Dhlomo, who are members of the Sweet, Food and Allied Workers' Union. The company also undertook to find them other work.

The three were dismissed in March after refusing to carry out a managerial instruction, following work stoppages at the plant

— Sapa

RDM 21/12/84 (151) ~~152~~ ~~153~~

Union declares dispute over pay increases

By STEVEN FRIEDMAN
Labour Correspondent

THE Commercial, Catering and Allied Workers' Union (Ccawusa) has declared a dispute with a Johannesburg company, African Sales, which centres around two key bargaining issues

Ccawusa wants the company to grant its 70 workers an "across-the-board" pay rise of R25 a week each, but the company insists it will grant pay rises "on merit"

and that some workers will receive more than others

This has led to deadlock, and the union has declared a wage dispute

The union also claims that African Sales is guilty of an "unfair labour practice" because it allegedly bypassed the union in negotiations and appealed directly to workers to accept merit increases. The company denies this.

Ccawusa has also lev-

elled other charges against the company, which have been denied

African Sales says there is no dispute between it and the union about the total amount to be paid out in pay rises — but that it is "management's prerogative" to reward some workers with higher increases than others

A union statement said African Sales accepted the idea of across-the-board

rises at one point, but then produced minutes at a negotiating meeting which did not reflect this

The company then "unilaterally" offered to pay workers merit increases of R12,50 to R22,50, and decided "arbitrarily" to hold meetings with workers "to try to influence them"

It said the union believed this was an unfair labour practice

23/12/84
C. P. No

DAIRY MAID CRIES OVER SPILT MILK

A LEADING dairy products manufacturer this week demanded that the Food Beverage Workers' Union verify a Press report that its mother body had launched a consumer boycott of its products after a dispute with the union.

The manufacturer, Dairymaid, intends to take legal action against the Council of Unions of South Africa to prohibit the boycott

However, Cusa pointed out that the boycott was launched by the Dairymaid Workers' Union, not Cusa

Cusa said the boycott was launched because

By SANDILE MEMELA

of Dairymaid's unfair labour conduct

This allegedly includes the dismissal of long-service employees, the assault and insult of workers by management employees, refusing to negotiate with the union and failure to reinstate union members

★

'Let SA read it!'

THE publishers of a black scholar's best-selling book, which was banned last week, lodged an appeal with the Publications Control Board this week

Theory and Practice of Black Resistance to Apartheid by Dr Mokgethi Motlhabi published in August, is a penetrating social-ethnic analysis which spotlights the ANC, PAC and the Black Consciousness Movement between 1948 and 1978 in their fight for the total liberation of South Africa

Skotaville also revealed that another of its best-sellers, Bishop Desmond Tutu's Hope and Suffering, has been published in the United Kingdom and the United States

UDF
man
gone



CHARLES NQA-KULA Missing

FRIENDS and relatives are worried over the mysterious disappearance of former Mswa acting president and UDF Border publicity secretary Charles Nqakula.

Mr Nqakula was due to stand trial on a charge of entering South Africa without a visa on November 28, but he failed to appear in the East London Magistrate's Court.

A warrant of arrest was authorised and his R200 bail was provisionally estreated until December 12

But he failed to appear again

Police believe Mr Nqakula may have skipped the country, but friends and relatives fear that he could be in detention.

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Firm ~~to~~ denies ¹⁵¹ it had ^{E.P.O.S} ^{23/12/84} workers whipped

HAMBURG — A West German company has denied allegations that it ordered the management of its South African branch to have black workers whipped

The International Metalworkers Federation in Geneva charged that Norddeutsche Affinerie AG's South African branch, Transvaal Alloys in Wapadskloof, had used physical force, including whips, against black workers on orders from its Hamburg headquarters

Norddeutsche Affinerie rejected the charges and said in a statement it regretted that the federation had not contacted the company before making the allegations

The firm noted that in the past a few isolated fights had occurred between white and black employees. It had immediately sacked the white workers responsible, the statement said

The metalworkers' federation announced in Geneva that it had filed a formal complaint with the International Labour Organisation, charging Transvaal Alloys with a series of malpractices

A statement issued at the federation headquarters alleged that the malpractices included the frequent use of a "sjambok" by managers of the company

The federation claimed wages paid by the firm were well below the poverty level and that health and safety precautions were "virtually non-existent" — Sap-AP

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23/11/84 (151)

NANA KUTUMELA investigates child labour on the Reef

Kids in



The load may be heavy for a girl, but she has to earn a living.

CHILD labour has reached alarming proportions in Lenasia — some children are even paid bottles of glue instead of money.

As a result the teenage run-aways from home have become glue-sniffing addicts. A City Press investigation found homeless children living under appalling conditions — neglected by their bosses

While other kids play in the sun, these exploited children toil like slaves — cleaning toilets, scrubbing shop floors, weeding gardens, selling vegetables and doing delivery jobs

They are paid anything from a bottle of glue to R30 a week

Almost all working children in Lenasia sniff glue — continuing the habit that was allegedly started by a rich Indian in order to get cheap labour

The children say this man owns a string of shops in Lenasia. Several of them told City Press he had hooked them onto the glue-sniffing habit

James Xana, 20, from Kliptown said "When I came to Lenasia I did not sniff glue. But when that man employed me as a gardener, he paid me with a bottle of glue worth R1,50

"That is when I started sniffing glue"

The glue-sniffing habit has spread like wild fire among the working kids — in their



JOHANNES NYIMBIRA, 12, child labourers, and his home — the open air.

... all

desperation it has become their "best friend"

"When I came here I found other boys sniffing glue and I joined them. Now we teach everyone who joins us to sniff it," said 13-year-old Vusi Dlomo, who ran away from home because he dodged school and could not take the punishment

He says there are already 25 glue-sniffers among his friends

They get the money for glue for doing piece-jobs in Lenz. For washing cars or scrubbing shop floors they earn between R1 a day and R10 a week

Jerry Dlamini, 16, He

Lenasia Courier

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12, one of Lenasia's and his dog have only one air. **Johannes Nyimbira, James Xana and Mfana Kunene: Sniffing glue is their only escape from desperation.**

All for just a sniff of glue

best from Mapetla, left his home many years ago to work as a shop assistant in one of the rich shop-owners' string of shops

"But he never paid me money, all I got was a bottle of glue," he said.

Mfana Kune, 14, from Madadeni, was brought to Lenasia from his Natal home by a businessman

"There were many of us," Mfana said "He drove us here in his van and dumped us, telling us to seek work. I have never seen him since

"Now I work for an Indian man, selling fruit and vegetables. He pays me R15 a

week" Claiming to be the youngest street kid, 12-year-old Johannes Nyimbira came from Roodepoort after his parents divorced. He said his father works for the rich shop-owner. He lives on piece-work

For a R10 weekly wage, Zanele Thabethe, 14, from Evaton, works six days a week selling vegetables and fruit

"But I only come here during school holidays to earn some pocket money," he said. He is a Standard 4 pupil at Mfundo Higher Primary School in Evaton

Belic Madona, 12, from Evaton also sells

fruit and vegetables six days a week for R20

Samuel Mokhobo from nearby Zuurbeekom earns R30 a week for selling flowers

Delwe, a young girl from Evaton, earns R30 a week for selling fruit and vegetables and carrying goods to customers' cars

Where do these children sleep?

Some commute between Lenasia and their homes daily, others sleep in rooms provided by their employers — and the rest sleep under the stars

When it rains, they huddle on shop verandas



A child carrying bottles in Lenasia anything for a few rands to buy a bottle of glue.

28/12/84 (151) (147) (148) E. Post

Assault case judgment later

By CHRIS RENNIE

JUDGMENT in the trial of a Volkswagen factory worker who allegedly assaulted his foreman is expected in the Uitenhage Magistrate's Court during March next year

Mr Ntutuseh Johnson Gaika was charged with assaulting Mr Burger Steyn Delpont with intent to cause grievous bodily harm at the factory on the morning of

June 29 He was alleged to have used his fists, feet and a chain in the assault

At the close of the State case yesterday afternoon, Mr G G Huisamen, who appeared for Mr Gaika, argued that there was no evidence before court on which a reasonable man could convict He pointed out that there were five different versions of the alleged incident, not one of which could be reconciled

with any of the others

He analysed the evidence given by the three State witnesses and detailed the contradictions that occurred He applied for Mr Gaika's discharge

The magistrate, Mr W Smit, conceded that there were contradictions, improbabilities and even aspects that were irreconcilable in the evidence But it was common cause that an incident had occurred and

he felt there was a case for Mr Gaika to answer

Mr Huisamen then closed the defence case and said he wished to submit written heads of argument that would cover the facts, the quality of the evidence and the law This would be made available to the court in advance The case was postponed to March 1 next year

Mr F Botha appeared for the State

151

Tramways pay freeze rejected as unions disagree

By JERRY McCABE

THE newly-formed and as yet unrecognized Democratic Transport and Allied Workers' Union (DTAWU), has rejected the recent pay freeze agreement between Port Elizabeth Tramways and two other unions, and has called a general meeting for all the company's workers on Sunday.

Mr Moses Louw, general secretary of the DTAWU, said the meeting — to be held in Korsten — had been called to discuss the profits made by PE Tramways and their failure to pass on a percentage of this to the workers in the form of a wage increase.

Mr Louw claimed that his union enjoyed growing support from workers at

PE Tramways and at present had 161 paid-up members but "many other workers are waiting for official recognition for our union before joining us."

However, Mr F E Stamp, general manager of PE Tramways, said as far as was known the new union had fewer than 50 members.

He said Mr Louw and the executive of the DTAWU had all been on the executive of the strong Transport and Allied Workers' Union (Tawu), until the union's general meeting, when they had lost their seats.

Recently PE Tramways and two of the three recognised unions (Port Elizabeth Bus Workers' Union and Bay Bus Workers'

Union) agreed that there should be a temporary wage freeze to enable the company to hold back bus fare increases.

The third and only other recognised union, Tawu, is to hold further discussions with management in this regard.

In a written statement DTAWU rejected the pay freeze agreement between the company and two of the three recognised unions as "pure fraud."

It said the unions that had been party to the agreement represented fewer than 36% of the total workforce and members of these unions had expressed their dissatisfaction with the agreement.

Tawu has a 54.6% membership of the 1 053 hourly

paid workers at PE Tramways.

It was also claimed that workers had not received pay increases last June as had previously been stated by the company and if this had been done it had been done on a selective basis.

"Despite the ever-increasing cost of living 1984 saw us going through the whole year still without a cent in pay increases," the statement said.

Mr Louw claimed that the union officials who had agreed to the pay freeze had been acting as individuals and not on behalf of the workers.

"It was not a democratic decision as the workers were not consulted."

Mr Stamp said his company was still negotiating

with the three recognised unions with regard to wage increases.

"This is a continuation of what has been done in the past. We are hoping to come to a decision by the end of February. In the meantime we will continue with our present agreement."

He said that before there could be a wage increase there would have to be a bus fare increase and this was something that all the parties concerned had agreed upon during last week's Industrial Council meeting.

With regard to the DTAWU's claims, Mr Stamp said he realised the union was striving for recognition and as soon as they could prove that they

were representative of the workers and had the other unions' approval this could be considered.

Any agreement that had been reached between his company and the unions had been made with the unions' executives and these people had been elected by their members and thus were representative of the workers.

Mr Stamp said DTAWU were also quite entitled to hold their meeting on Sunday as the company benefited in freedom of association or disassociation.

He disagreed with the DTAWU's claim that no pay increases had been given.

"Increases were given in June, 1983, and in December, 1983

"Between last December and now merit increases, which went according to the years of service, were also given."

All hourly paid workers received a notice in their pay packets last week explaining the position as far as the wage agreement was concerned.

The company gave the assurance that as soon as agreement had been reached on the size of a wage adjustment, an application would be made to the Local Road Transportation Board for an increase in bus fares.

It was predicted that the time lapse between making the application and the introduction of higher bus fares would be about four months.