

LABOUR LEGISLATION

1988

January - June .

# Cosatu warns employers against Bill <sup>1965 10/21</sup> <sup>1966</sup>

The Argus Correspondent  
JOHANNESBURG. — The Congress of Trade Unions (Cosatu) has warned it would take "the strongest action" against employers if they did not "satisfactorily" oppose the Labour Relations Amendment Bill.

This was one of the resolutions taken by the federation's central executive committee at the weekend, and announced by Cosatu general secretary Mr Jay Naidoo yesterday.

The Bill, expected to be tabled in Parliament this year, would, among other things, render unions liable to be sued for damages in the event of illegal strikes and outlaw sympathy strikes and consumer boycotts against employers in dispute with unions.

## MASS CAMPAIGN

Mr Naidoo said the Bill was discussed by all affiliates of the federation, resulting in a "mass campaign" to pressure the Government not to pass it.

Mr Naidoo said: "Cosatu will be approaching managements and if we are not satisfied with their response, we will call a special central executive committee meeting to discuss the strongest actions at our disposal to bring home to them our total rejection of this 'Bill.'"

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was impossible

On October 15, three s

# Employers see merit in new Bill

Labour Reporter

Six employer organisations which met the Congress of SA Trade Unions (Cosatu) on Wednesday have declined to reject the Labour Relations Amendment Bill totally, saying they saw "much that was positive" in the measure.

In a statement released yesterday following the meeting with Cosatu, the Associated Chambers of Commerce, the Federated Chamber of Industries, the SA Sugar Millers' Association, the Afrikaanse Handelsinstituut, the SA Federation of Civil Engineering Contractors and the German Chamber of Commerce said they viewed the meeting as "constructive" and that they hoped for further talks with Cosatu and other union federations.

The employers said they hoped the Bill "will strengthen the present labour relations system, and in no way curtail, or ... reverse the progress made thus far by way of labour reform".

Kylopi

# Employer bodies reassure unions

JOHANNESBURG — Employer organisations were ready to do anything in their power to ensure that Cosatu and other trade union federations were not obstructed in their pursuit of peaceful union action, six major employer organisations said yesterday

The employers' statement was issued by Anglo's Mr Bobby Godsell following a meeting with Cosatu on Wednesday at which the union expressed concern over employers' apparent lack of commitment to defending democracy in the face of recent government restrictions

The FCI, Assocom, AHI, SA Sugar Millers Association, SA Federation of Civil Engineering Contractors and the German Chamber of Commerce, reaffirmed their belief that trade unions have the right to pursue bona fide union activities within the law as applied by the courts, without state intervention

But they emphasised employers' concern at present impediments to constructive industrial relations like the increasing incidence of violence and intimidation

"Employer organisations must record their growing concern at the escalating pattern of workplace violence and intimidation which is a most serious obstacle to constructive industrial relations," Mr Godsell said

The employer bodies said they did not agree with Cosatu's outright rejection of the Labour Relations Amendment Bill. They believe the bill intends to reaffirm the guiding principles laid down by the Wiehahn Commission, by creating structures for conflict resolution. They are hoping the bill will enhance the status of the industrial court and provide greater clarity on unfair labour practices

Both the employer organisations and Cosatu have agreed to exchange attitudes on the bill

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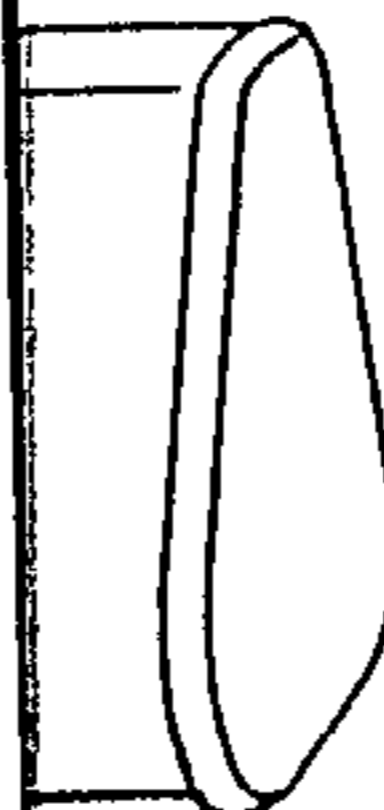


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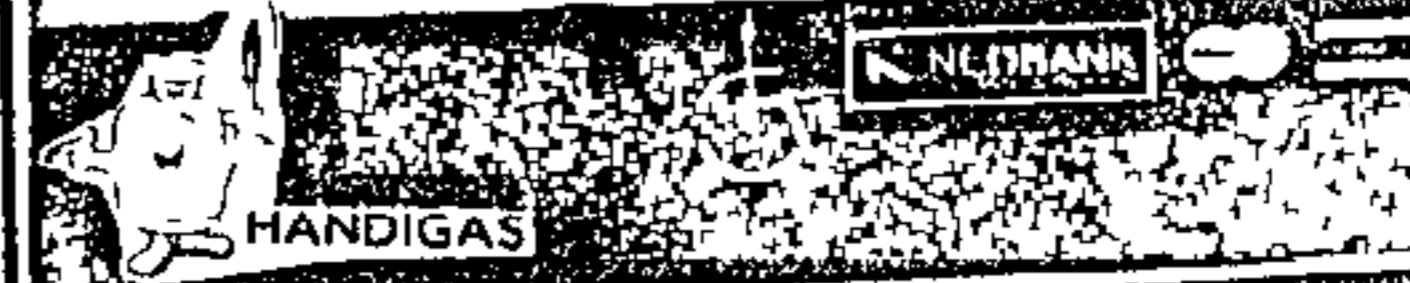
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166 ~~115~~ ~~123~~ B/day 12/2/88

Unions call for stand on labour Bill

# Employers talk of joint action

UP TO NINE major employer organisations will meet today, under the auspices of the SA Consultative Committee on Labour Affairs (Saccola), to discuss calls by Cosatu and a number of its affiliates, for employers to take a public stand against aspects of the Labour Relations Amendment Bill.

Employer spokesmen say the meeting is expected to discuss responses to the call, including whether there is sufficient common ground among participants for joint Saccola discussions with Cosatu and subsequent action.

Assocom, the FCI, Seifsa, the Chamber of Mines, the AHI, Bifsa, the Automobile Manufacturers Employers' Organisation, the Motor Industries Federation, and the SA Federation of Civil Engineering Contractors are expected to attend.

Of Saccola's remaining two affiliates, it is understood the Sugar Manufacturing and Refining Employers' Association has expressed an interest in the meeting, but will not be

ALAN FINE

sending delegates from Durban, while the SA Agricultural Union, whose members are unaffected by the Bill, will not attend

The FCI and Seifsa have already expressed a willingness to meet union organisations to discuss the Bill, with a view to finding common ground on the Bill and possible further steps.

However, Assocom manpower secretary Vincent Brett said yesterday he believes such moves are premature.

Assocom does not think it is correct to pressure the parliamentary standing committee while it is considering the Bill, and will rather wait and see what is contained in the published version, he said.

In the meantime, Assocom is prepared to discuss its views with unions if they so wish, he said.

AHI labour committee chairman Anton Roodt said he will comment after today's Saccola meeting.

# Congress of SA Trade Unions with 1400 delegates will address key issues

The Congress of SA Trade Unions has, in the three years since it was formed, grown into South Africa's biggest labour federation, with an impact far beyond the factory floors. Besides establishing itself as a formidable management adversary, Cosatu has proved to be a political thorn in the Government's side. Labour Reporter MIKE SILUMA previews Cosatu's special congress being held this weekend, its most crucial since the union body was formed in Durban in 1985.

SA 131 5785



More than 1400 delegates, representing nearly a million workers in 13 affiliated unions, are expected to focus particularly on State actions against the federation and other anti-apartheid organisations. Prominent issues on the agenda will include the Labour Relations Amendment Bill, Government plans to cut off foreign funding, and the "living wage" campaign.

Cosatu, which has been campaigning against the labour Bill, sees it as a threat to the shop-floor rights won by black workers over the last decade. A briefing document released by the federation this week reiterated Cosatu's view that the Bill would "lead to the breakdown of dispute-resolving mechanisms".

The Bill would "attack the right to strike, introduce minority unionism and empower management to sue unions for damages for loss of production during strikes". Cosatu sees the Bill as a reaction by employers and the State to the federation's "living wage" campaign, which has over the past year involved thousands of workers in virtually all sectors of the economy.

General secretary Mr Jay Naidoo says the Bill seeks to reduce black unions to nothing more than "the discredited liaison committees" of the pre-1979 era.

On the political front, Cosatu will discuss restrictions that prevent it from, among other things, campaigning against the October municipal elections, and demanding the release of political prisoners and unbanning of outlawed anti-apartheid organisations.

Cosatu sources say members were angered by the political clamps on the federation, and are demanding that the United Democratic Front, to which they also belong, be unbanned.

Another crucial aspect of the congress will be the formation of "a broadest possible alliance of democratic forces" — this in the light of the restriction of Cosatu and the banning of the UDF and 16 other organisations, the sources say.

Cosatu insiders say this could include unions outside the federation that were committed to the formation of a single, "progressive" national body. But they point out that Cosatu is unlikely to abandon the Freedom Charter as the basis of its political direction.

166 B/day 28/4/88  
Unions unhappy over Seifsa stance

# Dispute over new labour Bill simmers

A DISPUTE is brewing between Seifsa and unions affiliated to the International Metalworkers' Federation (IMF) over Seifsa's failure to oppose key aspects of the Labour Relations Amendment Bill and its refusal to withdraw its support from the Bill as a whole.

The unions yesterday received a response from Seifsa to demands made at the Metal Industrial Council earlier this month.

Seifsa has previously said it would not accede to union demands to reject the Bill in its entirety as it believed it contained many positive proposals.

It told the unions it had received indications from the Manpower Department that the Bill was likely to pass through Parliament in May or June, and further representations would not serve any purpose. The standing committee has already completed its work on the Bill.

On the details of union objections, it is understood Seifsa has not opposed provisions which the unions see

ALAN FINE

as inroads on the right to strike.

Seifsa believes restrictions on sympathy strikes, intermittent industrial action and consumer boycotts are justified, as such forms of action are unreasonable. It is also not against the extension of employers' rights to sue unions for damages, as this would apply only to unlawful strike action.

The parties are in disagreement on various other aspects of the Bill, although there are apparently some limited areas of accord — such as the retention of the industrial court's power to hear urgent applications.

Local IMF secretary Brian Fredericks said he had telexed Seifsa expressing the unions' dissatisfaction at the response.

"Seifsa has clout, and had it withdrawn support for the Bill this would have had an impact on government. We wanted it to take this step pending discussions between us on issues like the right to strike and the negotiation of a set of rules of conduct in the event of disputes should the Bill become law," he said.

# Cosatu talks (166) 1968

THE Congress of South African Trade Unions is to focus on the restrictions placed on it by the Government and is to respond to other burning issues including the proposed Labour Relations Amendment Bill at its special national congress which begins at the Wits University, west campus tomorrow

South Africa

13/5/68

Cosatu president, Mr Elijah Barayi, will give the opening address and general secretary, Mr Jay Naidoo report on the current situation



W/L MCGUS 13/2/88



Deregulation  
Workers <sup>ML</sup>  
fear their ~~unions~~  
unions are  
under attack

THE economic way forward announced by President Botha last week — deregulation and privatisation especially — will only increase unions' suspicion that workers' institutions are under attack.

One face of deregulation was unveiled last year in the Temporary Removal of Restrictions of Economic Activity Act, which they view as undermining all the protections for workers and their conditions of employment which have been built up over the years

#### JOB CREATION

The Act empowers the President, if he thinks it in the interests of promoting business, to remove almost any regulation covering wages, conditions of work and safety

Privatisation of State and parastatal undertakings will also be a bone of contention

Historically, these were used by successive governments to answer the call for white jobs

With black unemployment soaring they argue that the State should be continuing the policy of job creation in the public sector, rather than seeking immediate cut-backs and ultimately hiving off bits and pieces to private enterprise where jobs will have to give way to profit motives

#### RECRUITMENT

The public sector wage freeze is likely to boost organisation of "independent" unions in the sector

In their opposition to the in-house staff associations the unions have already focussed on low wages in the sector

Their campaign for a living wage will increase their potential for recruitment and give further legitimacy to claims for recognition and bargaining rights

4/1/88 (166) VOIKSKAS.

# Work discrimination — wrangles expected

Own Correspondent

JOHANNESBURG. — In the progressive new climate of deregulation, SA is expected to face teething troubles on issues of workplace discrimination, unfair labour practices, equal employment opportunities and affirmative action, says psychologist Alwyn Moerdyk.

Writing in the latest Institute of Personnel Management journal, he says the draft Labour Relations Amendment Bill — expected to be enacted this year — making discrimination based on race, sex or religion an unfair labour practice, may result in painful alterations to the system which could be construed as reverse discrimination by affected parties.

Judging from the American and British experiences, Moerdyk identifies three general discriminatory processes:

- Premarket discrimination, restricting peoples' access to opportunities through inadequate schooling;

- Disparate treatment, whereby different groups are given different treatment for doing the same work;

- Adverse impact, where policies

can potentially have a negative effect on people by virtue of their backgrounds (for example the use of biased selection tests).

Each of these processes will have to be addressed by management in the near future, Moerdyk says.

He distinguishes between "equity of outcome" and "equity of process" for redressing premarket discrimination. He favours the former, which is facilitated by affirmative action programmes.

Affirmative action justifies different (favourable) treatment of people previously discriminated against in order for them to be treated fairly in the future.

Moerdyk advocates the presentation of documentation by management to show that all groups are similarly treated with respect to salaries and wages and access to overtime and perks.

Additionally, company statistics must indicate that selection tests (IQ and aptitude) are: valid for all relevant groups; equally valid for different groups of people; and do not discriminate against any group.

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# Deregulation will face labour problems: expert

Business Day 4/1/88 (166)

BRONWYN ADAMS

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Additionally, company statistics must indicate that selection tests (IQ and aptitude) are valid for all relevant groups, equally valid for different groups of people, and do not discriminate against any group. This principle must be generalised to areas of access to training, promotion, and redundancies and retrenchments, Moerdyk warns



B10 7/2/82 (166)

# Women stage protest at Chamber of Mines

JOHANNESBURG

One hundred members of the Federation of Transvaal Women today protested peacefully at the Chamber of Mines in central Johannesburg yesterday. They demanded that the chamber take a tougher line against the government

needs and unbanning the African National Congress.

Nine television and camera news people were held briefly following the protest, a senior police spokesman said.

In a statement the Chamber of Mines said

"The chamber understands the frustration the federation's members feel with respect to the restrictions imposed by the state, but the federation has badly misdirected itself in choosing the chamber as their target of protest in their quest for publicity."

The chamber had made it clear previously that it was perfectly willing to discuss its attitude to the Labour Relations Amendment Bill with any of the twelve unions it recognises.

However, the chamber was "not prepared to be pressurised into a confrontational role in politics" — Sapa-DDC

An unsigned memorandum which the women sought to deliver to the chamber demanded that the chamber stage a protest to show its condemnation of the Labour Relations Bill, the recent restrictions and bannings of extra-parliamentary organisations and continued detentions, and to send a delegation to pressurise Mr P W Botha and his government into lifting the bannings of organisations, lifting the state of emergency, unbanning the leadership of the people, releasing political prisoners and detai-



Our efforts rejected — Cosatu

# Revised labour Bill balanced, say employers

166  
Blday  
20/5/88

EMPLOYER organisations said yesterday the revised Labour Relations Amendment Bill was better than the previous version. It was balanced and would curb irresponsible behaviour that could harm both employers and workers.

Assocom warned against setting out on a path of confrontation and reaffirmed its commitment to collective bargaining. It said the Bill was an advance, and not an assault on trade unionism.

Earlier this week Cosatu had described the Bill as "an attempt at union bashing".

Seifsa and the FCI commended changes such as the introduction of a labour appeal court, the reduction of the period during which Industrial Councils were prevented from dealing with disputes and the reinstatement of some powers of the industrial court.

Seifsa acknowledged revisions made in accordance with management representations such as viewing illegal strikes as unfair labour practices and restriction on sympathy strikes.

Cosatu said few of its recommendations were accepted, indicating the contempt with which government viewed them.

BRONWYN ADAMS

The Bill attacked the right to strike, banned sympathy action and encouraged management to sue unions for losses resulting from unlawful strikes.

The federation would not quietly accept the draconian measures contained in the Bill. If it became law both government and employers would have to take responsibility for the resulting chaos and confrontation, Cosatu said.

● The International Labour Organisation, in its latest report, says the conservative attitude of most SA employers was demonstrated in their silence on the question of genuine political change, and limited concern about the industrial relations system.

The 24th special report submitted to the International Labour Conference in Geneva referred to President P W Botha's address at the Afrikaanse Handelsinstituut congress last year, calling on employers to stay out of politics, and noted no criticisms of government were expressed there.

The report criticised Assocom members for failing to make a single reference to the state of emergency during their conference.

SOWETAN, Wednesday, April 20, 1988

# BOSS LAIBOS

EMPLOYER organisations and Cosatu met this week to discuss the Labour Relations Amendment Bill due to be tabled in Parliament in the near future.

Although there was considerable difference of opinion on the Bill, the employer organisation agreed to change their detailed attitudes towards the Bill and said that once documents

have been studied by the organisations and Cosatu, further discussions may take place.

At the meeting Cosatu explained their total opposition to the proposed Amendment Bill based on their understanding of the Bill's intention and consequences.

The employer organisations said in a statement yesterday that their understanding of the intent of the Bill

was different and they therefore did not share Cosatu's attitude of total rejection.

They said that they believed that all trade unions and union federations should be free to pursue bona fide trade union activities within the law as applied by the courts.

They were concerned that Cosatu or any other union federation should not

be obstructed in the pursuit of peaceful union activity.

The organisations expressed their concern at workplace violence and intimidation which they saw as a serious obstacle to industrial relations.

The organisations at the meeting were Assocom, FCI, AHI, SA Sugar Millers Association, SA Federation of Civil Engineering Contractors and the German-SA Chamber of Commerce.

# Metal workers want to settle without Bill

Own Correspondent

JOHANNESBURG. — Trade unions representing 130 000, mostly black, workers in the metal industry have asked the Steel and Engineering Industries Federation of South Africa (Seifsa) to negotiate a set of dispute settlement procedures, outside the official structures, in an attempt to avoid having to operate in terms of the pending Labour Relations Amendment Bill

The proposal, made at Tuesday's industrial council wage talks, came days after National Union of Mineworkers general secretary Mr Cyril Ramaphosa told a Cape Town conference employers should enter into such agreements with unions

Mr Ramaphosa said unions would, in return, have to undertake that strikes took place in an orderly fashion.

## Key issue

These developments suggest this could become one of the key labour issues of the next few years

Certain prominent individual employers — including SAB, AECI and Premier — have indicated their willingness to negotiate deals. But this is the first time it has been proposed at industry level.

The five metal unions party to the proposal are affiliates of the International Metalworkers' Federation (IMF)

Seifsa director Mr Brian Angus said that while the organization had not yet considered the proposal it had

indicated it was open to discussion

The secretary of the local IMF council, Mr Brian Fredericks, said the unions had proposed that all dismissal, recognition, retrenchment and collective bargaining disputes be referred to compulsory arbitration, after an expedited conciliation process. A panel of mutually agreed arbitrators should be set up.

## Right to strike

In addition, he said, Seifsa should accord to unions the right to strike. This encompassed an undertaking that no disciplinary action (including dismissal) would be taken against workers who had complied with agreed procedures and whose actions were authorized by their union

And employers should, in the event of wildcat strikes, give unions 48 hours to resolve the matter before disciplinary action is taken

Mr Fredericks said such a system could well include a set of definitions of unfair labour practices agreed between unions and employers

The IMF unions have also asked Seifsa publically to oppose the Bill, and have submitted, in writing, their detailed objections to the Bill.

Mr Angus said Seifsa would soon give a detailed response to the unions' submissions. However, it would not reject the entire Bill as it believed that despite various shortcomings, it contained much of value

• At Tuesday's negotiations Seifsa increased its wage offer to 12,2% on the bottom rate down to 10,1% for artisans. The IMF unions reduced their demands to 53% on the bottom rate, while the latest CMBU demand is 13%

# Labour Bill demo: Workers arrested

ABOUT 160 workers were arrested at a demonstration against the Labour Relations Amendment Act in Industria, Johannesburg last week.

They appeared in court and were released on R200 bail.

The 160 workers, members of Congress of South African Trade Union (Cosatu) affiliates, were arrested while carrying placards during a lunch-time protest.

The action was part of a Cosatu call for demonstrations against the Labour Relations Bill which aims at drastically curbing the power of progressive trade unions.

Cosatu media officer Mr Frank Meintjies condemned the arrests as "an undue infringement on our legitimate activity".

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A VAST and rapid increase in unlawful and unregulated strikes would occur if the proposed Labour Relations Amendment Bill was passed, Mr Cyril Ramaphosa, general secretary of the National Union of Mineworkers, said yesterday.

# STRIKE WARNING

## if new law is passed

At a conference on laws against trade unions and political organisations organised by the Labour Law Unit at the University of Cape Town, Mr Ramaphosa said other consequences would be that unions would adopt a "hands off" approach in strike situations for fear of being held liable for damages caused by the

strike and employers would lose valuable skilled employees because of strike dismissals

The bill was aimed at the Congress of South African Trade Unions (Cosatu) and its affiliates, he said

Cosatu was attacked because it formed alliances with progressive organisations and coordinated and participated in political campaigns

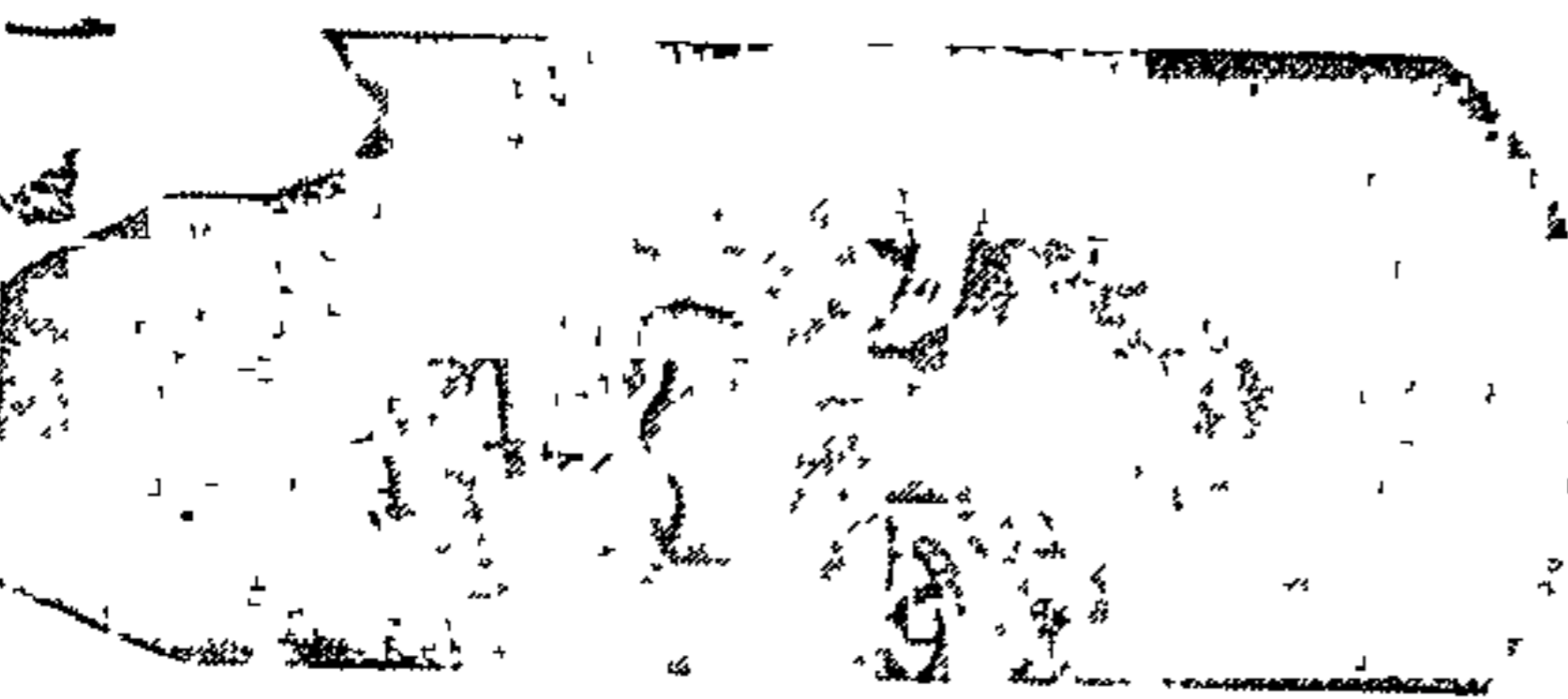
### Interests

The affiliates were attacked because through their tight organisation they had articulated the political aspirations of members and the communities in which they lived

It was those unions which had best served their members' economic interests which had been best able to articulate their members' political views

Mr Ramaphosa said the bill was a blatant attempt to breathe new life into employer prerogative. It had not been widely condemned by employer organisations and there could be no doubt that capital as a whole supported the bill. Employers who did not like it could either

Mr CYRIL Ramaphosa



lobby the State directly or enter into a new series of agreements with trade unions in which "no attempt is made to buttress employer power with the coercive aspects of state legislation"

These agreements would establish rights

not given by the statutory system

Mr Ramaphosa said the most crucial among these were the right to strike once conciliation procedures had been exhausted, the right to picket and the entrenchment of majoritarian

trade unionism

Trade Unions would in turn have to undertake that strikes take place in an orderly fashion and they would particularly have to address the question of violence

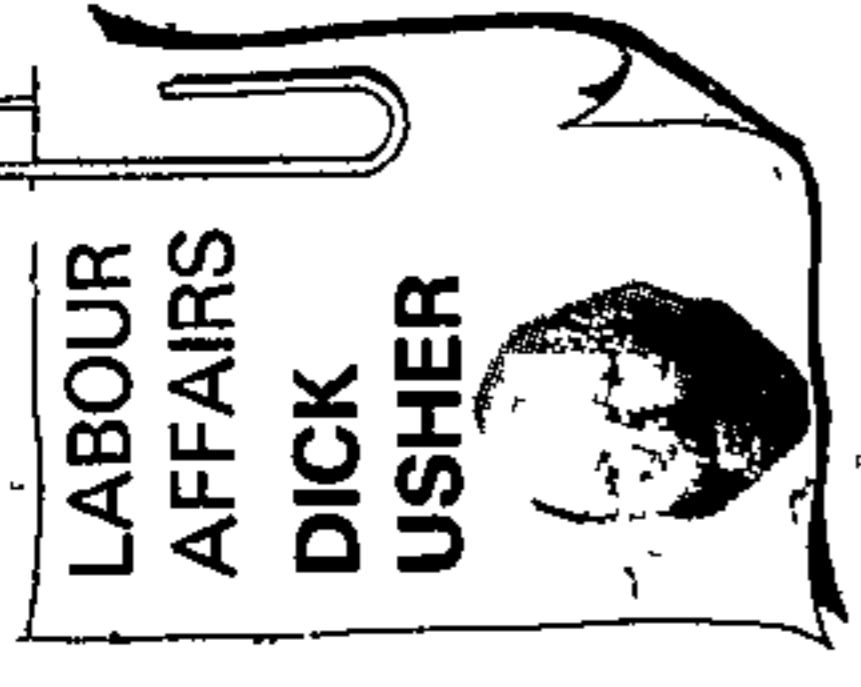
making had conflict built into it

The interests of workers and management were seldom the same, even on small issues, said Mr Ramaphosa

"The Labour Relations Amendment Bill cannot and will not conciliate the tension between labour and management in South Africa

"No matter the short term gains for employers, it can only exacerbate tension and heighten conflict. As we know in this country it is a sad fact that where we have conflict we often have bloodshed"

# 166 'Compulsory bargaining necessary'



ONE of South Africa's leading labour lawyers this week argued the case for compulsory bargaining as a "necessary and desirable" element of the collective bargaining process.

The question is confused because of conflicting Industrial Court rulings.

In one case (Fodens) the court declared the employer's failure to ne-

an interest in compelling two organised representatives of power with contending objects — capital and labour — to settle disputes by negotiation rather than, or at least prior to, resorting to force.

The LRA provided for the creation of bargaining forums but imposed no duty to bargain.

"The philosophical tenet which characterises

the statutory process from inception to result is voluntarism," he said.

Decisions such as Johnsons Tiles and Hart "regrettably give succour to those many employers who want bargaining to be voluntary because they do not want to bargain at all, and they do not want to bargain because they do not like unions," he said.

Wick-McGus 9/24/88  
gottate was an unfair labour practice and compelled the employer to start negotiations.

But in at least two subsequent cases (Johnsons Tiles and Hart) it ruled that the Labour Relations Act (LRA) only encouraged collective bargaining.

In the Hart case the court declined to compel the employer to bargain on the basis that negoti-

ations should always "assume a voluntary character in order to be effective".

Charles Nupen, director of Independent Mediation Services, in a paper at the conference on laws against trade unions and political organisations convened by the labour law unit at UCT, said the duty to bargain rested on the premise that society had

an interest in compelling two organised representatives of power with contending objects — capital and labour — to settle disputes by negotiation rather than, or at least prior to, resorting to force.

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# Waiting for the storm

THE coming years of collective bargaining would be marked by coercion and repression, if the Labour Relations Amendment Bill was passed by parliament in its present form

This would lead to heightened conflict and possible bloodshed, Mr Cyril Ramaphosa, general secretary of the National Union of Mineworkers, told a conference on "Laws against trade unions and political organisations" at the University of Cape Town last week

"This is not to suggest that the era we may be prematurely mourning was not a time of coercion and repression. Throughout the 1980s the independent trade union movement has borne the brunt of much State repression," he said

## Detained

Unionists and members had been detained and assassinated, offices had been bombed, meetings had been restricted and the State had intervened in industrial disputes in favour of employers

"Yet despite the oppression and perhaps because of it, the Congress of South African Trade Unions (Cosatu) and its affiliates have continued to grow, as have the patterns of majoritarian bargaining they have pioneered"

Ramaphosa said the State's current approach threatened to undermine the continuation of the consensual aspects of labour relations that had emerged in recent years

The Wiehahn Commission had recommended that black trade unions be allowed to participate in the statutory conciliation structure because the State feared that if the unions were left on the outside it would not be able to regulate and contain their growing and militant force

"Although initial attempts to draw the new trade unions into the collective bargaining system were generally regarded with suspicion, unions responded with a creativity which has, over a time, won a number of important rights for workers in this country.

"Through the use of the law, unions were able to entrench bargaining rights against hostile employers, protect leadership against victimisation, and consistently challenge managerial practice which, while entirely lawful in terms of the common law contract of employment, could be unfair by prejudicing employees, trade unions and also industrial peace"

The trade unions had consequently utilised the machinery of conciliation and collective bargaining without foregoing the traditions and principles on which they were founded. Trade unions had not discarded their militancy or stopped the adoption of political profiles. Cosatu had in addition forged links with a full spectrum of extra-parliamentary opposition organisations, and had co-ordinated and participated in political campaigns

"It is these groups that the bill means to cow into political subservience. It is aimed at pushing unions into a narrow economism

"The new bill will make going on strike a hazardous activity. It introduces a range of technicalities that can make strikes illegal. Divisional Inspectors of Manpower may, at the request of an employer, extend the period of conciliation, therefore delaying the staging of lawful strike action. The indemnities contained in the Act have been drastically cut down making damages claims by employers a real possibility, and sympathy strikes can no longer be staged"

## Condemned

Ramaphosa said the new bill had not been widely condemned by employers or employer associations

"Of course, well known union bashers have welcomed the changes and are awaiting with glee to bring damages actions against unions and if possible to run them out of business by seizing their assets"

The individual clauses made strangely familiar reading. An end to sympathy strikes, no-strike clauses



Cyril Ramaphosa

for the duration of an agreement, management's losses during strikes to be the union's responsibility — all these had been demanded by various managements before, during negotiations for recognition agreements

"It is clear that though the bill comes from the State, capital's opinion was extensively canvassed before compilation. The bill represents every crude manager's wet dream. It is then no surprise that business has greeted the bill, on the whole, with deafening silence. There can be no doubt that capital, as a whole, supports the bill"

Although there were indications that a body of employers might be willing to resist direct State interference in the collective bargaining arena, aimed at tilting the balance of power totally in the

direction of the employers, Ramaphosa questioned why they had done so little in recent months to match words with deeds

Any industrial system involved in profit-making had built-in conflict, because the interests of workers and management were seldom the same. Industrial conciliation only clarified the conflict and facilitated the pursuit of compromise solutions

But the new Labour Relations Act threatened the consensual aspects of present labour relations, and would not conciliate the incipient tension between labour and management in South Africa, Ramaphosa said

"No matter the short term gains for employers, the new Act can only exacerbate tension and heighten conflict. As we know, in this country, it is a sad fact that wherever we have conflict we often have bloodshed. The storm awaits us"

# Changes to Act condemned

THE Amalgamated Chemist Association (ACA), a pharmaceutical wholesaler in Montagu Gardens, has condemned the proposed amendments to the Labour Relations Act.

ACA sent a letter addressed to Mr Pietie du Plessis, Minister of Manpower, to the Chemical Workers Industrial Union (CWIU), asking the union for its comment.

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(116) W/Maul

# Ramaphosa on deafening silence over labour Bill

By GAYE DAVIS, Cape Town  
IT is no surprise that business has greeted the Labour Relations Amendment Bill with an almost deafening silence, says Cyril Ramaphosa, general secretary of the National Union of Mineworkers.

He told a conference on "Laws against trade unions and political organisations", organised at the weekend by the University of Cape Town Labour Law Unit, that the first draft of the Bill had hit union leadership like a bolt from the blue — before they recognised something "strangely familiar" about some of its clauses.

"They had almost all been demanded by various managements during recognition agreement negotiations: an end to sympathy strikes, no strike clauses for the duration of an agreement, unions to be responsible for management losses during industrial action."

Brought up on short-term profit incentives, South African businessmen were not known for their ability to take the long-term view. "It is then no surprise that business has greeted the Bill, on the whole, with a deafening silence."

NUM's Cyril Ramaphosa

There could be no doubt that capital generally supported the Bill, which tilted the balance of power in favour of management in a blatant attempt to breathe new life into employer prerogatives, Ramaphosa said.

"No state would be able to pass such a Bill in the face of stern opposition by both labour and management, particularly in South Africa where both groups are very powerful ones."

However, for those employers opposed to state interference in the collective bargaining arena, he could offer two courses of action.

The first and most obvious was to lobby the state, either directly or through employers' associations, to ensure its more noxious aspects did not become law.

The second course would be to enter into a new series of collective bargaining arrangements with unions.

In turn, trade unions would have to ensure strikes were orderly and would have to address the pressing question of violence, Ramaphosa said.

"The right to strike has to be established; rules for the regulation of strikes need to be accepted, forums for the resolution of disputes outside the Industrial Court — most crucially arbitration — would have to be a part of this new deal."

limits their effectiveness and makes it easy for the government to use divide and rule tactics.

And business people tend to be rather under-educated when it comes to politics and society (and even macro-economics).

But the question then is whether South African business leaders, eschewing public platforms, are doing much about change in private, either in their own organisations or in the communities from which they draw employees and customers ("stakeholders" is the popular term).

Social responsibility programmes have certainly been boosted in the 1980s — one estimate put social spending at R500-million last year.

But there is also evidence that not enough is being done, and not fast enough.

Even if Tucker's colleagues disagreed with him, it would serve his purpose if his speech re-opened the now rather neglected debate on business' political role — whether it be high or low profile.

Cape Times 14/1/88

304A  
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# Teargas ends NP election meeting

Own Correspondent

JOHANNESBURG — Police used teargas to stop fighting which erupted when militant AWB supporters shouted down NP speakers at an NP by-election meeting in Standerton last night.

Transvaal NP leader Mr F W de Klerk, and Standerton's NP candidate for the by-election Mr Hennie Erasmus, were prevented from speaking as hundreds of AWB supporters shouted down chairman and Minister of Agriculture Mr Greyling Wentzel.

The trouble broke out almost from the start of the meeting during a community sing-a-long, and when the meeting was opened, the chairman was shouted down with calls of "AWB".

One of the AWB supporters asked for a debate between Mr De Klerk and the AWB leader, Mr Eugene Terre-Blanche. The chairman said an opportunity would be given after Mr De Klerk had answered various questions.

This did not suit the AWB. Further chanting and a scuffle ensued, and teargas was thrown into the hall. A power failure finally ended the meeting — Own Correspondent and Sapa

~~124~~  
166  
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CAPC 10/25 3/3/88

# Protest: 124 workers held

Staff Reporter

POLICE on Tuesday arrested 124 workers who were demonstrating against the Labour Relations Amendment Bill in Industria, Johannesburg.

Eyewitnesses said about 500 factory workers took to the streets during their lunchtime — singing, dancing and waving placards.

Shop stewards of the Paper, Printing, Wood and Allied Workers' Union; Food and Allied Workers' Union, and the National Metalworkers' Union of SA co-ordinated the demonstration, a union official said.

Those arrested appeared in Johannesburg Magistrate's Court yesterday morning, and were granted R200 bail each.

# Ultimatum over labour bill

166  
South  
17-23/10

JOHANNESBURG - Four metalworker unions this week demanded that metal industry employers oppose the Industrial Relations Amendment Bill - or face possible industrial action by a third of the industry's workforce.

The bill, currently before Parliament, will severely limit workers' right to strike

The unions issued their warning to the employers' body, the Steel and Engineering Industries' Federation of SA (Seifsa) on Tuesday at the start of national metal industry negotiations

The warning was issued by Brian Fredericks, secretary of the SA council of the International Metalworkers Federation (IMF), on behalf of four local IMF member unions

In a unique experiment in union co-operation, four South African IMF affiliates have entered negotiations this year for the first time with a set of joint demands. This follows a series of meetings attended by members of all four unions

The four unions are

\* The National Union of Metalworkers of South Africa (NUMSA), a Cosatu-affiliate. It has 157 000 members and is the country's second-biggest

union

Numsa has brought 97 000 members into the alliance - its remaining 60 000 are in sectors such as car manufacturing and mining and are not covered by the Seifsa negotiations

\* Steel, Engineering and Allied Workers' Union of SA (Seawusa), an affiliate of the smaller, black exclusivist National Confederation of Trade Unions (Nactu)

Headed by Jane Hongwane, Seawusa claims a membership of 12 000 - with about 5 000 in the Seifsa negotiations.

### Mandates

\* Electrical and Allied Workers' Trade Union of SA (Eawtusa), also a Nactu affiliate, with about 17 000 members of whom about 9 000 are covered by the Seifsa negotiations

\* Engineering and Allied Workers' Union, an independent union representing 3 000 workers

Combined the four unions represent more than a third of the entire metal industry workforce

The 27 000-member SA Boilermakers, Iron and Steelworkers, Shipbuilding and Welders Society, also an IMF affiliate, decided last week not to link up with the four-union IMF negotiating team

In addition to jointly-formulated demands - which include a

192% increase on the industry's R2,60 minimum wage - the unions have agreed to act, and to settle, only on decisions and mandates from IMF-organised general union member meetings

Union officials believe the joint action could head off attempts by employers to outflank Numsa's demands, usually higher than those of other unions, as they have done in the past.

Last year, although Numsa represented more workers than the other 12 negotiating unions combined, Seifsa achieved an Industrial Council settlement

Although Numsa was not a signatory, it is bound to an agreement when it is promulgated.

When Numsa voted for a national strike, Manpower Minister Pietie du Plessis hastily repromulgated the '86 agreement - thus outlawing Numsa's strike.

This year, with four unions united - and the possibility of support from the boilermakers - that strategy will be more difficult.

Employers, however, continue to recognise Numsa's 97 000 members as the major challenge



## Changes to Labour Bill rejected

MORE than 150 shop stewards, representing over 11 000 textile workers in the Western Cape, this week unanimously rejected proposed amendments to the Labour Relations Act.

The meeting was attended by shop stewards from more than 40 factories in Worcester, Paarl, Cape Town, Bellville, Epping, Parow, Atlantis and Darling.

The meeting noted that the real effect on the amendments will be to damage the structures of collective bargaining, and to further undermine credibility of the law itself.

17-22/1/66  
Samp

# Labour group refers its suggestions to members

ALAN FINE

AFFILIATES of the SA Consultative Committee on Labour Affairs (Saccola) are this week referring back to members "various suggestions" on labour legislation made at a meeting of the body on Friday.

Saccola secretary Frieda Dowie said the meeting, called in response to news that unions were asking employers to reject various provisions of the Labour Relations Amendment Bill, had indeed discussed the legislation

However, she was not willing to disclose any details of the suggestions made. She would also not say which of Saccola's 11 affiliates — among them SA's largest employer organisations — had attended.

Meanwhile, a meeting of the Cosatu central executive committee at the weekend resolved that, in addition to representations from shop stewards at factory level, the organisation should approach managements to warn them of the dangers inherent in this Bill.

In a statement Cosatu said if it was not satisfied with employer responses it would consider "the strongest actions at our disposal to bring home to them our total rejection of this Bill"

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C/11/10

# Council taken to court

By STAN MHLONGO

FORMER Lekoa town clerk NP Louw, sacked by the council three days before Christmas last year, has taken the matter to the Industrial Council.

Louw said the matter was expected to be brought before the court next month.

He claimed he fell out of favour with the council and was sacked after the suspension of the head of Lekoa municipal police, Captain N Debruyn.

This was after a dramatic shootout between Lekoa municipal cops, better known as the "Green Beans", and members of the West Rand SAP riot squad on the outskirts of Sebokeng in December.

The "Green Beans" mutinied after being ordered by De Bruyn to carry out a traffic inspection.

One of the main grievances of the "Green Beans" was low salaries and bad working conditions. Among others, they alleged they earned R126 a month.



New protection for strikers

29/2/88

# Court ruling outlaws race bias in pay

IN A KEY judgment, the Industrial Court has ruled that racial wage discrimination is an unfair labour practice and has given the offending company six months to eliminate it.

And, in ordering the reinstatement of several hundred workers, the court also appears to have potentially strengthened the right to protection from dismissal for workers involved in a "legitimate" strike.

The case of Nactu's SA Chemical Workers' Union (Sacwu) v Sentrachem, presided over by Dr D G John, arose out of a nine week wage strike by 3 000 workers between May and July 1986, at seven of the chemical giant's plants. Management had issued dismissal notices on July 7, with an offer of re-employment to those who returned by July 15.

About 400 to 500 workers were not taken back — most because management said a restructuring of operations meant they were redundant. Alleged disciplinary offences during the strike led to 17 not being rehired.

Six months of negotiations and the implementation of conciliation procedures failed to resolve the wage dispute in which — at the time of the strike — the union was demanding a R250 increase on the minimum R400 monthly wage, while management was offering a R470 a month minimum.

Sacwu also demanded the elimination of racial wage discrimination, which it said was prevalent in the company.

ALAN FINE

In the judgment delivered on Thursday, the court ordered Sentrachem to eliminate discrimination by August 31. The court defined discrimination as a situation where wages paid to black employees are lower than wages paid to other workers doing the same work — unless the difference is due solely to length of service in the job.

While there was some disagreement between Sacwu and Sentrachem on their definitions of the concept, evidence led by the company during the hearing was that it would cost R4m to eliminate discrimination fully.

During negotiations Sentrachem had agreed to set aside an immediate R1,5m as a first step towards eliminating wage discrimination over a period of time.

The court noted Sentrachem representatives had acknowledged discrimination existed and was morally indefensible. It said there should have been greater efforts by the company to remove it.

The court also ordered the reinstatement of 400 to 500 workers and payment to them of eight weeks backpay.

The most important and far-reaching reason given for this decision was that, since the law grants unions and lawful strikers immunity from penal and civil sanctions, "it would be anomalous if workers were nevertheless penalised by

● To Page 2



## Court outlaws race bias in pay

dismissal for striking".

John also reaffirmed the view that "the employer should be prevented from applying selective dismissal, or selective re-employment, in the context of a strike".

The court added if a strike "was legitimate, this would go a long way towards finding that the dismissal of the workers was unfair and, likewise then, the failure to re-employ all of them".

The second reason given by the court was that, if the company — as suggested — had not re-employed workers, either because they were redundant or had committed disciplinary offences, it was obliged to follow the relevant retrenchment and disciplinary procedures. This had not been done.

Cape Town University-based labour lawyer Clive Thompson said this "sug-

← ● From Page 1

gestive judgment" differed from previous cases where strikers had been reinstated in that the court had been concerned only with the legitimacy of the strike.

In this regard, the court had merely noted that the union had exhausted conciliation procedures and the strike had been conducted peacefully on the whole.

Unlike previous cases — including the ground-breaking 1985 case of NUM v Marievale — the court did not find it necessary to examine in detail the length of the strike and the nature of the union's demands.

Sentrachem MD Dave Marlow said he did not wish to comment until he had studied the judgment.

...said. ... were gunned down in ...

# Key judgment on discrimination

*Case Title 29/2/88*  
*164*

Own Correspondent

JOHANNESBURG. — In a key judgment the Industrial Court has ruled that racial wage discrimination is an unfair labour practice and has given the offending company six months to eliminate it.

And, in ordering the reinstatement of several hundred workers, the court also appears to have significantly strengthened the right to protection from dismissal for workers involved in a "legitimate" strike.

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About 400 to 500 were not taken back — most because management said a restructuring of operations meant they were redundant. Seventeen were not rehired because of alleged disciplinary offences during the strike.

Six months of negotiations, and the implementation of conciliation procedures, failed to resolve the wage dispute in which — at the time of the strike — the union was demanding a R250 increase on the minimum R400 monthly wage while management was offering a R470 a month minimum.

Sacwu also demanded the elimination of racial wage discrimination,

which it said was prevalent in the company.

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## R1,5m first step

While there was some disagreement between Sacwu and Sentrachem on their definitions of the concept, evidence led by the company during the hearing was that it would cost R4 million to eliminate discrimination fully.

During negotiations Sentrachem had agreed to set aside an immediate R1,5 million for that purpose as a first step towards eliminating wage discrimination over a period of time.

The court noted that Sentrachem representatives had acknowledged discrimination existed and was morally indefensible.

It said there should have been greater efforts by the company to remove it.

The court also ordered the reinstatement of 400 to 500 workers and payment to them of eight weeks' backpay.

The most important and far-reaching reason given was that since the law grants unions and lawful strikers immunity from penal and civil sanctions "it would be anomalous if workers were nevertheless penalized by dismissal for striking".

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# Employers to meet Cosatu tomorrow

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By Mike Siluma,  
Labour Reporter

Several major South African employer organisations are due to meet the SA Congress of Trade Unions (Cosatu) tomorrow to discuss the Labour Relations Amendment Bill and, possibly, the Government's new clamps on the congress, employer and union sources confirmed.

The decision by individual organisations to meet Cosatu came after the failure of the SA Consultative Committee on Labour Affairs to come up with a joint response to a call from Cosatu-affiliated unions to publicly reject the Bill.

Employer organisations originally party to the Saccola talks included the Afrikaanse Handelssinstituit, the Associated Chambers of Commerce, the Federated Chamber of Industries (FCI), the South African Agricultural Union, the Building Industries Federation, the SA Federation of Civil Engineering Contractors, the Chamber of Mines and the Steel and Engineering Industries Federation.

AECI industrial relations spokesman and chairman of the FCI's standing committee on manpower affairs, Mr. Bokkie Botha, confirmed that a meeting of certain employers had taken place yesterday.

● The central executive committee of Cosatu, meeting at the weekend, has decided to call a special congress of the federation in April to discuss the latest crackdown on the union body.



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**S E V E R A L** employer organisations are scheduled to meet Cosatu tomorrow for discussions on the Labour Relations Amendment Bill and, it is expected, the emergency restrictions imposed on the organisation last week.

# Employers set to meet with Cosatu

ALAN FINE 11/2/88

This follows the failure of the SA Consultative Committee on Labour Affairs (Saccola) to reach consensus on a joint approach to Cosatu on the Bill at present before the parliamentary standing committee on manpower

fining Employers' Association are among those likely to attend tomorrow's meeting

Saccola secretary Frieda Dowle said yesterday a Saccola approach, which had been under discussion for the past two weeks, had to be abandoned because some affiliates felt they could not go along with certain recommendations

At this stage, it appears Asso-com, the FCI, Seifsa, the AHI and the Sugar Manufacturing and Re-

Saccola worked strictly on a basis of consensus, she said

## Finance Corporation Limited

### Results ended 31 December 1987

Ordinary shares of 10 cents each  
Preference shares of 10 cents each

Chairman: H C Buitendag  
President: P B Gain  
Directors: W R Lawrie, The Hon C S Margo, H A McNeil

ASSOCOM met President P.W. Botha and members of the cabinet in the city yesterday and drew attention to the "possible international repercussions" of the restrictions imposed on 17 organizations last week.

Assocom said it had expressed the hope that the situation would be normalized as soon as possible.

In a separate meeting in Johannesburg yesterday, Cosatu met employer bodies and expressed concern about recent acts of government repression. Cosatu said afterwards that it had doubts as to whether it could look to employers for support in defending democracy.

After meeting in Cape Town, Assocom issued a statement saying it was also concerned by the increased sophistication of armed robberies and undertook to make recommendations to the authorities.

In addition, Assocom:

- Welcomed the privatization policy and supported the need for accelerated privatization,

- Reaffirmed support of the broad economic strategy outlined by the President and undertook to address price discipline in the private sector as an important element in the general

# Assocom warns PW, cabinet on restrictions

strategy to reduce inflation;

- Noted that the economy required stable growth and that "stop-go" policies should be avoided. The budget on March 16 would have to be geared accordingly;

- Emphasized the need to continue deregulation and supported the "interim steps" which the government was taking, and

- Urged the government to "remain aloof" from the collective bargaining process and to allow industrial relations issues to be settled through negotiation between employers and employees.

It also outlined its support for the broad recommendations of the President's Council report on the Group Areas and hoped that the government would announce its reaction soon.

Cosatu met the FCI, Assocom, the AHI, the Sugar Manufacturing and Refining Employers' Association, the SA Federation of Civil Engineering Contractors and the German Chamber of Commerce to discuss the Labour Relations Amendment Bill and recent bannings and restrictions.

Cosatu said no common plan of action emerged to defend the labour relations system, which it believed was threatened. Cosatu and the employers had agreed, though, that it was wrong for new labour legislation to be imposed without the consent of both employers and labour.

The employers had denied they were party or privy to the clamp-down and denied they had the clout to influence government.

Cape Times 3/3/88

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CMG Tuis  
2/3/88

Employers,  
Cosatu to  
discuss Bill

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JOHANNESBURG — Several major South African employer organizations are due to meet the SA Congress of Trade Unions today to discuss the Labour Relations Amendment Bill and possibly the government's clampdown on the congress, employer and union sources confirmed

This move came out of the failure of the SA Consultative Committee on Labour Affairs (Sacula) to produce a joint response to a call from Cosatu-affiliated unions to publicly reject the Bill

Employer organizations originally party to the Sacola talks included the Afrikaanse Handelsinstituut, the Associated Chambers of Commerce, the Federated Chamber of Industries, the SA Agricultural Union, the Building Industries Federation, the SA Federation of Civil Engineering Contractors, the Chamber of Mines and the Steel and Engineering Industries Federation — Sapa



## Call to oppose Labour Bill

Star 19/5/88  
The Star's Africa News Service

LUSAKA — The Labour Relations Bill would strip the labour movement of almost all its few remaining rights, including the right to strike, says the ANC.

In a pamphlet issued in Lusaka, it called on workers to oppose and stop the Bill

The ANC also called on all South Africans who opposed apartheid to unite into a mighty movement of struggle for freedom, justice and equality.

It said those in the homelands, including chiefs, should intensify the offensive against the apartheid institutions

# Bill could cause unrest — Brett

HELOISE HENNING

THE Labour Relations Amendment Bill should introduce order into the industrial relations scene if accepted in good faith by all parties concerned, Assocom executive member Vincent Brett said yesterday.

However, he expressed concern that the strong opposition expressed by certain labour unions could lead to labour unrest.

"We appeal to all concerned employer and employees, to give this new legislation, if it is passed by Parliament, a chance to prove itself before setting out on any confrontational path."

Brett said Assocom, representing SA's largest employers, was firmly committed to the success of the collective bargaining process, but believed that some changes in the basic legislation were necessary.

(166) B/day 19/5/88

## LP members praise new labour Bill

Labour Party (LP) members praised the Labour Relations Amendment Bill yesterday, saying it was overdue and one of the best pieces of legislation in South Africa.

Mr Archie Poole (LP, Belhar) said the Labour Relations Act was one of South Africa's best pieces of legislation and the amendments proposed in the Bill improved the original draft.

In reply to the debate, the Minister of Manpower, Mr Pietie du Plessis, said the media had incorrectly created the perception that the Bill was a backward step in labour relations, an anti-union law aimed at curbing the activities of trade unions.

Now that the Bill was published, many critics were silenced — Sapa.

PID 2015788  
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# Curbs: protest at motor plant

**Daily Dispatch Reporter**  
EAST LONDON — Some 300 workers at a motor plant here demonstrated inside the premises during their lunch break yesterday.

The workers at the Mercedes-Benz of South Africa (MBSA) plant, are hourly-paid members of the National Union of Metalworkers of South Africa (Numsa)

They were voicing their displeasure at the possible introduction of a new labour bill, the government's crack-down on the Congress of South African Trade Unions, and the restriction of 17 other organisations, a union spokesman said.

The demonstrating group ran up to the boundary of the plant chanting and waving banners and placards

A small group of uniformed police watched from outside the plant

The demonstrators

did not leave the premises and there were no incidents

The Border regional vice-chairman of Numsa and a senior shop steward at the plant, Mr Msi-teli Nonyukela, said the workers were showing solidarity with more than 700 Tek Group employees who were dismissed last month after a dispute at the plant

He said the union would demand that MBSA management intervene on behalf of the former Tek workers, as both Tek and MBSA had strong links with Germany

The management had not been informed of the intended demonstration because it took place during the workers' lunch break and therefore did not affect productivity

An MBSA spokesman said management had been unaware of the demonstration or the reasons for it until after it occurred.

Picture page 2.



# Labour applause for Bill that curbs labour

THE Labour Party, in a powerful position to block the contentious Labour Relations Amendment Bill, has instead come out in open support of it. Archie Poole, Labour MP for Belhar, said in the House of Delegates that the Bill, tabled this week, was one of South Africa's best pieces of legislation.

Les Abraham, MP for Diamant, said only those who planned to use trade unions for purposes other than improving work conditions would be opposed to it.

The Labour Party recently discussed the possibility of blocking the Bill by refusing to pass it in the House of Representatives, where they are in the majority.

If they were to do so, the government would only be able to push the Bill through by referring it to the

President's Council.

Manpower Minister Pietie Du Plessis told the House of Representatives this week that the media had incorrectly created the perception that the Bill was an anti-union law aimed at curbing the activities of trade unions.

Du Plessis said he was prepared to defend the fairness of the Labour Relations Act in any part of the world. "I would like to see labour legislation anywhere in the world which includes a clause stating that it is unfair to discriminate in the work place on the basis of race, sex or religion.

Meanwhile, the major labour federations have reiterated a determination to fight the Bill despite various changes to the draft law when it was tabled this week.

Frank Meintjies, press officer for the Congress of South African Trade

## The contentious Labour Relations Amendment Bill is tabled with some changes. The unions remain opposed — but not the Labour Party.

**EDDIE KOCH reports**

Unions (Cosatu), told the *Weekly Mail* changes in the Bill before parliament would not alter the decision, made at the federation's weekend congress, to oppose the Bill.

"Cosatu members will not quietly accept the draconian measures contained in the Bill which seeks to further crush the rights of South Africa's exploited workers," said Meint-

jies. He said Cosatu's plans to hold three days of protest in June and to

organise lunchtime demonstrations against the Bill every Tuesday in organised factories and mines would go ahead.

Piroshaw Camay, secretary general of the National Council of Trade Unions, said changes to the draft law before parliament made no difference to the Bill's intention to deprive militant unions of the gains they have made in the past decade.

Nactu has also resolved to hold demonstrations against the Bill and is likely to be invited to the special conference of anti-apartheid organisations that Cosatu is planning to convene. Changes to the country's labour laws are likely to feature prominently at the conference.

Cosatu has called on the International Labour Organisation to set up an investigation into the Bill

A wide range of unions, labour lawyers and consultants have criticised the Bill for the restrictions it will impose on unions' right to strike or stage sympathy action without being sued for losses caused by illegal strikes.

The Bill includes clauses that.

● Make it an unfair labour practice to hold a strike for the "same or similar" thing within 12 months of a strike over the same issue.

● Open unions to being sued by employers for damages caused during wildcat and illegal strikes. The Bill assumes any union member who instigates an illegal strike is acting with the authority of the union, unless this can be proved to be untrue.

● Make stayaways illegal and allow unions to be charged if they call for such action.

● Entrench the ability of employers to negotiate with minority unions and undermine the principle that unions with a majority of 50 percent plus one talk for the whole work force in any plant.

● Allow employers to retrench workers more easily. Companies wishing to retrench will no longer have to adhere to the principal of "last in first out".

● Give the manpower minister the right to nominate anyone of his choice to the industrial court. Currently only experts in labour law can be president or deputy president of the court.

● Set up a new labour court, with the same powers as the supreme court, to hear appeals from the industrial court. Some labour lawyers say this will undermine the ability of the industrial court to resolve disputes swiftly.

Most of the provisions that caused an outcry from organised labour when the Bill was published last year remain untouched in the version now before parliament.

However a key alteration has been made to the clause stating that an inspector of the Manpower Department can extend the operation of a conciliation board at the request of one party. The clause was amended to make this possible only by mutual consent.

Most labour lawyers, consultants and academics have agreed the new draft of the Bill makes little difference to the overall impact it will have.

● See PAGE 7

# New calls for May 1 holiday

CAPE TOWN — An overwhelming majority of organised labour wanted May 1 as Workers' Day and more and more agreements to this effect were being negotiated with employers, Mr Archie Poole (LP, Belhar) said in the House of Representatives yesterday. He said South Africa was out of step with the rest of the world by declaring the first Friday of May workers day instead of May 1. The Government should not fear May 1 as a day of protest but should view it as a day of worker unity, he said. — Sapa.

57 211 57 88 (166)  
**'Govt won't lift emergency'**

May 23, 1988

# Nactu joins protest call

THE National Council of Trade Unions yesterday decided to go on five days of national protest against the controversial Labour Relations Amendment Bill.

The decision to call for a June 6-10 stay-away was taken at a two-day national shop stewards meeting in Johannesburg. It was attended by hundreds of delegates from around the country.

No further details were released by Nactu on the national protest pending a meeting with the Congress of South African Trade Unions (Cosatu) on joint action by the two federations.

Last weekend Cosatu held a special conference at Wits University where delegates resolved to call for three days of "national peaceful protest" against the Bill and restrictions imposed on it (Cosatu) and 17 other organisations.

The pending meeting between the two major federations would be the first in which joint protest action would be discussed.

The new Bill has been widely criticised by labour experts and labour movements while

**By NKOPANE  
MAKOBANE**

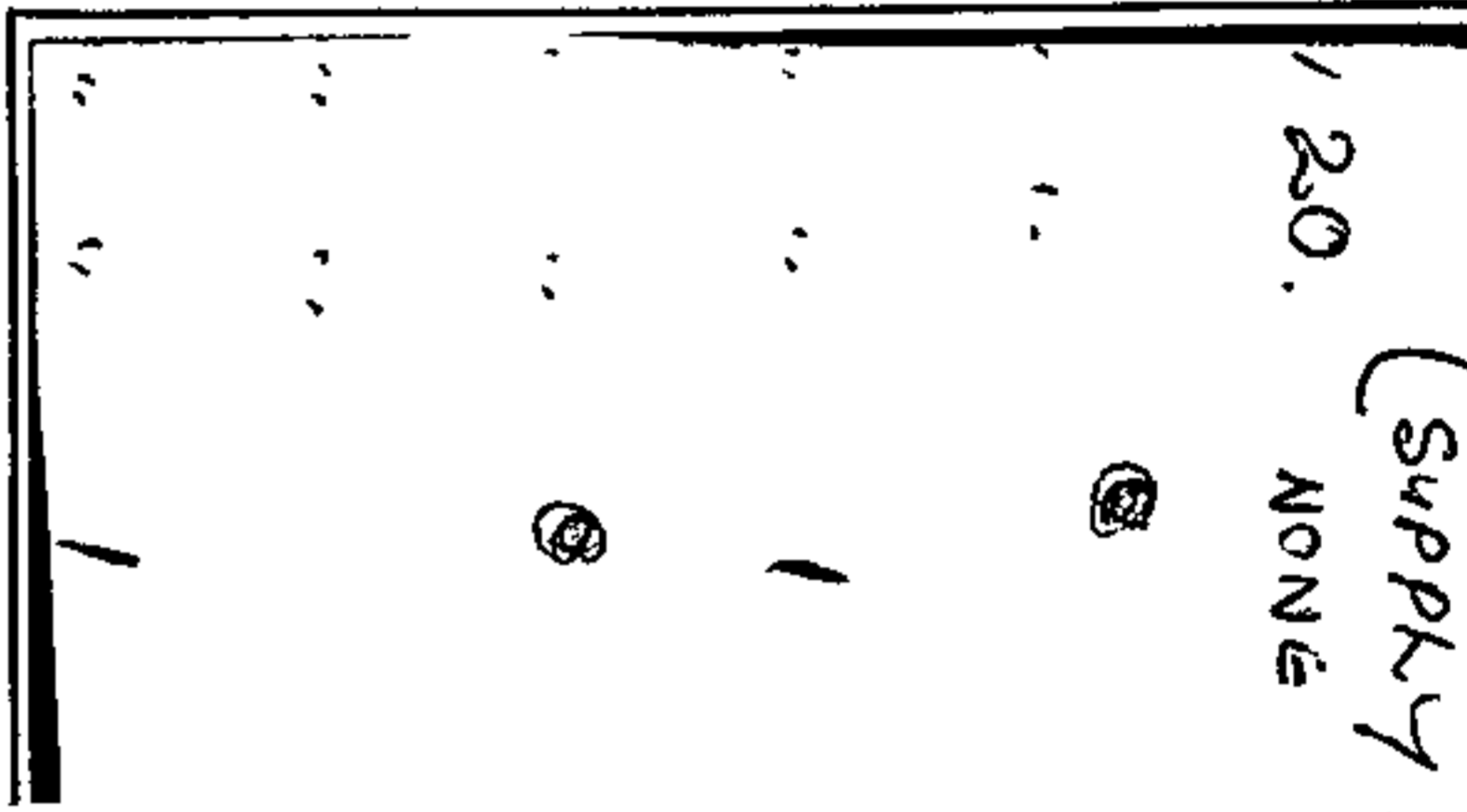
being cautiously welcomed by some business sectors. It was tabled on May 16 in Parliament, with "minor" changes being conceded after the original version was published last September.

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23/5/88

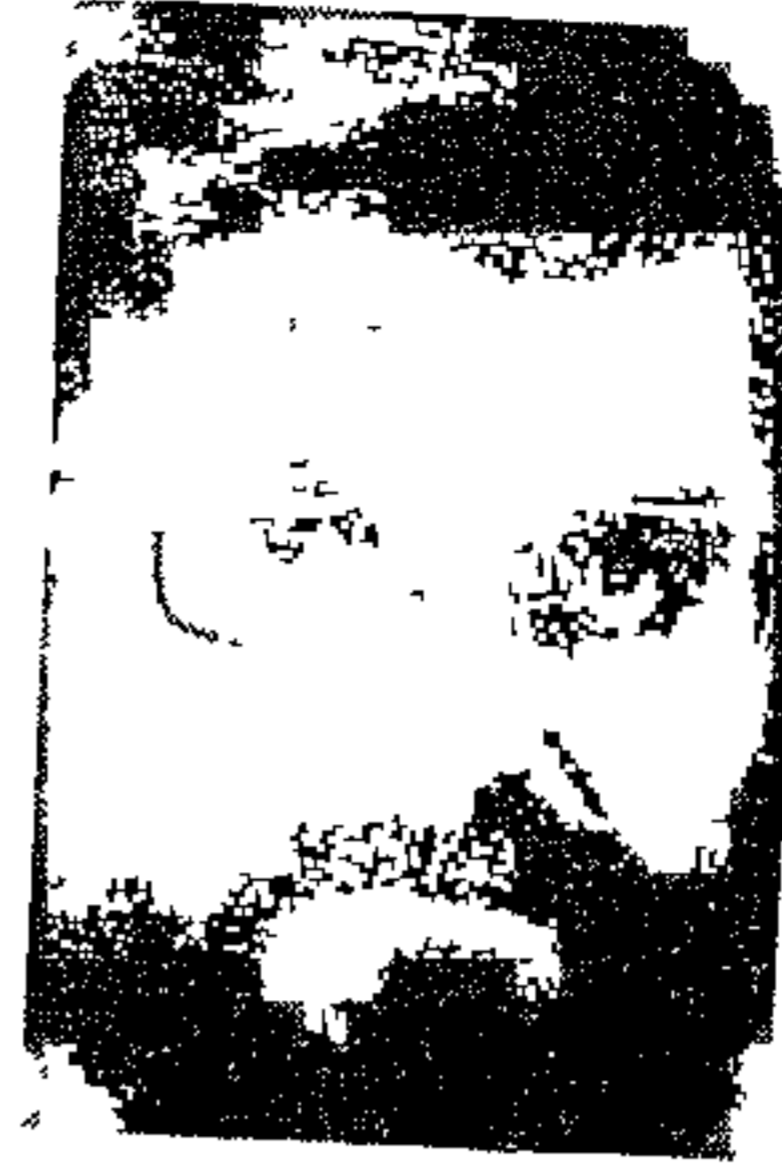


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Prof De Villiers

Prof Nel

D/P 11/31/88.

# EL seminar on labour

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by Matthew Moonieya  
business editor

**EAST LONDON** — A vital seminar on labour relations is to be hosted here by the East London Chamber of Commerce on March 24

Two prominent labour relations academics are to conduct the seminar which comes at a crucial time following the government curbs on one of the country's largest trade union federations, the Congress of South African Trade Unions. The curbs have been criticised in some business circles

The seminar is to be conducted by Professor Pieter Schalk Nel, 39, and Professor Dawie de Villiers, both of the University of South Africa

Prof Nel is head of personnel management and industrial relations and also heads the human resources management section at the university. He received his doctorate from Unisa in 1983 for his thesis on an

analysis of employers' perceptions of worker representation in selected industries in the country

He has also written numerous publications and books on labour relations, as well as personnel and management training

Prof De Villiers is attached to Unisa's School of Business Leadership and is head of the institute of labour relations at the university

He received his doctorate in 1981 from Unisa for his thesis on the influence of decentralised collective bargaining on conflict in the work environment

Topics which will be addressed include industrial relations laws, disciplinary hearings, and unfair dismissals, rules on retrenchment as well as important aspects of the trade union movement such as groupings and trends, together with the philosophy and policy of unions



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B/day 16/3/88

COMPANIES have been warned not to use the title "director" lightly after two recent industrial court judgments.

# Labour Act can protect directors

Commenting in the attorneys' journal De Rebus, Free State university academic J J du Plessis says: "Where a financial director applied for a re-instatement order in the industrial court, the defending company relied for its defence on the grounds of the court's lack of jurisdiction"

However, the director argued the definition for "employee" in the Labour Relations Act was wide enough to include his position as director.

The industrial court found it had jurisdiction to hear the case because the director could be classified as an ordinary employee; he received all the com-

HELEN CHAPPEL

pany benefits enjoyed by employees such as group life assurance, a provident and pension fund and medical aid scheme.

In addition, the court decided the principles of fairness and equity had not been applied and the director's dismissal was unfair.

The judgments said where it seemed a director could be classified as an employee, he was entitled to the protection envisaged by the Labour Relations Act.

A Police at Soweto meeting, but . . .

P Peaceful protest  
P marks May Day

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A South African union leaders celebrated May Day yesterday by rejecting the Labour Relations Amendment Bill as a threat to industrial relations

C Rallies organised by the main union groups, the Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu), went ahead peacefully

C However, at Soweto's Regina Mundi Church police intervened during a Nactu-organised meeting attended by about 200 people

C Police who sat in on the meeting and filmed proceedings had to be persuaded by the organisers to allow a workers' play to continue.

P Several police vehicles were parked outside throughout the meeting.

P Addressing the meeting, Nactu's assistant general secretary, Mr Pandelani Nefolouhodwe, called on the labour movement to prepare to defend itself against "State attack" in 1988.

"The State has banned organisations, closed down newspapers and attacked the workers in the form of the Labour Relations Amendment Bill

### State backing

"The Bill, aimed at seriously restricting trade union activities, will cause a lot of strain in the industrial relations field as it gives employers an upper hand, especially as its application will be backed by the might and brutal force of the State"

At the University of the Witwatersrand, Cosatu official Mr Kgetsí Lehoko told more than 1 500 people that the State's actions against unions came at a time when workers' living standards were under increasing attack by the State President's "Bothanomics"

economic programme

"The wage freeze will increase poverty, starvation and hunger," Mr Lehoko told the meeting, his speech punctuated by worker slogans and songs

The Fedtraw (Federation of Transvaal Women) spokesperson, Ms Amanda Kwadi, told the meeting that South African workers had a tradition of celebrating May Day and continued to do so despite the restrictions placed on opposition organisations and leadership

### Inseparable struggle

"In South Africa, the struggle of workers cannot be separated from that of the community because workers are equally affected by the same problems affecting their communities," said Ms Kwadi

These problems included the eviction of rent defaulters, the enforcement of the Group Areas Act and the education crisis.

At a meeting called by the Johannesburg branch of the Commercial, Catering and Allied Workers' Union, a National Council of Trade Unions spokesman, Mr Paul Platjies, described the Labour Relations Amendment Bill as an attack on the entire labour movement

At the University of the Western Cape, Cosatu general secretary Mr Jay Naidoo told a 2 000-strong audience that the labour movement was under systematic attack from the Government through the imposition of a wage freeze and attempts to curtail union activities

● Cosatu said it had been refused permission to hold an indoor meeting in Port Elizabeth. Permission had been refused for an outdoor rally in Natal — Staff Reporters and Sapa



# Security and the law — who wins?

by DICK USHER  
Weekend Staff Reporter

THE essence of law is the regulation and control of the exercise of power. Law determines when and how power may be exercised, and when it may not, says Mr Geoff Budlender, the director of the Legal Resources Centre in Johannesburg.

He outlined an analysis of "urban black law", under which he said the Government had been engaged with powers beyond the effective control of Parliament and the exercise of which could be challenged in the courts to only a very limited extent.

This approach is epitomised by the provisions of the Black Administration Act of 1927. It set the tone for legislation which followed over the next 50 years.

It was a system of administration rather than law which was created. The aim was the efficient administration or management of urban Africans.

The legislation was generally understood in the way by the courts, which were slow to interfere with the administration in their work.

"Africans were to be subjects, to be governed by those who knew what was best, and it was advisable not to place these experts under legal restraint."

From the mid 1970s Mr Budlender said the 1980s changes started to emerge. In a series of four decisions, the Appellate Division recognised that urban Africans had rights as opposed to exemptions from prosecution.

From the late 1970s — curiously, almost simultaneously with this series of cases — certain administrative powers began to be restrained.

Probably the most fundamental changes were introduced by the Abolition of Infir Control Act which demolished an extensive armoury of legislative built up over decades.

One purpose of the Act was to bring the area of black administration under legal control.

The changes that emerged were not the result of a sudden and spontaneous outburst of liberalism on the part of Government. But the significant feature is the unmistakable shift away from arbitrary official power — lawlessness — towards law.

Mr Budlender then compared the former exercise of State power over blacks with the area of security legislation which, he said had always been an inhospitable one for lawyers and the courts.

However the emergency regime has brought about radical changes in several respects.

In the first instance, the scale of 'security' activity has increased in a way that places it on a different plane. A great deal of lawful and peaceful political activity has been criminalised.

Secondly, there has been a deliberate and sustained attempt to remove all effective control over the activities of those defined as security forces.

The attempt to exclude control through the legal process has taken three forms.

Firstly, there is an indemnity clause which is designed to prevent or inhibit legal proceedings being taken against the State in respect of unlawful conduct by its own officials.

This is a prospective indemnity by enacting a law that anticipates its officials are going to act unlawfully, but it cannot or will not do anything to prevent this State officials must therefore be given a free hand.

Secondly, the 'ouster clause' in the emergency regulations is designed to prevent the courts interfering to prevent imminent or continuing unlawful action.

Thirdly, the exclusion of the right of detainees to have access to their lawyers also effectively excludes the right of access to the courts. If you say

At a conference on laws against trade unions and political organisations convened by the University of Cape Town's labour law unit, Mr Geoff Budlender, director of the Legal Resources Centre in Johannesburg, argued that the trend in South

to a detainee you may only see your lawyer with my permission you are also effectively saying you may only have access to the courts with my permission.

The emergency regime has brought about a further radical change, and that is the far reaching delegation of rule-making powers to officials, who exercise a subjective discretion in determining what rules they will make.

There were initially some serious and sustained efforts by the courts to continue to exercise legal restraints over those powers. Since the Omar judgment (*Omar vs Minister of Law and Order*)

Africa was for the Government to extend the scope of "security" matters and to remove them further from judicial restraint. He warned that this was a form of State lawlessness which held grave future dangers. This is an edited version of his talk.

1987) those efforts have been all but ended.

In effect, the Court has declared a policy of abstentionism. The unarticulated premise seems to be a 'hands off' approach to issues which are regarded as security matters. In this way, the emergency has substantially been placed beyond legal control, or beyond the law.

What is even more worrying is that the range of what is officially regarded as the 'security' area is growing all the time.

Mr Budlender said it had often been recognised that law had a double-edged function — it provided

remedies through "the system" and by so doing, it drew people into "the system"

For those outside the system, the system itself holds sometimes fatal attractions. Participation brings with it the danger of co-optation, but holds out real benefits.

The growth of the 'security' area and of lawlessness is however likely to remove that difficult choice.

Participation will be seen to offer no benefits. If the State is perceived to exercise its powers through force rather than through law, those who are the subjects of that force are likely to draw the conclusion that it can only be met by force.

The prospect is a grim one because it foreshadows not only the events which are likely to take place as our society struggles to transform itself. It also foreshadows the state of mind which will be held by large numbers of people, and particularly young people, as and when that transformation is accomplished.



Mr Budlender

Sowetan 10/5/89

# Nactu protests

(443)  
THE National Council of Trade Unions has threatened to take action to protest against the Labour Relations Amendment Bill — if it becomes law.

The federation said a national shop stewards meeting would be held on May 21 and 22 to finalise the co-ordination of the action

"The meeting will be followed by a Nactu

national council sitting to deal with how to effect the action," the federation said

The national co-ordinating committee was commissioned by Nactu's central committee which met on April 23

Nactu said the action would also be discussed with civic and community organisations of "the

(166)  
oppressed and exploited"

The proposed Bill, which among other things, would curtail trade union activity in the country, has been widely criticised by labour and industrial experts and rejected by trade unions including Nactu and the Congress of South African Trade Unions



Stwe fan 19/11/88

# Nactu to discuss Bill

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By LEN MASEKO

THE National Council of Trade Unions is to hold a national shop stewards' meeting this weekend to discuss — among other issues — the controversial Labour Amendment Bill.

The two-day meeting will also focus on political tendencies in the country. It will be at Lekton House, Johannesburg. Shop stewards from Nactu's affiliates are invited to attend.

- The Media Workers' Association of South Africa is to hold a crucial shop stewards council meeting at Lekton House on Sunday at 10am.

The meeting will discuss various issues affecting the union.

- The Black Domestic Workers' Association holds a two-day general meeting in Johannes-

burg, starting today.

The exclusion of domestic workers in the Labour Relations Act will come under the spotlight at the meeting, which starts at 2pm.

- About 97 members of the Building Construction and Allied Workers' Union (BCAWU), a Nactu affiliate, yesterday

went on strike in support of a demand for a 50 percent wage increase at Brickor Precast in Alrode.

A spokesman said the workers had rejected management's offer of a 13 percent increase.

The workers are also demanding the recognition of March 21 and June 16 as paid holidays.

# Unions to meet over labour Bill

By Mike Siluma, Labour Reporter  
An urgent meeting of trade unions has been called for early next week as opposition to the Labour Relations Amendment Bill continues to build up among most of organised labour.

The meeting, called by the Labour Forum, a coordinating structure for a number of affiliated and non-affiliated unions, was announced by forum chairman Mr Ike van der Watt yesterday.

Mr van der Watt said the meeting, to which all unions had been invited, would discuss the Bill "with a view to arriving at a consensus response" from labour.

He said the Bill would have "profound implications for all trade unions".

He added that it was possible that after next week's meeting, further representations might be made regarding those aspects of the Bill seen as detrimental to unions. Although the Bill had already been tabled, there was a possibility of raising objections with political parties in Parliament.

The meeting would also discuss developments within the Labour Forum itself.

Next week's meeting comes at a time when most organised black labour, including the country's two major federations — the Congress of SA Trade Unions and the National Council of Trade Unions — have decided on protest action against the Bill.



More than 200 members of the Commercial, Catering and Allied Workers Union yesterday took part in a lunchtime demonstration in Johannesburg against the Labour Relations Amendment Bill.  
● Picture by Alf Kumalo.

Cape Times 27/12/74

# 4 trade unionists held for protests

JOHANNESBURG — At least four trade unionists were allegedly arrested by police in Johannesburg yesterday during demonstrations against the Labour Amendment Bill, a union spokesman said.

The spokesman said the four were allegedly taken when over 10 000 members of the Commercial Catering and Allied Workers' Union (Ccaawusa), from 350 stores, picketed outside shops and in canteens in central Johannesburg and its suburbs.

Those said to be arrested were identified as Mr Amos Mbata and Mr Daniel Matsimbi, from Checkers' Ridgeway branch, and Mr Wllington Mnyati and Mr Mesheck Nshibane, from Edworks.

The demonstrations, which began yesterday, were conducted by the Johannesburg branch of Ccaawusa.

The Congress of SA Trade Unions and the National Council of Trade Unions are planning national protests next month.

Police spokesman, Lieutenant Pierre Louw, said he could not confirm the four were allegedly detained yesterday.

— Sapa



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*CP 6 7/11/88 28/5/88*

## Bureau's papers to over 7m

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Political Correspondent  
THE eight newspapers published by the Bureau of Information had a circulation of more than seven million last year, according to the bureau's annual report tabled in Parliament yesterday.

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The newspapers published by the bureau's regional offices are: Karet (Cape Town), Light/Khanya (Pretoria), Metropolitan Digest (Johannesburg), Puisano (Bloemfontein), Izindaba (Maritzburg), Umso (Port Elizabeth), Phoenix (Durban) and Silulu (Nelspruit)

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The report notes: "Several black municipalities have, in addition, also involved the bureau with the publication of 28 news letters which appear on a regular basis

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"This form of communication has proved extremely effective. The fact that each of these newspapers is target-oriented and addresses actualities regarding special groups, has contributed to their rapidly growing circulation," the report says

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*CP 6 7/11/88 28/5/88*

# Unions, employers 'need not fear bill'

TRADE unions and employers had nothing at all to fear from the Labour Relations Amendment Bill, the chairman of the standing committee on manpower, Mr J H Cunningham (NP Stilfontein), said yesterday.

would shorten industrial court cases by restricting lawyers' arguments and not allowing them free rein

Speaking in the second reading debate on the measure, he said that it removed no rights when it came to responsible action

He said the measure was a threat to political peace and to calm and order in South Africa

Mr Cunningham said Cosatu had complained that the bill limited the right to strike, but workers would be able to follow exactly the same path to a legal strike that they had in the past.

Motivating the bill, Mr Cunningham said the government did not see its way clear to allowing anarchy, murder and economic chaos

He defended the bill against points raised by Mr Frank le Roux (CP Brakpan), who said the CP would vote against the measure because it was a continuation of the principle of acceptance of black trade unions.

There was considerable criticism of the fact that the bill would outlaw sympathy strikes, he said

Mr Le Roux said the definition of an unfair labour practice in the measure

"Why can other countries in the Western world forbid such strikes but we must allow it? I will tell you why the world doesn't want it— they want to destroy us, they want chaos"

It had also been said the government was engaged in union-bashing, but it should be said clearly that the legislation applied as much to employers as to employees — Sapa

## Call for inquiry into abortion laws

HOUSE OF ASSEMBLY — Mrs Helen Suzman (PFP Houghton) yesterday called for a commission of inquiry including women and members of all races, into the efficacy of the Abortion and Sterilisation Act.

## Bill gets tough on firearms

Hospitals were crammed with women who had tried to induce abortions themselves, she said in the Welfare and Health Services budget debate

HOUSE OF REPRESENTATIVES — The Arms and Ammunition Amendment Bill which provides for stricter control measures for firearms, was introduced after appeals to the public failed to have an effect, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday.

Dangerous backstreet abortions were increasing annually and the proceedings to terminate a pregnancy caused by rape were too complicated. There had been no in-depth inquiry into the Act since it was passed in 1975

The government should rather give attention to South Africa's increasing population which is projected to number between 94 million and 119 million by 2035. Studies had shown that South Africa

Mr Douglas Josephs (LP Riversdal) said the number of firearms sta-



anything below that.

# Cosatu <sup>(166)</sup> plan upsets *star 30/5/88* employers

Plans by the Congress of SA Trade Unions (Cosatu) for three days of national protest against the Government's Labour Relations Amendment Bill today threatened to turn into a head-on clash between the federation and employers, following employer demands for clarification of the planned action.

In a weekend statement Cosatu said many employers had threatened legal action against the federation and its affiliates if they went ahead with the protests on June 6, 7 and 8.

A spokesman for Anglo American has confirmed that member companies in the mining industry had asked for urgent clarification from the National Union of Mineworkers regarding the three-day action.

The corporation's concern was that the action "should not heighten conflict, lead to violence and promote confrontation with the SA Police".

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# Clash looming between employers and unions

# 'DAYS OF PROTEST'

Sowetan 30/5/88

166

Page 2

## Days of protest clash

• From page 1

federation said at the weekend

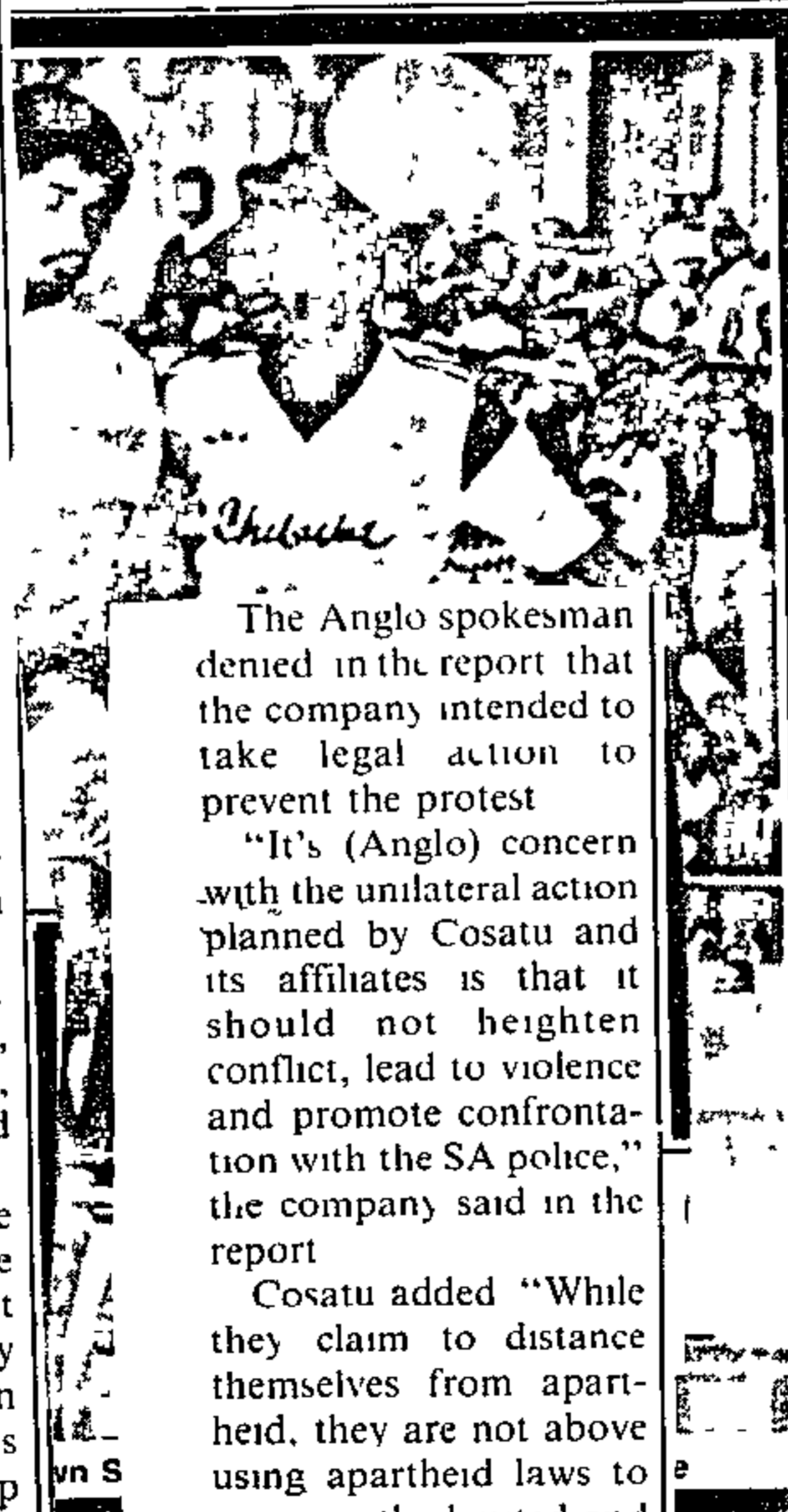
Cosatu said a number of companies — including Anglo American Corporation — had indicated that they were considering legal action "to suppress the protest action"

"These companies have given notice of their intention to take action to suppress the protest action by interdicting the unions, and threatening to punish the unions by suing them for damages," the federation said

These companies, according to Cosatu, included Sasol, Iscor, Haggie Rand and Gold SA

Spokesmen for these companies could not be reached for comment yesterday, but a Sunday newspaper quoted an Anglo spokesman as saying the mining group was seeking urgent clarification about "the protest action" from the Cosatu-affiliated National Union of Mine-workers.

# ROW



The Anglo spokesman denied in the report that the company intended to take legal action to prevent the protest

"It's (Anglo) concern with the unilateral action planned by Cosatu and its affiliates is that it should not heighten conflict, lead to violence and promote confrontation with the SA police," the company said in the report

Cosatu added "While they claim to distance themselves from apartheid, they are not above using apartheid laws to suppress the limited and peaceful protest of the voteless against measures that directly affect their lives"

**A SHOWDOWN** is looming between major employer groups and two of the country's biggest labour federations over "days of protest" planned for next week

The Congress of SA Trade Unions (Cosatu), has called for three days of "peaceful protest" on June 6, 7 and 8

The National Council of Trade Unions has, on the other hand, decided on five days of national protest starting from June 6 to June 10

The protests are against the controversial Labour Relations Amendment Bill which if enacted, will drastically weaken unions by curtailing most of their rights, including the right to strike

Big business was contemplating taking action against Cosatu, its affiliates and members over the protest, the

• To Page 2

## London's most heroic





# Cosatu back on attack

COSATU yesterday renewed its attack on employers it said were threatening to obstruct union plans for protest action next week.

The protests are designed to highlight union objections to the Labour Relations Amendment Bill and the restrictions imposed on Cosatu and 17 other organisations.

Sasol, one of the employers named by Cosatu, confirmed it would take action against unions which called for protests or stayaways next week. Cosatu said damages claims against unions could result in their liquidation.

Singling out Anglo-American and five Anglo subsidiaries, Cosatu condemned

(166) BRONWYN ADAMS (1488)

employers which claimed to be liberal but were threatening to obstruct trade union plans for protest action.

It said peaceful demonstrations were the only way workers had of showing their opposition to unpopular laws in the work place, as they had no vote and were unable to affect the passage of the Bill or place parliamentary pressure on government to withdraw restrictions.

Liberal employers were simultaneously claiming to distance themselves from apartheid while using apartheid

B/day

● To Page 2

3/15/88

# Cosatu singles out Anglo for attack

laws to suppress the limited and peaceful protest of the voteless

Cosatu called on the international community to condemn the action of Anglo subsidiaries Vaal Reefs, Western Deep Levels, Free State Consolidated, Amcoal Collieries and Haggie Rand, as well as Sasol and Iscor.

It said the form the protests from June 6-8 should take was left to each community, "because any act including the 'interruption of any undertaking or industry' for the purpose of inducing government to withdraw the restrictions or the Bill constitutes the crimes of subversion, sabotage and contraventions of the emergency regulations".

Anglo's Bobby Godsell said the company's rejection of the stayaway option did not mean it was not a liberal organisation. A unilateral union decision on that score was unacceptable, but Anglo was committed to reason and negotiation in the best common interests.

Godsell said it would be more constructive to negotiate common cause with Cosatu and to then make joint rep-

resentation to government.

He denied Anglo was threatening any action against the unions involved.

ALAN FINE reports discussion on the protest action at the Cosatu congress two weeks ago was marked by widespread reservations as to the wisdom of a three-day action.

Conference sources said it was over ambitious and could be counter-productive should the authorities respond aggressively. A number of unions proposed the protest should be incorporated during the June 16 commemoration — a *de facto* holiday anyway — and possibly the following Friday.

The action also follows a strong executive committee statement three weeks ago which complained about the failure of a number of Cosatu campaigns due to dormant regional and local structures, the stifling of debate and apathy among affiliates in implementing Cosatu decisions.

● Comment Page 4

(166)

←

● From Page 1

H/day 3/15/88

GM-Trip  
1/6/88

# Cosatu call to condemn Anglo

**Own Correspondent**  
**JOHANNESBURG —**  
Cosatu has renewed its attack on employers it said were threatening to obstruct union plans for protest action next week.

The protests are designed to highlight union objections to the Labour Relations Bill and the restrictions imposed on Cosatu and 17 other organizations.

Sasol, one of the employers named by Cosatu, has confirmed that it will take action against unions which call protests.

Singling out Anglo American and five Anglo subsidiaries, Cosatu condemned employers who claimed to be liberal but were threatening to obstruct trade union plans for action.

Cosatu said workers could only peacefully demonstrate their opposition to unpopular laws in the workplace, as they had no vote and were unable to affect the passage of the bill, or place parliamentary pressure on the government to withdraw restrictions.

Cosatu called on the international community to condemn the action of Anglo subsidiaries Vaal Reefs, Western Deep Levels, Free State Consolidated, Amcoal Collieries and Haggie Rand, as well as Sasol and Iscor.

Anglo's Mr Bobby Godsell said the company's rejection of the stayaway option did not mean that it was not a liberal organization. It would be more constructive to negotiate common cause with Cosatu and to then make joint representation to government.



166 B/day 27/5/88

**POLITICS**

# Debate time cut for Labour Bill

CAPE TOWN — Government has severely limited the amount of time allocated for the debate on the Labour Relations Amendment Bill which starts today, and only 280 minutes has been allowed for the whole debate in the Assembly.

The restriction in terms of the new Standing Rules and Orders has been criticised by PFP Chief Whip John Malcomess, who said his party had been given only 60 minutes speaking time on the "highly contentious Bill".

Malcomess said the PFP was opposing the Bill for many reasons. Under the old rules, he said, 12 hours would have been allowed for the debate. This had now been cut down to four hours 40 minutes, which included the minister's reply.

**Political Staff**

Malcomess said the NP was "increasingly effectively throttling the opposition" and it was clear that after 40 years in power it had no idea of the rights and feelings of the opposition. One day it would suffer from the very system it had introduced.

CP chief whip Frank le Roux said the CP had no problems with the restriction on the time, because it was opposed to the legislation on principle, and did not need more than 60 minutes to state why.

Le Roux said that the CP had virtually agreed to the limited time, although he was aware that a similar time limit could be placed on other Bills such as the Group Areas Act Amendment Bill.

## Extra R1bn for state

CAPE TOWN — An extra R1bn in supplementary departmental expenditure is to be defrayed from the State Revenue Account in this financial year, according to a government estimate published in Parliament yesterday.

The biggest amount — R550m — was for the National Road Fund.

An extra R150m would be needed for municipal police.

Foreign Affairs needed R20,4m for aid to the TBVC countries, and the Development Aid Department R26,5m to assist the self-governing territories.

The Administration of the House of Assembly needed R100m for the national flood disaster, and the House of Representatives R5m.

The National Health Department needed R20m for the Government Service Pension Fund and R30m for the Disaster Relief Fund.

The Department of Finance required R20m to subsidise the return rate of investments for senior citizens.

In addition, the Free State needed R23,7m for flood damage to roads and bridges, and the Cape R17m. — Sapa.

# Ramaphosa: Forget <sup>star</sup> the future, tackle <sup>27/5/58</sup> apartheid monster now

Tackle the "monster of apartheid" today instead of constantly worrying about a "vision for the future", Mr Cyril Ramaphosa, general secretary of the National Union of Mineworkers, told a conference of 150 business leaders in Johannesburg yesterday

He had been asked to speak on "My vision for tomorrow" by the Human Resources Contact Group at a two-day conference which ended yesterday.

Mr Ramaphosa said he was unable to talk on his assigned topic because he could not separate himself from the millions of dispossessed, disenfranchised South Africans whose vision for the future society was enshrined in the Freedom Charter.

"I have no personal vision of a tomorrow. Both myself and others do not have a today. We need to deal with the reality of the situation now. We need to eradicate the monster of apartheid which has devoured our people.

"The regime has destroyed the economy and laid waste education, health and welfare services. Townships are filled with homeless and despairing people. Hardship for both young and old in the rural areas has been intensified and over 5 million people are unemployed," he said.

Bosses hunting for solutions had introduced share-ownership schemes. But these kinds

By Adele Baleta

of solutions "smack of blackmail", he said.

Replying to questions about what business could do now, Mr Ramaphosa said the Labour Relations Amendment Bill was a starting point.

"Business has participated in drafting the Bill. During recognition negotiations we heard management talking about the possibility of restricting strikes and suing unions for loss of production."

These "possibilities" were ensured in the amendment Bill and many companies were waiting in anticipation for the Bill to be passed so they could begin dealing more "constructively" with the unions, he said.

Mr Ramaphosa pointed out that union proposals to get the Government to pass a Bill embodying the concerns of both labour and management had been rejected.

The vision Mr Ramaphosa said he would like to put forward was that of a future, non-racial democracy as set out in the Freedom Charter

# Alert on abuse of children

Sunday Times Reporter  
FAMILY members account for 67 percent of all cases involving the sexual abuse of children.

This is one of the statistics in a new pamphlet being distributed to the medical and legal professions, creches, child minders and police throughout Natal.

The pamphlet also describes possible warning signs that a child is being sexually abused.

And it gives a full list of hospitals and agencies which deal with child abuse cases.

Available in English, Afrikaans and Zulu, the pamphlet was produced by the Durban office of the Women's Bureau of South Africa and the South African Society for the Prevention of Child Abuse and Neglect (SASPCAN).

*Delray*

*[scribble]*

*S/Times  
10/4/82*

Don't worry about a 'future vision' ...

166

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1607

# Deal with 'monster' of apartheid — Ramaphosa

Star 26/5/88

By Adele Baleta

Address the "monster of apartheid" today instead of constantly worrying about a "vision for the future", the general secretary of the National Union of Mineworkers (NUM), Mr Cyril Ramaphosa, told a conference of 150 business leaders in Johannesburg yesterday.

He had been asked to speak on "My Vision for Tomorrow" by the Human Resources Contact Group at a two-day conference which ended yesterday.

"Both myself and others do not have a today. We need to deal with the reality of the situation now. We need to eradicate the monster of apartheid which has devoured our people."

"The regime has destroyed the economy, laid waste education, health and welfare services. Townships are filled with homeless and despairing people. Hardship for both young and old in the rural areas has been intensified and over 5 million people are unemployed," he said.

Bosses, who were hunting for solutions, had introduced share ownership schemes. However, these kinds of solutions "smack of blackmail", he said.

## Starting point

Mr Ramaphosa was concerned that the way of visualising the future was by securing sectional guarantees instead of dismantling apartheid.

Replying to questions about what business could do now, Mr Ramaphosa said the Labour Relations Amendment Bill was a starting point.

"Business has participated in drafting the Bill. During recognition negotiations, we heard management talking about the possibility of restricting strikes and suing unions for loss of production."

In time, these "possibilities" were ensured in the amendment Bill and many companies were waiting in anticipation for the Bill to be passed so they could begin dealing more "constructively" with the unions, he said.

Mr Ramaphosa pointed out that union proposals to get the Government to pass a Bill drafted with the consensus of labour and management had been rejected.

At the outset of his speech, the NUM general secretary said he was unable to talk on his assigned topic — "My Vision of Tomorrow" — as he could not separate himself from the millions of dispossessed, disenfranchised South Africans whose vision for the future society was enshrined in the Freedom Charter.

"I have no personal vision of a tomorrow."

The vision Mr Ramaphosa said he would like to put forward was that of a future non-racial democracy as set out in the Charter.



# Ccawusa demo

COMMERCIAL Catering and Allied Workers' Union of SA members will participate in picket protests today and tomorrow to demonstrate their anger against the Labour Amendment Bill, the union said

Ccawusa official, Mr Salim Vally, said union members would take part in peaceful and lawful demonstrations in Johannesburg at lunch-time

The controversial Bill has sparked widespread protest and anger among trade unions, which say the proposed legislation

**SOWETAN  
Reporter**

is clearly aimed at curtailing the right to strike

Ccawusa's Johannesburg branch has called for a concerted campaign among labour and community organisations against the Bill

## Appeal

Mr Vally said "We are appealing to the police and bosses to respect the demonstrations. This action will be carried out in a peaceful and lawful manner"

166. ~~167~~ ~~153~~ Meanwhile the Azanian National Youth Unity has expressed its support for days of protests called by the Congress of SA Trade Unions and the National Council of Trade Unions

*Sowetan 25/5/88*  
Cosatu has called for three days of "national peaceful protest" on June 6, 7 and 8 while the Nactu shop stewards' council — which met last weekend — "decided on a national protest action from June 6 to 10"

Azanyu said in a statement "We further



**MR VALLY**

welcome the call by both federations to 'unity in action' against the Bill. It gives hope that all democratic opposition can unite against all repressive measures"

News in Brief

CAW 1225 24/5/88 (166) (13)

### Nactu joins protest call

JOHANNESBURG — A second trade union federation has called for national protest against the Labour Amendment Bill, widely seen by unions as threatening the rights of workers. The National Council of Trade Unions, a rival grouping to the Cosatu, said the bill was a state attempt to "crush the power of organized black workers"

Star 24/5/66

## Nactu urges protest action against Bill

By Mike Siluma, Labour Reporter/66

South Africa's second biggest black labour federation, the National Council of Trade Unions (Nactu), has called for "national protest action" against the Labour Relations Amendment Bill, which was tabled in Parliament last week.

In a statement yesterday, Nactu said the decision to set aside the period from June 6 to June 10 for protest action had been taken by the federation's shopstewards' meeting, at the

weekend. The meeting was attended by about 500 delegates.

Shopstewards attending the meeting had "called for the total rejection of the Bill as the State's efforts to crush the power of organised black workers".

Nactu said it would consult the Congress of SA Trade Unions and "all organisations of the people" for joint action.

# UNION UNDER FIRE: COSATU TO DISCUSS 'EMERGENCY'

W/C-MRUS 14/5/88  
LEADERS of South Africa's largest union federation are meeting in Johannesburg this weekend in an "emergency" congress to discuss reaction to a range of threats to the movement

The Congress of South African Trade Unions (Cosatu) felt the situation was so serious with changes to labour legislation proposed in the Labour Relations Amendment Bill and restrictions placed on any political activities that it advanced its biennial congress by a year

In the three years since its formation Cosatu has had an impact far beyond the factory floor and come to be a political thorn in the Government's side. Unions in the federation have been involved in several major industrial actions since last year: the OK strike involved about 10 000 workers, the Railway strike as many as 20 000 and the Mines strike 32 000.

It also launched the "living wage campaign" as a co-ordinated challenge to what it saw as deliberate attempt by employers to keep wage increases below the level of inflation.

At the same time Cosatu and its affiliates have felt themselves to be under increasing attack, ranging from the unsolved bombings of Cosatu House in Johannesburg and Community House in Cape Town to the detention of unionists, the restrictions placed on it and 16 community organisations and the Bill.

It also claims that the year saw increasing use by management of mass dismissals, lock-outs and court interdicts rather than bona fide negotiations.

Cosatu sees the Labour Relations Amendment Bill as an undiluted attack on the gains made by the trade union movement in the past decade on the shop floor, in the courts, and in the community.

A Cosatu statement this week repeated the view that the Bill, if it became law, would "lead to the breakdown of dispute-resolving mechanisms".

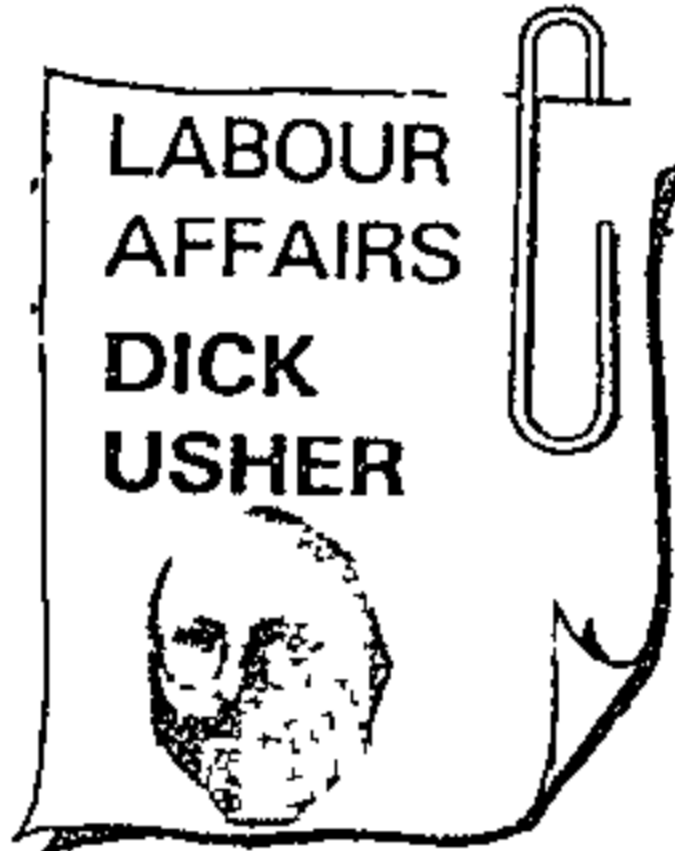
The Bill and Cosatu's response to it will be one of the main points of discussion.

● Important aspects of labour law will be highlighted at a seminar organised by the Institute of Personnel Management.

Clive Thompson, director of the labour law unit at UCT will look at strikes and lockouts, Professor Pak le Roux, of the department of mercantile law at Unisa, will deal with overtime bans, go-slows and work-to rule, a practising attorney will outline recent Industrial Court trends on unfair dismissal, and Stellenbosch University labour law lecturer Barney Jordaan will consider managerial prerogative and workplace control.

The seminar will take place at the BP cinema complex on Friday, May 20, from 8.15am.

Inquiries: Avril Ebbs  
☎ 64-2221.





# Labour bill is tabled with few concessions to union objections

10/17/58  
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**Parliamentary Staff**  
CAPE TOWN — The Labour Relations Amendment Bill, which is said to aim to shift the balance of negotiating power away from unions towards employers, was tabled in parliament yesterday with a few concessions to union objections.

Provisions which raised the most intense protests when the bill was first published last year — those which limit the existing right to strike, ban sympathy

strikes and simplify the ability of employers to sue for damages incurred during unlawful strikes — remain largely untouched.

It is thus assumed in the bill that until the contrary is proved any union member or official who "interferes with the contractual relationship" by instigating an unlawful strike has been acting with union authority. And the new bill introduces civil liability for the individuals involved.

The bill removes the right of the Manpower Minister to introduce amendments to unfair labour practices (ULPs) by proclamation. It also reduces the service period during which an employee may not be unfairly dismissed from 12 to six months.

The bill defines any unlawful strike as an ULP. It also specifies that a dismissal may not be on the basis of an employee's union activities.

The new version pro-

vides that it is not unfair for a union to refuse an employee membership in accordance with the union's constitution. One observer interpreted this as submitting to the wishes of racially exclusive (in most cases white) unions.

Clauses concerning consumer boycotts remain unchanged as does the clause that prevents unfair discrimination on the grounds of race, sex or creed — a clause which many employers protested was worded vaguely.

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Parliament

# Opposition still unhappy with bill

By BARRY STREEK  
Political Staff

WHILE the controversial Labour Relations Amendment Bill had been improved by changes proposed by a parliamentary standing committee, the most contentious provisions had not been removed, opposition parties warned yesterday

These contentious clauses involve prohibitions on sympathy strikes, consumer boycotts and "grasshopper strikes" and a liability on unions for the actions of their workers if these cause losses to companies

The Progressive Federal Party spokesman on manpower, Mr Jan van Gend, MP, said "There have been vast improvements but in regard to the clauses that most affect the unions, the opposition of unions remains unchanged"

The National Democratic Movement spokesman on manpower, Mr Peter Gastrow, MP, said "Despite the positive elements which it contains, the bill will introduce more stresses and

strains in to an already fragile collective bargaining system"

The pendulum had swung towards employers, "even if the swing is not as dramatic as initially anticipated

"Further limitations on the right to strike will place a damper on the trade unions' ability to exert their bargaining muscle, whilst employers are hardly affected," Mr Gastrow said

Mr Van Gend said the biggest problem with the original proposals was that they tried to give a precise definition to the key concept of "an unfair labour practice" and they were "absolutely prescriptive"

Fortunately, the standing committee decided to allow "a slight loophole" to the definition of this concept and the amendments would still allow a wide scope for the Industrial Court to decide what was or was not an unfair labour practice

The amended bill allowed for sympathy strikes where there was one employer, but they would be prohibited within a particular industry or where a company had legally separate branches

Mr Van Gend said he accepted, in terms of labour relations, that a sympathy strike in a totally unrelated industry should not be allowed but where there was a common interest such as the same industry sympathy strikes should be allowed to help the balance of power between employer and employee

The standing committee had retained the prohibition on consumer boycotts

Mr Van Gend believed the clause making unions civilly liable for any losses incurred during strikes, which the standing committee had kept, was "totally uncalled for"

"It seems unjustified to pass legislation to hold unions responsible for costs if members go out on strike and as a result, the company suffers losses. The unions could then be sued for damages

"I believe this is totally unjustified, certainly unjustified by the evidence to us," he said

Mr Van Gend also said the prohibition on "grasshopper strikes" where striking workers returned to work and then went on strike again could have the effect of worsening labour relations

Cape Times 17/5/88

# Few concessions in Labour Bill

From ALAN FINE

JOHANNESBURG. — The Labour Relations Amendment Bill, which aims to shift the balance of negotiating power away from unions towards employers, was tabled in Parliament yesterday with a few minor concessions to union objections

Provisions which raised the most intense protests when the previous version was published last September remain largely untouched

The new bill defines any unlawful strike as an unfair labour practice. It also appears to narrow the scope of the unfairness of selective dismissals

The new version provides that it is not unfair for a union to refuse an employee membership in accordance with the union's constitution.

● Cosatu resolved to protest against the Labour Relations Amendment Bill

● Opposition still unhappy with bill — Page 2

ARGUS 17/5/66

# Tension expected over Bill on labour

**Labour Reporter**

A PERIOD of heightened tension between employers and employees is predicted following the tabling of the Labour Relations Amendment Bill in Parliament

Industrial relations experts based their predictions on the opposition of both major union federations to many provisions in the draft Bill.

South Africa's largest trade union federation, the Congress of South African Trade Unions, reiterated its opposition at a special weekend congress

The main objections by trade unions to the legislation are:

- It will end the indemnity of unions against losses of employers through illegal strikes. A union will now have to prove that it was not involved to avoid liability.

- Undermines the "majoritarian principle" by which unions given recognition by employers have claimed the right to negotiate on behalf of all workers in a bargaining unit.

- Extends the definition of an unfair labour practice,

- Further restricts the right to strike, and

- Opens the way for lengthy and potentially costly litigation

- The Argus Political Correspondent reports that the Conservative Party will oppose what it regards as provisions which provide for the further expansion of black trade unions

The Progressive Federal Party has misgivings about some of the restrictions on sympathy strikes and the provision to make unions liable for strike losses

All parties welcomed the retention of labour appeal, that conciliation procedures were being simplified and that it was no longer the Minister's duty to authorise these procedures

- See page 10.



# New labour Bill gets kudos, condemnation

Political Staff

STV 18/5/88  
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Opposition parties yesterday welcomed improvements in the controversial Labour Relations Amendment Bill but expressed misgivings about other aspects

The official Opposition in the Assembly, the Conservative Party, will oppose what it regards as aspects that provide for the further expansion of black trade unions

The Progressive Federal Party has misgivings about some of the restrictions on sympathy strikes and provision to make unions liable for strike losses.

A new version of the Bill has just been published after it was amended by the parliamentary standing committee on manpower and mineral and energy affairs.

Mr Frank le Roux, CP chief spokesman on labour matters, said the measure was a legal curate's egg

The party objected to it where it aimed it tried to "bring together First and Third World elements in the same sophisticated system". The CP was opposed to the further development of black trade unions.

*Case notes 18/5/88 (18/166)*

## 'Labour revolution' in industrial courts

IN what has been described as a "labour revolution", the industrial courts are set to hear 9 000 cases this year — a 3 900% increase since 1983

According to Mr Andrew Levy, managing director of a Johannesburg-based industrial relations and training organization, the industrial courts are one of the enduring institutions to emerge from the 1983 Wiehahn labour reforms

"Apart from intervening in the wage-bargaining processes, they have brought about a whole new set of standards for relationships between employers and employees by introducing checks and balances to the previously unfettered power of the boss," he said, describing this change as a labour revolution

The bulk of cases handled by the industrial courts were cases of unfair dismissals brought by individuals and non-unionized employees

For every case that appeared before the court, there were probably five or six which were settled before they reached court

Star 2015/88

# FCI supports revised labour relations Bill 166

Organised industry has decided to support this week's revised Labour Relations Amendment Bill

In a statement, the Federated Chambers of Industry (FCI) says it will back the Bill and that "it is encouraging to note that a number of issues of concern which the FCI has commented on have been included in the draft legislation"

In particular, says the FCI, it welcomes

- The introduction of a Labour Appeal Court
- The removal from the last draft bill of the Minister's discretion in formulating unfair labour practices
- The removal of the unilateral extension of the life of a conciliation board
- The new provision that the ruling of an industrial council in the settlement of a dispute must be accepted by both parties to the dispute

The statement notes that: "The Bill is a highly technical piece of legislation with many important implications for both employers and trade unions. Although it has been suggested that the Bill could tip the balance of power in favour of only one party to the industrial relationship, the FCI's opinion is that this is not so.

"The FCI remains of the opinion, however, that any attempt to codify unfair labour practices should be confined to a set of groundrules, coupled with a broad catch-all

"It is unnecessary to pursue a statutory codification of unfair labour practices which is necessarily incomplete and which will still have to be deliberated in court"

The Chamber says, however, that it is concerned that "the wording of the unfair labour practice provisions is unclear, as is the question of whether or not striking workers may be dismissed"—Sapa.

**T**HE National Council of Trade Unions has painted a gloomy picture of the times ahead after carefully analysing the controversial Labour Relations Amendment Bill

The analysis will serve as a guideline for its 24 affiliates

The Bill which has been widely criticised by labour experts and the labour movement in general, was tabled in Parliament on May 16 with "minor" changes being conceded after the original version was published in September 1987

Nactu said the changes were so insignificant that it regarded the draft legislation the same as when it was first published

Briefly, Nactu says the provisions of the Bill — if it becomes law — would

- Severely reduce the powers of the industrial court
- Restrict the scope of the unfair labour practice.
- Place further restrictions on the right to strike,
- Increase the sanctions on the trade unions whose members participate in illegal strikes,
- Restrict disputes that can be channelled through conciliation procedures provided for in the (existing) Labour Relations Act, and
- Attack the practice of majoritarian unionism

**UNDERMINE**

The legal unit of Nactu which drafted the guidelines observes

"The Bill in its present form represents a major change of direction in State policy on labour relations and will undermine many developments which have taken place since 1979"

The unit, in its analysis selected major aspects of the Labour Re-



**WORKERS** demonstrate against low wages Is their right to strike going to be a thing of the past?

# Gloomy times ahead - Nactu

By **THEMBA MOLEFE**

**FOCUS**

**THE** National Council of Trade Unions has analysed the controversial Labour Relations Amendment Bill and after selecting some aspects for scrutiny concludes that at the end of the day many unions will be forced to close down

lations Act which if the Bill is passed would "drastically affect trade unionism"

**Conciliation Boards** These are established by the Minister of Manpower in terms of existing legislation to settle a dispute between the trade union and the management concerned. It, however, does not involve third party intervention

-In terms of Section 35 of the LRA there is no time limit within which the application has to be lodged with the Department of Manpower. The dispute has to be referred within a "reasonable" period

"There will be a limit-

ation on the period during which the dispute must be referred. The application must be lodged within 21 days from the date on which the dispute has arisen" says Nactu

The appointment of a conciliation board is at the discretion of the Minister in terms of the LRA

Nactu says that in terms of the draft legislation the Minister will lose the discretion to appoint a board. Nactu says this is the only positive aspect of the Bill as it will speed up resolution of conflicts

**PROCEDURE**

**Industrial Councils** The present position is that there is no limitation on the period during which a dispute should be referred to an industrial council

The Bill proposes that a dispute be referred within 21 days from the date on which it arose. This provision will have to be followed unless all parties to the dispute agree to a different procedure

The introduction of a dispute procedure is very similar to the conciliation board procedure

The restriction which prevented the industrial council from dealing with a dispute during the preceding 15 months has been relaxed

The period has been

reduced to 12 months. Nactu said this was also positive

Although the clause preventing an industrial council from dealing with a dispute similar to the one which existed during the previous 15 months has been dropped, Nactu says restrictions to both the conciliation board and the industrial council processes have been proposed

**Industrial Courts** The major change to the status of the industrial court is the introduction of Section 17a — the Special Labour Court

The Bill proposes to introduce a system of appeals from decisions of the industrial court which are to be heard by a special division of the Supreme Court. This would be called the special labour court

**FAIRNESS**

Nactu observes that the special labour court is to be given the power to make an order as to costs according to the requirement of the law

The creation of this court means that a common law court will now have to determine the issues of fairness and specialised issues relating to industrial relations

"An appearance before a special labour court requires both an attorney and an advocate

"Amendment to the power of the industrial court is that it can no longer make the same order as any court of law on a matter arising from the various Acts administered by the Department of Manpower," says Nactu

"Section 17 (u) (a) — of the existing legislation

— which was used as a means of bringing urgent applications to interdict legal strikes, illegal lockouts and other breaches of industrial council agreements has been withdrawn"

**Strike Action** The LRA presently provides that sympathy strikes aimed at putting pressure on an employer other than the employer of the workers on strike can be staged legally provided the conciliation procedures have been followed

In terms of the Bill a sympathy strike will be a criminal offence if the employer or employee is not directly involved in the strike

The LRA does not prohibit a strike over a dispute which is the same or virtually the same as a previous dispute which gave rise to a strike or a lockout

**INDEMNITY**

"The Bill proposes that a strike will be illegal if the dispute that caused it is the same or virtually the same as the one that previously gave rise to a strike or a lockout in the last 12 months," says Nactu

The federation says

• To Page 11

## 'Gloomy times'

• From Page 10

that the Bill also proposes to change the nature of the indemnity given to unions which participate in legal strikes

The Bill now not only retains but extends the criminal regulation of striking. This is a negative aspect of the Bill of the day because employees will now sue the union for damages based on its losses in the event of a work stoppage

"The only positive aspect, however, is that the amendment of the industrial council and conciliation board system would ensure speedy settlement of disputes"

The federation said it was now charged with the responsibility of training its organisers to lodge disputes with the councils to comply with the 21-day regulation

employees will not be unfair while in terms of existing legislation it is regarded as an unfair labour practice. This is very negative as far as Nactu is concerned

Nactu says in conclusion "On the whole the Bill is calculated to force some of the trade unions to close down at the end of the day because employers will now sue the union for damages based on its losses in the event of a work stoppage"

"The only positive aspect, however, is that the amendment of the industrial council and conciliation board system would ensure speedy settlement of disputes"

The federation said it was now charged with the responsibility of training its organisers to lodge disputes with the councils to comply with the 21-day regulation

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Some from 20/5/88



# Assocom accepts Bill conditionally

Star 19/5/88

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By Zenaide Vendeiro

Assocom would only support the proposed consumer protection legislation if it contained certain fundamental safeguards to ensure that the activities of legitimate operators were not hindered, the association said yesterday.

Speaking at a press conference following the mid-year meeting of the Assocom executive council, Assocom's legal adviser Mr K F Warren, said Assocom had accepted the fact that existing laws were inadequate to stop questionable practices such as the recent milk culture schemes, and that more effective consumer protection legislation was necessary.

For this reason, Assocom would support the Draft Bill on Control of Harmful Business Practices if checks were built into it. These included:

- A clearer definition of what was meant by a harmful business practice.
- No action to be taken unless recommended by the proposed Harmful Business Practices Committee after a thorough investigation.
- A right to appeal to an independent special appeal court.

Several consumer organisations have expressed support for the Bill.

# PROTEST

Sowetan 2/6/88

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# UNIONS

Nactu.  
Cosatu  
agree on  
joint action

# MEET

By LEN MASEKO and  
THEMBA MOLEFE



MR James Mndaweni,  
president of Nactu

MR Elijah Barayi,  
president of Cosatu

SOUTH Africa's largest labour federations, the National Council of Trade Unions and the Congress of South African Trade Unions yesterday agreed at a meeting that the "peaceful protest" planned for next week will take three days — from June 6 to June 8

The protest is against the Labour Relations Amendment Bill, aimed at curbing many of the rights enjoyed by unions under present law

The decision by Nactu and Cosatu to embark on joint protest action is the first of its kind between the two rival federations

In a joint statement released after yesterday's historic meeting, the federations also agreed in principle that the possibility of future meetings to discuss matters of common concern and of taking joint action would be explored

Delegations of the two federations were led by their respective presidents, Mr James Mndaweni of Nactu and Mr Elijah Barayi of Cosatu

Yesterday's meeting  
• To page 4

## Pensioners' long wait for pay

Sowetan 2/6/88

By ALI MPHAKI

HUNDREDS of pensioners from Soweto were not paid their bi-monthly pension last month and are queuing daily at the offices of the Department of Home Affairs in Johannesburg to receive their pay

The delay in payment was caused by a change of departments handling pensioners. On April 1 this year, the Transvaal Provincial Administration (TPA) took over control of pensions from the Department of Home Affairs, a spokesman said yesterday

Since last Friday, pensioners — most of them sickly — have had to travel to Johannesburg and stand in long queues before receiving their pay. Some were turned back because of the long queues

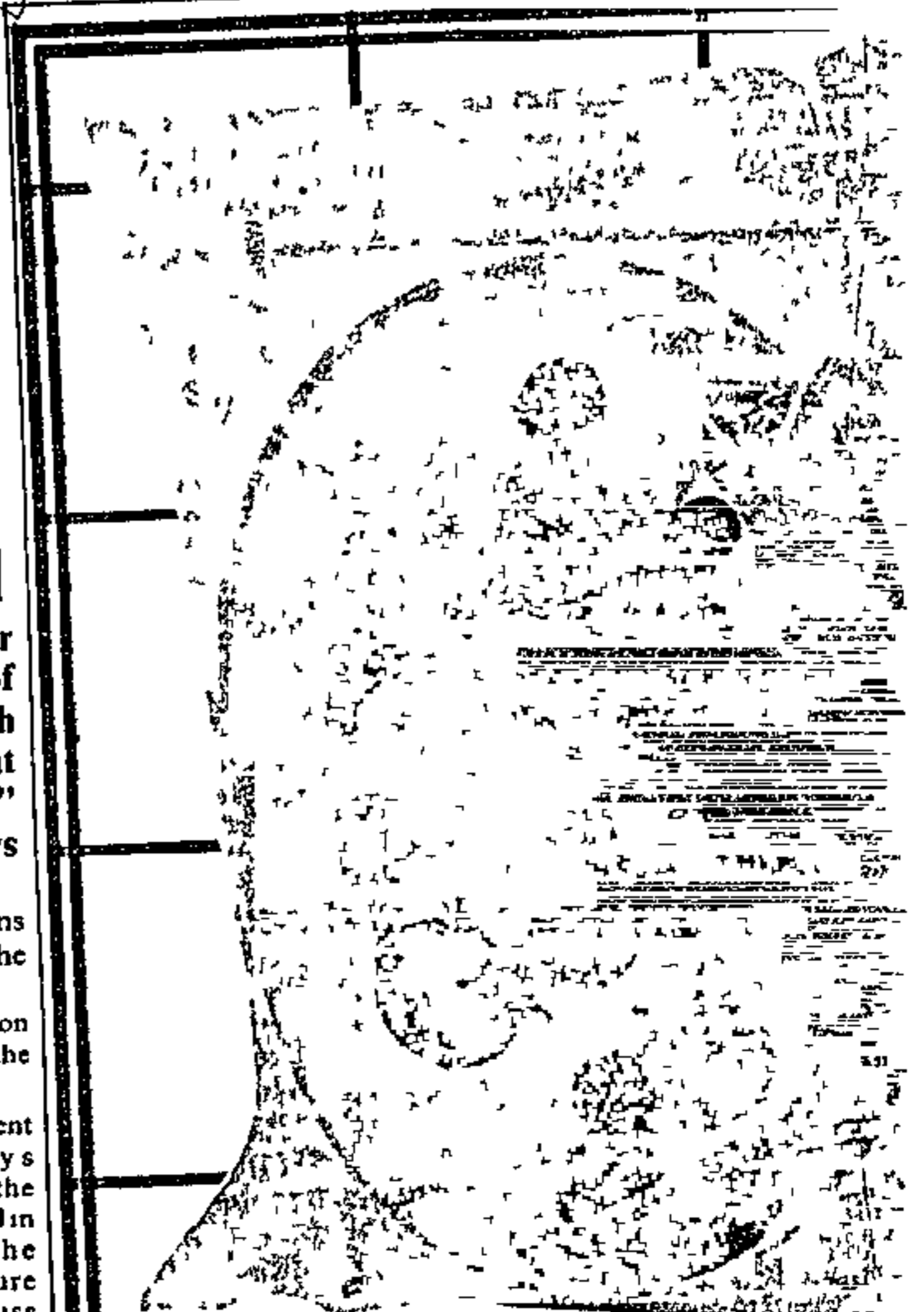
This added misery to the pensioners, some of whom had to borrow money to be able to get transport to reach home

Mrs Winnie Makhafola of Orlando West said "I was told to go home on Friday because the queue was too long. When I came back on Monday the story was the same. That is why today I woke up very early to be here at Albert Street"

A spokesman for the TPA said the delay would not happen again

"From July we will make sure that pensioners receive their pay during the first 10 days of the month," the spokesman said

REPORTS, pictures and comment in this edition may be censored in terms of the Government's state of emergency.



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Amul 2/6/88 (166)

# Du Plessis defends new Labour Bill

## Parliamentary Staff

THE contentious Labour Relations Amendment Bill, criticised by some as a backward step into the "darkness" of the pre-Wiehahn era, has been defended by Manpower Minister Mr Pietie du Plessis as a "natural development" of Wiehahn thinking and not a clampdown on unions because of political activity.

Speaking in the House of Assembly last night during the second-reading debate on the Bill, Mr du Plessis said it addressed certain technical problems in the application of the Labour Relations Act

## PRESCRIPTIVE

One of the major criticisms of the Bill was that it attempted to define unfair labour practices. This was seen as prescriptive to the courts.

Mr du Plessis said that to the contrary, the previous legislation had allowed just about anything to be read as an unfair labour practice. The new legislation addressed that problem.

The Wiehahn commission had recommended that future amendments of the legislation seek to define this aspect

The Bill did not undermine the right to strike and he accepted that legislation would not stop strikes.

What the Bill sought to do was make an illegal strike an unfair practice so that parties might go to the industrial court.

The legislation was not aimed at restricting black trade unionism and it was not a clampdown on unions arising out of fears of their political activity

Responding to the official Opposition which had noted the increase in strike activity in recent years (some 28 percent a year in the past five years), Mr du Plessis said that while strikes might have increased by this percentage, arbitration and conciliation had increased by 131 percent.

● Mr Peter Soal of the Progressive Federal Party listed a number of complex and technical objections to the Bill but said the crux of the matter was that the black union movement had no representation in the legislature.

The inadequacy and divisiveness of the debate on the Bill was created by the nature of the South African law-making process.

Mr Soal called for greater and deeper media coverage of the labour-relations system, which had been a source of constructive and hopeful change in the past decade



# Labour Bill is white prescription <sup>Star 2/6/88</sup> Soal

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## Parliamentary Staff

The contentious Labour Relations Amendment Bill, which has been criticised by some as a backwards step into the "darkness" of the pre-Wiehahn era, has been defended by the Minister of Manpower, Mr Pietie du Plessis, as a "natural development" of Wiehahn thinking.

Speaking in the House of Assembly last night during the second reading debate on the Bill, Mr du Plessis said it addressed certain technical problems in the application of the Labour Relations Act.

One of the major criticisms of the Bill was that it attempted to define unfair labour practices. This was seen as prescriptive to the courts.

Mr du Plessis said that, on the contrary, the pre-

vious legislation had allowed just about anything to be read as an unfair labour practice. The new legislation addressed that problem.

He said the Bill did not undermine the right to strike and he accepted that legislation would not stop strike action.

What the Bill sought to do was make an illegal strike an unfair labour practice so that parties might go to the industrial court.

The legislation was not aimed at restricting black trade unionism and it was not a clampdown on unions arising out of fears of their political activity.

Mr du Plessis said that while strikes might have increased by some 28 percent a year in the past five years, arbitration and conciliation had in-

creased by 131 percent.

Mr Peter Soal of the Progressive Federal Party listed a number of objections to the Bill but said the crux of the matter was that the black union movement had no representation.

The inadequacy and divisiveness of the debate on the Bill was created by the very nature of the South African law-making process.

"Black South Africans are not part of this process. This Bill has its origins in the National Manpower Commission set up by the legislature to advise on labour matters, and the mistrust and misunderstanding with which the Bill has been received by the black union movement can be traced to their absence from those councils which designed and developed it."



Lawyers <sup>Stew</sup>  
'will have <sup>2/16/88</sup>  
field day' <sup>166</sup>  
with new Bill

CAPE TOWN — The definitions of unfair labour practices in the Labour Relations Amendment Bill would provide a field day for labour lawyers and create tremendous interpretation problems for employers and employees, Mr Peter Gastrow (NDM, Durban Central) said yesterday.

He said during the second reading debate on the Bill that while it contained definite procedural improvements, on the whole it swung the pendulum in the direction of the employer by restricting strike rights even more than before.

Mr Gastrow said that both employers and employees had criticised the definitions of unfair labour practices. Their chief objection was that the ruling would be difficult to apply. — Sapa

(166)

# W/PHOTO FROM

# LABOUR'S RELEGATIONS

# AMENDMENT

# BY SENYAS

Trade union federations have alleged that the Labour Relations Amendment Bill (LRA) currently before parliament is repressive and directed at attacking trade unions.

These allegations are not supported by analysis of what the Bill actually says.

Employer federations have sought a meeting with union federations to explain why they believe the unions' allegations are unfounded and why they see merit in the Bill.



# **In sum the revised version of the Bill deals with most of the objections raised by Cosatu in its written submissions to the Parliamentary Standing Committee and is in line with major Western labour legislation.**

SACCOLA, a consultative grouping of major South African employers' federations, publishes the following full summary and analysis so that workers and the general public can inform themselves of the provisions of the Bill and avoid the conflict and confrontation which protests and stayaways will bring.

## **SUMMARY OF LRA**

Many of the 31 clauses are essentially technical and non-controversial (2, 3, 8, 16, 18, 19, 21, 23, 27, 28, 29, 30 and 31)

## **UNFAIR LABOUR PRACTICES AND THE RIGHT TO STRIKE**

The legal right to strike remains unaltered.

As the original general definition of an Unfair Labour Practice is retained no practice previously deemed by the industrial court to be unfair is excluded. The court enjoys the same degree of discretion as was previously the case.

The additional definition of the Unfair Labour Practice in clause 1 provides protection against unfair dismissal as comprehensively as in any other Western democracy. Secondary strikes, where the employer involved in the strike is unconnected with the issue in dispute, together with repeat strikes, dealing with the same issue in a period of twelve months, and product and service boycotts are now included in the definition of unfair labour practices. Secondary and repeat strikes, as well as boycotts all represent a destructive use of power and are discouraged, partially or completely, in many Western democracies and in almost all African countries.

The definition also makes intimidatory and discriminatory behaviour on the part of employers or unions an unfair labour practice, and similarly make unilateral alterations of employment conditions, as well as unfair or misleading union or employer organisation recruitment an Unfair Labour Practice.

All the above aspects of the new definition of the Unfair Labour Practice are both even handed and reasonable.

## **IMPROVED AND QUICKER PROCEDURES**

Clauses 5, 17, 20, 22 and 25 make a number of changes to the present Industrial

Court, all of which have the effect of increasing its status, power and effectiveness. All who use this court should welcome these changes.

Clause 6 creates a new Labour Appeal Court with the status of a division of the Supreme Court. This court will have the capacity to both interpret and make law, and also provides a new and more expert body to which contested decisions of the industrial court can be appealed. This change should be welcomed by all participants in South Africa's industrial relations system.

Clause 7 limits the power of Industrial Councils to determine alleged unfair labour practices, except where the parties in dispute agree with the Council's ruling in writing. This is a positive change.

Clauses 9 to 14 considerably simplify and expedite the functioning of the conciliation board, reducing the role of the State in these bodies, and increasing the powers of the parties themselves. This is a positive change.

Clause 15 increases the powers of the Industrial Court in terms of its ability to grant temporary relief through section 43 status quo orders. This is a positive change which can only be welcomed by unions.

Clause 24 provides, inter alia, for unregistered unions to conduct strike ballots before having recourse to strike action. This is a reasonable provision.

## **UNION ACCOUNTABILITY AND LIABILITY FOR DAMAGES**

Clause 26 deals with indemnity from civil litigation. In the Bill now before parliament indemnity is only removed in the case of illegal strikes or lock-outs, or in the case of criminal acts. This seems reasonable, and must at the very least remove much of the opposition to this clause.

Clause 26 also contains a presumption that union members, office bearers or officials are acting as authorised agents of their union. However this presumption will only apply where it can be demonstrated that such persons have committed a wrongful act. This presumption is much more narrowly defined than the provision in the version published for comment.

Clause 4 changes the method for registered unions to object to other unions seeking to claim new or expanded registration. If this will enable unions to use racist criteria to block the registration of other unions, employer organisations will oppose it.

**SACCOLA – South African Employers' Consultative Committee on Labour Affairs**



# Hockey injury: meeting tonight

By Sven Forsman and Sue Valentine

Bedfordview hockey player Craig Hayter, who was hit above his left eye during a league match two weeks ago, says he is lucky to have retained his eyesight.

Jeppie player Albert Garcia, who hit Hayter with his hockey stick while chasing the ball, was suspended by his club for 10 matches.

## HAYTER SAYS:

"My doctor said that if the head of the hockey stick had been slightly lower I would have lost the sight of one eye, and if it had been a couple of millimetres to the right it would have severed a major vein. In other words, I could have bled to death if I had not received immediate attention.

"As it is, I received 11 stitches and a small section of my forehead directly above the cut is completely numb."

He was disappointed that the Southern Transvaal Hockey Association had not yet held a disciplinary hearing if Southern did not do anything, he would be forced to take legal steps.

His lawyers had written to Garcia claiming medical expenses and his club had written to Southern asking it to do something. He said Garcia apologized to him after the match, but he had not heard from him since.

## GARCIA SAYS:

Hayter did not have "a leg to stand on" as he had also been penalised for his part in the incident.

"Craig whacked me on the thigh and pushed me off the ball before I hit him," said Garcia.

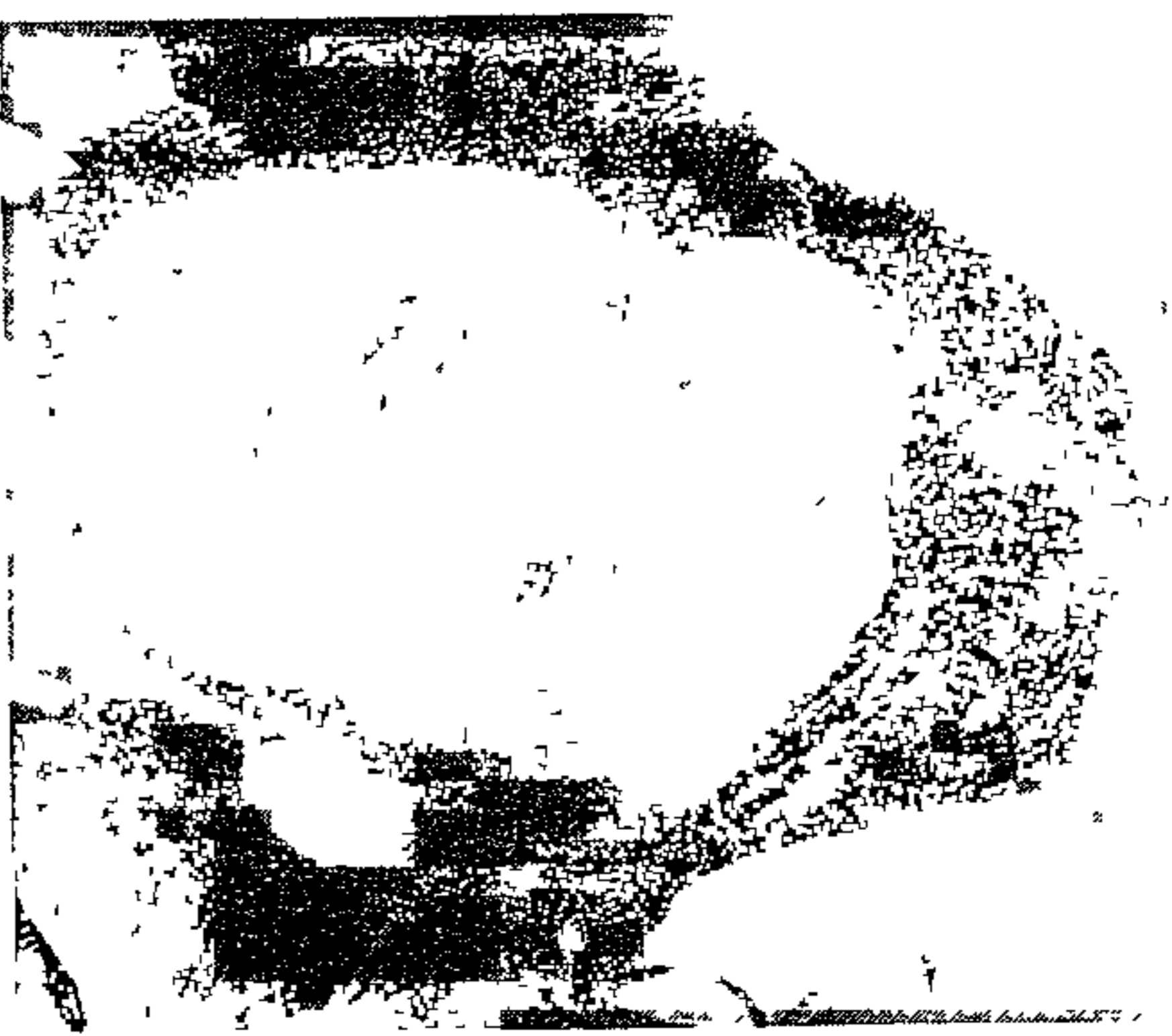
"He tackled me from the wrong side and when I swung at the ball I hit him across the forehead."

"I was given a red card (sent off) and Craig a yellow one (a period in the 'cooler'), although Craig was taken to hospital and his substitute had to stand in the cooler for him."

After the match Garcia said Hayter was back at the field and he had gone over to him to see how he was.

"Although he was obviously unhappy, he did not seem too upset about the whole thing."

"I can't understand why he is making such a big fuss about it all now."



## Benoni tables R146-m budget

BENONI — The Benoni Town Council last night tabled a R146-million budget for 1988/89 and made provision for a R2.9-million deficit.

Rates and taxes remained unchanged at 5c to the rand, with a 40 percent rebate for residential areas.

However, the chairman of the management committee, Mr Vic Penning, warned that as property values had risen rates would rise accordingly.

In keeping with the council's policy of equal pay for equal work, black weekly paid staff received a 15 percent increase in wages while provision was made for a 5 percent increase for salaried staffers.

Refuse removal and sewer tariffs rose by 12.5 percent and 26 percent respectively. Bus tariffs rose by an average of 19.5 percent. The Indian Revenue Account budgeted for a deficit of R329 765.

## Technikon at Witbank will serve highveld

East Rand Burden, director of the Department of Education and Training, Mr JH Booysen, on Wednesday turned the first sod for the new Mpundzankono Technikon to be built at a cost of R6.2 million at kwaGundqa in Witbank.

The technikon, scheduled for completion in April 1990, will consist of five workshops, one central store, 24 classrooms, a library, satellite stores, three typing rooms and four rooms for cultural enrichment courses.

## Police fire on Wits students

Police yesterday fired rubber bullets at about 100 University of the Witwatersrand students who had gathered on the campus steps in Jan Smuts Avenue to protest against the continued detention of students and a staff member.

The protest followed a luncheon meeting in the Great Hall which was addressed by a lawyer, Ms Kathy Satchwell, the mother of Mr Chris Ncogo, a student who has been in detention for two years, and the Rev Francois Bill, a former detainee.

A spokesman for the police public relations division in Pretoria said the police used rubber bullets to disperse a group of students. He said three bullets were fired.

A spokesman for the university said the students had been persuaded not to move off campus.

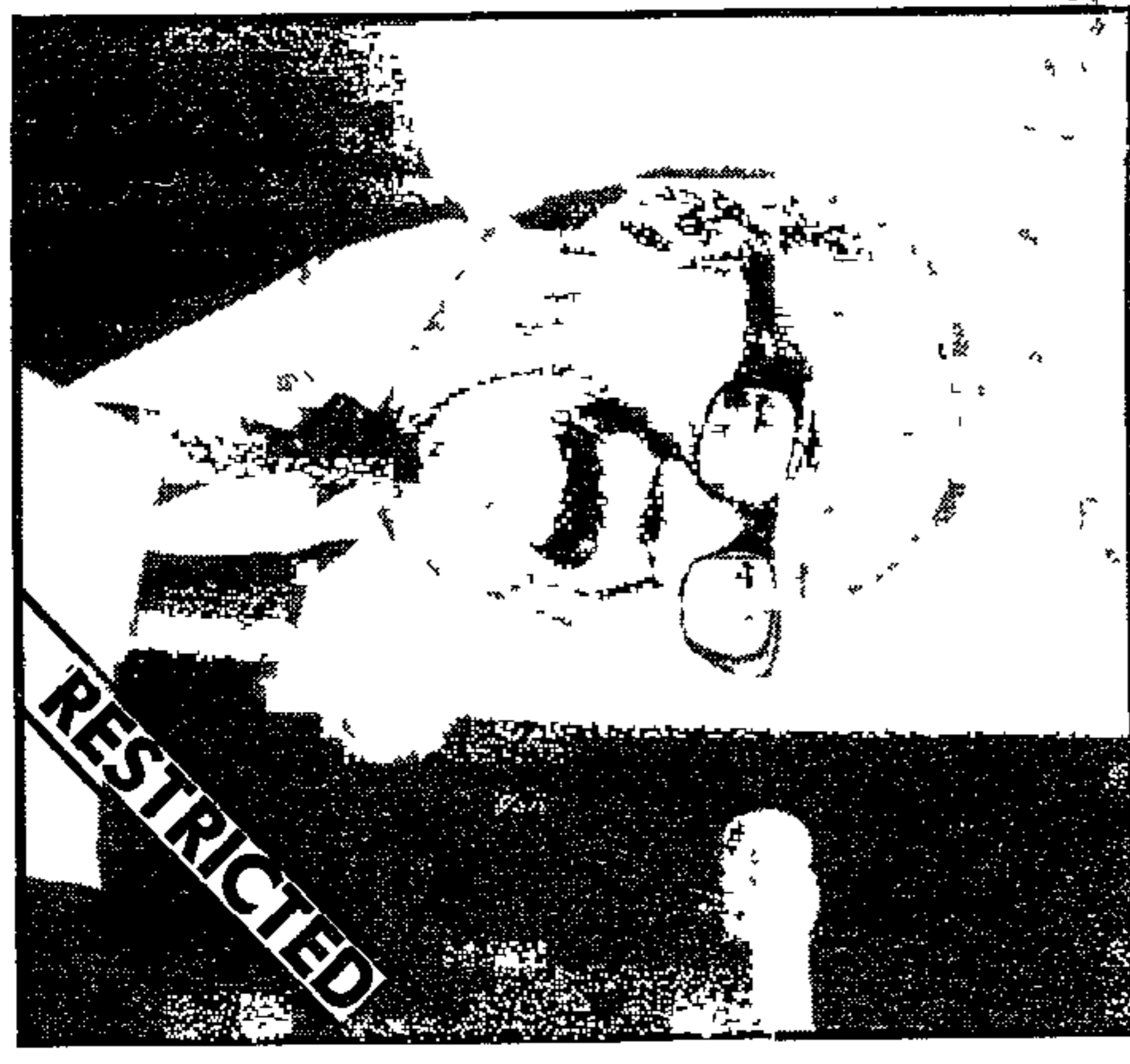
Two detachments of police moved on to the campus and a few rubber bullets were fired.



GOVAN MBEKI

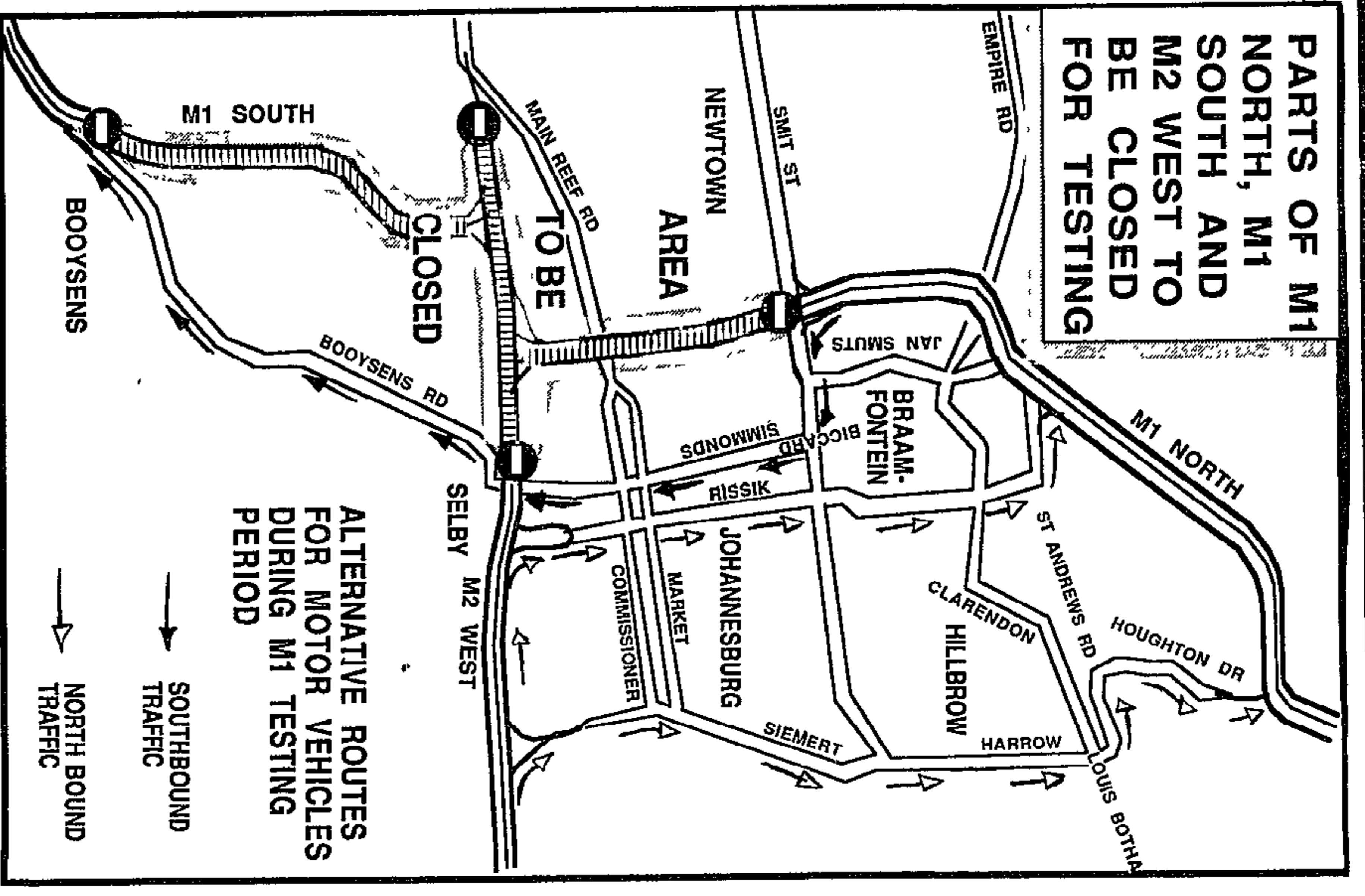


ALBERTINA SISULU



ARCHIE GUMEDE

## PARTS OF M1 NORTH, M1 SOUTH AND M2 WEST TO BE CLOSED FOR TESTING



## Motorway will be closed for testing

Municipal Reporter

The M1 North and the M1 South motorway at Newtown will be closed from 6 am on Saturday June 11 for structural tests by the City Engineer's Department.

It is expected to be open to traffic by Monday June 13.

Motorists have been asked by the traffic and security department to plan alternative routes.

The M1 South will be closed at the Braamfontein off-ramp. Motorists travelling south will have to take the off-ramp into Smit Street then right into Selby Street, go south on to

at Houghton Drive, or the Rissik Street off-ramp, then north in Rissik Street, around the Civic Centre, north in Jo-hann Street to St Andrew's Road, turning left on to the M2 North on-ramp at Jan Smuts Avenue.

The M2 West will be open to traffic.

The M1 North will be closed at the Booyens off-ramp.

Motorists going north must go along Booyens Road, Sauer Street, Queen Elizabeth Bridge and Jan Smuts Avenue to the M1 North on-ramp just north of Empire Road. Motorists going east must go along Booyens Road, turn right into Village Road, then continue to the M2 East on-ramp at Smit Street.



# 3 DAYS OF NATIONAL PEACEFUL PROTEST 6, 7, 8 JUNE 1988

WE CALL UPON THE SOUTH AFRICAN GOVERNMENT TO:

- UNBAN THE UDF AND 17 OTHER ORGANISATIONS
- LIFT THE RESTRICTIONS ON COSATU
- STOP THE LABOUR RELATIONS AMENDMENT BILL
- LIFT THE STATE OF EMERGENCY
- UNBAN GOVAN MBEKI AND 18 OTHERS

Issued by the following organisations:

- ★ SOUTHERN TRANSVAAL YOUTH CONGRESS (STRYCO)
- ★ NATAL YOUTH CONGRESS (NAVCO)
- ★ FEDERATION OF SOUTH AFRICAN WOMEN (FEDSAW)
- ★ ATERIDGEVILLE/SAUSVILLE RESIDENTS ORGANISATION (ASRO)
- ★ CONGRESS OF TRADITIONAL LEADERS OF SA (CONTRALESA)
- ★ NATAL INDIAN CONGRESS (NIC)
- ★ EAST RAND PEOPLE'S ORGANISATION (ERAPPO)
- ★ CAPE AREAS HOUSING ACTION COMMITTEE (CAHAC)
- ★ TUMAHOLE CIVIC ASSOCIATION (TGA)
- ★ MAMELODI CIVIC ASSOCIATION (MCA)
- ★ ORANGE FREE STATE YOUTH CONGRESS (OFSYCO)
- ★ NATAL WOMEN'S ORGANISATION (NAWO)
- ★ TRANSVAAL INDIAN CONGRESS (TIC)

AND ALL AFFILIATES OF THE UDF: SOUTHERN TVL, NORTHERN TVL, EASTERN CAPE, WESTERN CAPE, BORDER, OFS, NATAL (NOT SPECIFICALLY RESTRICTED BY GOVERNMENT GAZETTE ON 24 FEBRUARY 1988)

The M2 East will be closed at the Main Reef Road west on-ramp. Motorists using the M2 West heading north must use either the Harrow Road off-ramp, and continue to the M1 North

go north along Booysens Road into Sauer Street, then turn left into Com-missioner Street. Goch Street between Park and Jeppe Streets will also be closed.

## Lawaakamp removal

### row still on the boil

Stev 3/1/88 Own Correspondent

The town clerk of George, Mr Carel du Plessis, said yesterday that there appeared to be a change of spirit among Lawaakamp residents and that they were prepared to move to the new township of Sandkraal. He was due to address a mass meeting of Lawaakamp residents last night to make arrangements for their removal.

This follows the defiance by 200 families of the May 31 ultimatum to move or be evicted.

A spokesman for the George Civic Association (Geoca) denied yesterday that residents had accepted any compromise.

Geoca secretary Mr Melford Notshokovu said they had tried for two years to arrange a meeting with Mr du Plessis to discuss the upgrading of the township and were hoping it could signal a last-minute re-prise.

Mr du Plessis, however, had ruled out the upgrading of Lawaakamp.

Sapa reports that Mr Jan van Eck (Independent, Claremont) said in the House of Assembly yesterday that every family forcibly removed from Lawaakamp was "a nail in the coffin of negotiation".

The Deputy Minister of Constitutional Development, Mr Roelf Meyer, said outsiders were stirring up the people against resettlement.

He said that the "so-called" religious meeting at Lawaakamp last Sunday had been addressed by, among others, Dr Allan Boesak, the Rev Frank Chikane, British MP Mr Paul Boateng and Mr van Eck.

Transport losses total R16,7-m

By Abel Mabeleang, East Rand Bureau

Eleven East Rand municipalities lost R16,7 million on passenger transport services during the 1986/87 financial year, the East Rand Regional Services' Council (ERRSC) has announced.

The ERRSC reported that 15 municipalities incurred losses of R11,2 million on fire services during the same period — an amount partially offset by subsidies totalling R1,8 million.

It said that in most of the underdeveloped areas no fire services worth mentioning were rendered and if they were, the ERRSC would have to offer "a certain standard of service". S16w 3/1/88y

Annual income from regional services levies was expected to total R60 million.

## Rotation system sparks row among medical students

Stev 3/6/88 By Zenanie Yendera Education Reporter

A row has broken out among third-year students at the Wits Medical School as a result of the segregation of the five academic hospitals through which they will be rotating next year.

For years black students have refused to rotate to JG Strijdom and Johannesburg hospitals because they have been denied access to the obstetrics and gynaecological wards.

An increasing number of white students, who have strongly opposed the segregation of health education and training, have followed their lead and have chosen to receive their training at Hillbrow, Baragwanath and Coronationville hospitals only.

Mr Ze'ev Levin, president of the Medical Students' Council (MSC), yesterday said that this year a number of white students had decided not to rotate to the two white hospitals for what he called "purely selfish reasons".

These students, he said, felt they would not receive the necessary ex-

posure to "pathology and medicine in general" at the under-utilised white hospitals.

"This has upset the black and liberal students, who feel you should only make the decision not to rotate for moral reasons," he said.

The increase in the number of students deciding not to rotate would also affect those students who were rotating as they could be denied a place at the three "non-white" hospitals.

Mr Levin said the MSC would be asking the Faculty Board to require students not wishing to rotate to make a written commitment that their motivation was "moral".

The mother of a third-year student yesterday told The Star it was "terrifying" that a student should be required to sign what she called a "political declaration" just because he wanted to train at a black hospital.

She said the policies of the Transvaal Provincial Administration were "ruining the futures of young South African doctors".



# Row over Bill

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From Page 1  
the event of workers staying away during the three days of "peaceful protest";

• Employers, rejecting stayaways as "an unconstructive use of union power", could not define an alternative form that 'the peaceful protests' should take;

• Cosatu still rejected the Bill for — among other things — excluding farm labourers.

Attempts by Cosatu to dissuade employers to cancel advertisements — to be placed in the media today — showing "a positive image" of the Bill failed at yesterday's meeting

Meanwhile, the Minister of Manpower, Mr Pietie du Plessis, yesterday warned that the protest action, called jointly by the Congress of South African Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu), could lead to dismissals, unemployment and economic hardship

## Observe

Mr du Plessis said in a statement "My track record proves that my door is always open to persons or organisations who want to discuss problems I do not want to see the average worker suffering in the long run"

The executive director of the National African Federated Chamber of Commerce (Nafcoc), Mr Sam Molebatsi, said yesterday that the organisation, after consultation with various organisations, advised its members in the townships to observe the call by Nactu and Cosatu

Addressing a Press conference in Johannesburg, Mr Molebatsi said township traders should open their businesses until 1pm between June 6 and June 8

The Azanian Co-ordinating Committee, which said it supported the call said "The looming battle between the labour movement and the owners of capital goes beyond the days of protest Azacco therefore calls on the masses to support Nactu and Cosatu in their protest action"

The National Congress of Trade Unions (Nactu) will meet with the same employer groups at the same hotel at 10 30am today, Ms Dowie said At the time of going to press the two groups were still locked in the meeting.

# What the Labour Relations Amendment Bill Says

**Trade union federations have alleged that the Labour Relations Amendment Bill (LRA) currently before parliament is repressive and directed at attacking trade unions.**

**These allegations are not supported by analysis of what the Bill actually says.**

**Employer federations have sought a meeting with union federations to explain why they believe the unions' allegations are unfounded and why they see merit in the Bill.**

**In sum the revised version of the Bill deals with most of the objections raised by Cosatu in its written submissions to the Parliamentary Standing Committee and is in line with major Western labour legislation.**

SACCOLA, a consultative grouping of major South African employers' federations, publishes the following full summary and analysis so that workers and the general public can inform themselves of the provisions of the Bill and avoid the conflict and confrontation which protests and stayaways will bring

#### SUMMARY OF LRA

Many of the 31 clauses are essentially technical and non-controversial (2, 3, 8, 16, 18, 19, 21, 23, 27, 28, 29, 30 and 31)

#### UNFAIR LABOUR PRACTICES AND THE RIGHT TO STRIKE

The legal right to strike remains unaltered

As the original general definition of an Unfair Labour Practice is retained no practice previously deemed by the industrial court to be unfair is excluded. The court enjoys the same degree of discretion as was previously the case.

The additional definition of the Unfair Labour Practice in clause 1 provides protection against unfair dismissal as comprehensively as in any other Western democracy.

Secondary strikes, where the employer involved in the strike is unconnected with the issue in dispute, together with repeat strikes, dealing with the same issue in a period of twelve months, and product and service boycotts are now included in the definition of unfair labour practices. Secondary and repeat strikes, as well as boycotts all represent a destructive use of power and are discouraged, partially or completely, in many Western democracies and in almost all African countries.

The definition also makes intimidatory and discriminatory behaviour on the part of employers or unions an unfair labour practice, and similarly make unilateral alterations of employment conditions, as well as unfair or misleading union or employer organisation recruitment an Unfair Labour Practice.

All the above aspects of the new definition of the Unfair Labour Practice are both even handed and reasonable.

#### IMPROVED AND QUICKER PROCEDURES

Clauses 5, 17, 20, 22 and 25 make a number of changes to the present Industrial

Court, all of which have the effect of increasing its status, power and effectiveness. All who use this court should welcome these changes.

Clause 6 creates a new Labour Appeal Court with the status of a division of the Supreme Court. This court will have the capacity to both interpret and make law, and also provides a new and more expert body to which contested decisions of the industrial court can be appealed. This change should be welcomed by all participants in South Africa's industrial relations system.

Clause 7 limits the power of Industrial Councils to determine alleged unfair labour practices, except where the parties in dispute agree with the Council's ruling in writing. This is a positive change.

Clauses 9 to 14 considerably simplify and expedite the functioning of the conciliation board, reducing the role of the State in these bodies, and increasing the powers of the parties themselves. This is a positive change.

Clause 15 increases the powers of the Industrial Court in terms of its ability to grant temporary relief through section 43 status quo orders. This is a positive change which can only be welcomed by unions.

Clause 24 provides, inter alia, for unregistered unions to conduct strike ballots before having recourse to strike action. This is a reasonable provision.

#### UNION ACCOUNTABILITY AND LIABILITY FOR DAMAGES

Clause 26 deals with indemnity from civil litigation. In the Bill now before parliament indemnity is only removed in the case of illegal strikes or lock-outs, or in the case of criminal acts. This seems reasonable, and must at the very least remove much of the opposition to this clause.

Clause 26 also contains a presumption that union members, office bearers or officials are acting as authorised agents of their union. However this presumption will only apply where it can be demonstrated that such persons have committed a wrongful act. This presumption is much more narrowly defined than the provision in the version published for comment.

Clause 4 changes the method for registered unions to object to other unions seeking to claim new or expanded registration. If this will enable unions to use racist criteria to block the registration of other unions, employer organisations will oppose it.

**SACCOLA – South African Employers' Consultative Committee on Labour Affairs**



CONSUMER NEWS

**T**HE police have thrown a dragnet for two of the owners of Basepidi Car Hire, a bogus taxi licence consultation agency which abruptly vacated its Mayfair, Johannesburg, premises after swindling scores of prospective black taxi owners of several thousands of rands

Basepidi Car Hire was one of several licence consultation agencies which have been mushrooming in the PWV area recently

The disappearance of the owners came in the wake of police investigations into the activities of the agency

It also followed revelations in the *Sowetan* that many unsophisticated people were paying amounts of up to R800 for licences they may not even get

A Consumer Corner week found that one of the owners, a Mr Willie

# Police hunt 'consultants'

Consumer

By SY MAKARINGE

Corner



Brink, disappeared from his rented house in the Pretoria suburb of Monument Park on Monday night without informing his landlord, Mr Lou Botha

Mr Botha (45), who says he is on early retirement, told Consumer Corner that Mr Brink was to have paid him R850 for rent on Tuesday

"I was surprised when I woke up on Tuesday morning to find that the house was empty. He did not leave a clue of where he was going and I don't

know where to start looking Now I have to fork out R850 from my own pocket to pay the building society," Mr Botha said

Mr Botha said he decided to rent his house at the end of April when his daughter moved to a flat

"I was living alone and felt that the house was too big for me I placed an advert in a newspaper and a few days later Mr Brink phoned me and said he was interested in renting the house He moved in on May 5 I moved all my

furniture to the servants' quarters where I'm living now," he said

Mr Botha said Mr Brink told him he was a legal adviser, but did not elaborate on what his job entailed

Basepidi Car Hire changed its name from J W Systems and Services after the first owner, a Mr Hans Nel, was arrested by the police about four months ago It was registered as a closed corporation with the Registrar of Companies in Pretoria in March

According to our information, the company photostated its car hire licences and sold copies to blacks for R650 People who bought these "licences" were under the impression that they were genuine taxi licences

## I was used - Joe

A SOWETO man who was employed as a consultant by Basepidi Car Hire believes the owners, two of whom are on the run, used him to swindle hundreds of prospective black taxi owners

Mr Joe Mlonzi of Naledi joined the company about three months ago after he was offered a job which carried a monthly salary of R1000 On top of that Mr Mlonzi was paid R1000 a month as a travelling allowance

Mr Mlonzi was left holding the fort after his employers deserted their Mayfair, Johannesburg, offices following police investigations into the activities of the company. He continued to carry out his duties until the police told him to close down the offices as he might be arrested for running an illegal business.

"When I joined Basepidi Car Hire, I did not know their business was illegal I also did not

know that the licences they sold to people were not authentic until I was told by the police that the Local Transportation Board was the only body which had powers to issue taxi licences," he said

He said after his bosses disappeared from their offices without telling him where they were going, he received at least two calls from disgruntled people who told him the "licences" they bought from the company had landed them in trouble

### Arrested

He said one of them told him he was arrested by traffic officers for using the licence he bought from Basepidi Car Hire He was subsequently fined R600

"I want to make it clear that I was not one of the owners of this company. I was just an employee I'm bitter with these people They were using me to rip off my own people," an angry Mr Mlonzi said

He said the company made copies of its car hire licence and sold them to people who wanted to operate taxis for R650

"I did not know it was illegal Even the people who bought those licences did not suspect anything," Mr Mlonzi said

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The South African Institute of Race Relations has two nursing bursaries available for study in the United States.

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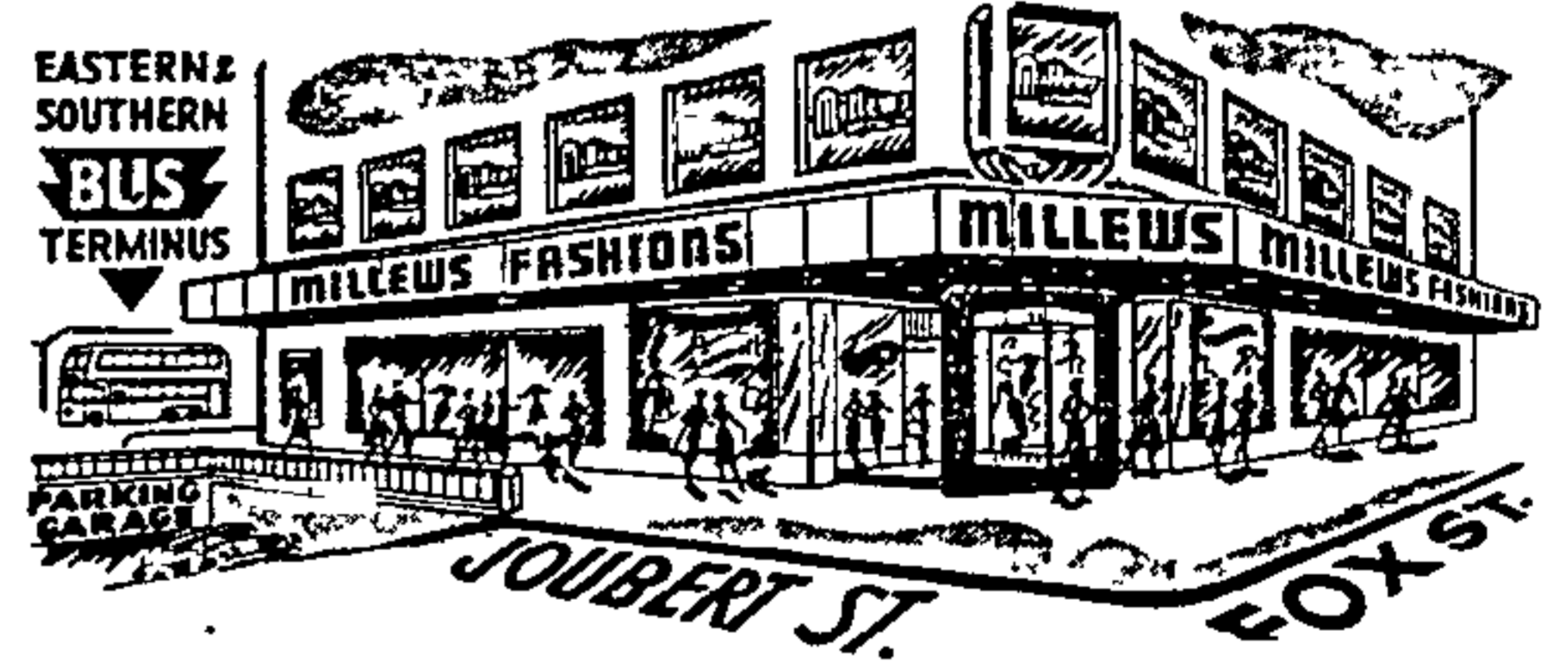
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## Stores report drop in trade

MAJOR chain stores yesterday reported a fall-off in trade but hotels reported increased business during the work stayaway.

Pick 'n Pay senior buyer Richard Cohen said while their stores were functioning in spite of reduced staff at some, it was clear black shoppers "have not come to town" as a result of the

ROGER SMITH

stayaway.

A Score spokesman said the fall-off in trade appeared to affect stores in the areas which were hardest hit by the work stayaway.

● To Page 2 →

## Major chain stores report drop in trade

A 95% stayaway by Johannesburg staff was matched by an almost equal drop in the number of customers. However, their stores in the eastern and western Transvaal and rural Natal were barely affected.

THEO RAWANA reports some Johannesburg hotels say there has been a marked increase in black hotel occupancy since the stayaway began.

And some hotel managers have confirmed that employers arranged for their workers' accommodation during

← ● From Page 1

the three-day period. DOMINIQUE GILBERT reports that police yesterday issued a confidential warning to newspaper editors around the country that they should seek legal advice before publicising the stayaway.

A police spokesman confirmed this and said the confidential warning was in accordance with an agreement made at a recent meeting of police, the Newspaper Press Union and editors.

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of day

Whole page

(166)

# Workers of the

On behalf of our 26-million members in 153 organisations in 84 countries we condemn the new labour legislation. We view it as a violation of the International Labour Organisation convention on the right to the free foundation of professional associations and trade unions.

— *World Federation of Teachers' Unions*

Solidarity with your protest action! We and our one-million members stand with you in your ongoing struggle for social, economic and political justice. We urge South African employers to refrain from mass firings and lawsuits in this situation — they cannot claim to be distancing themselves from apartheid, while at the same time using apartheid laws to suppress legitimate protests.

— *Owen Bieber, president of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America*

We support the decision taken at the Cosatu congress to protest against the new labour regulations, and call on people throughout the world, particularly trade unionists, to denounce the

tactics used by management during the protest. We consider managements' threats to be a direct violation of internationally accepted standards of international labour relations. We condemn their tactics, which reveal that certain corporations — despite their occasional pronouncements against apartheid — remain collaborators with the regime.

— *United Nations Special Committee Against Apartheid*

Great sympathy and solidarity in the action taken by male and female workers! All those in the Federal Republic of Germany opposed to apartheid consider your action to be an incentive for intensifying our protest against the degrading and inhuman system.

— *Greens Party, FRG*

The action taken by the Botha government with the aim of crushing and silencing the struggle for trade union rights is an abhorrent attack on human rights. We also



Published by Cosatu, 6th Floor, National Acceptance House, corner Rissik and Anderson Streets, Johannesburg





# world say ...

condemn the employers for their support for the new Labour Bill  
 – Norwegian Federation of Trade Unions and International Solidarity Committee

Support and best wishes in the three days of protest action. We remain ready to assist Cosatu and the working people you represent.  
 – British Trade Union Council

Fraternal solidarity from our 4,2 million members in your struggle for justice, freedom and peace! We demand the immediate abolition of the new Labour Bill and the restrictions on organisations.  
 – General Council of Trade Unions of Japan

Despite all the efforts of the South African government, we and our four-million members know that the just struggle against racism and apartheid will succeed.  
 – Central Council of Bulgarian Trade unions

All working people and democrats express solidarity with your protest. Our 4,5 million members agree with Cosatu's position that the new Labour Bill will curtail the right to strike Representatives from our

organisation intend raising this issue at the ILO annual conference, which is currently in session.  
 – CGIL, Italy

Every success in combatting the gross violations of workers' rights. We are in the process of approaching Dutch companies with subsidiaries in South Africa to prevent them from retaliating against workers participating in the protest.  
 – FNV, Netherlands

We stand with you as you fight the evil system of apartheid.  
 – United Mine Workers of America

Nine-million workers in 276 unions in 94 countries join the South African trade union movement in condemning the new Labour Bill, and call on employers not to take any action against workers taking part in the protest.  
 – Heribert Mater, general secretary of FIET

Organised workers have every right to express their political aspirations through their own organisations – especially in a system of minority rule. The new Labour Bill hopes to curtail strike action – it is an attempt to

criminalise our actions. We stand united with our brothers and sisters in Cosatu, the workers of Southern Africa form one working class, united by the same interests.  
 – NUNW, MANWU, NAFAU, NAPWU and MUN in Namibia

We salute your courage and determination to stand tall in the face of apartheid repression. Do not let the government and employers break your spirit – continue to resist the new labour Bill, which seeks to reverse your gains of the last 15 years.  
 – Rev Jesse Jackson

11-million public service workers worldwide send solidarity greetings in support for your national action.  
 – Central Organisation of Finnish Trade Unions (SAK)

Dozens of other messages were received from, among others, the Swedish Anti-Apartheid Movement, the Swedish Confederation of Professional Employees, the International Confederation of Free Trade Unions, the Canadian and Australian trade union movement, and the International Union of Foodworkers.



118645 7/6/88 (166)

## Delegates ask for Labour Bill review

ALL parties in the House of Delegates supported Solidarity leader Dr J N Reddy's request to recommit the Labour Relations Amendment Bill back to the standing committee for "scrutiny of certain conditions"

Dr Reddy said debate of the Bill would not serve any purpose if most supported a recommitment "to see whether objections raised (by trade unions) can be met."

### AMENDMENTS

Mr Mahmoud Rajab (PFP Springfield) said the Progressive Federal Party in the House of Assembly had recommended further amendments to the Bill, which in its present state undermined collective bargaining and would result in increased industrial unrest.

If the amendments were accepted the Bill would receive the party's approval. — Sapa



Employers reacting 'aggressively'

# Cosatu fires salvo on eve of protest

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B/day  
6/6/88

COSATU yesterday fired another salvo in the war of words with employers on the eve of the scheduled three days of "protest", by saying employers' "aggressive" response to the call was prompted by government appeals that they should do more to defend the Labour Relations Amendment Bill.

However, leading employers yesterday denied the charges, saying there had been no discussion with government on the issue recently.

A Cosatu spokesman said the organisation understood leading employers had, in the last two weeks, been berated by government for not doing enough to defend the Bill. The result was that employers rushed to place newspaper advertisements on the Bill and called meetings with Nactu and Cosatu.

However, SA Consultative Committee on Labour Affairs (Saccola) chairman Bobby Godsell and FCI manpower spokesman Bokkie Botha denied knowledge of employer meetings with government on the issue.

Godsell said the ads were placed because the media had failed to give a lucid summary of the contents of the Bill and the changes made from the previous draft.

Further, the meetings were a follow-

ALAN FINE

up from a previous meeting with Cosatu on March 2. Saccola was ready then for a full debate on the Bill and still was. However, on both occasions, Cosatu had failed to debate the legislation in detail.

Godsell said the meeting with Nactu on Friday had been far more productive than the one with Cosatu the previous day, in that Nactu had raised specific objections to the Bill.

The two had disagreed on the validity of sympathy strikes. However, they had agreed to refer, to a mutually accepted group of specialists, six aspects of present and future labour legislation on which Nactu had made points which needed more consideration.

They included questions of the role of industrial councils in referring disputes to the Industrial Court, time delays caused by action in the new labour appeal court, selective re-employment of dismissed workers, indemnity in the case of illegal strikes, the awarding of costs by the industrial court, and the legitimacy of consumer boycotts in labour disputes.

Godsell said, and Nactu assistant general secretary Mahlomoa Skhosana confirmed, that Nactu had, like Cosatu, declined to issue a call for members not to stay away from June 6-8, although it was emphatic it had not called for such action.

Skhosana said Nactu had asked Sac-

© To Page 2

## Cosatu fires salvo on eve of protest

cola to approach the ministers of Law and Order and Defence to ask that workers not be harassed during the protest.

Godsell said Saccola had, in response, indicated to the SAP its desire that events this week should pass peacefully. He declined to elaborate.

Cosatu — responding to indications that a number of employers plan disciplinary action against employees who stay away from work and legal action against unions — noted in the past employers had merely adopted a "no work, no pay" policy in recognition of the fact that unions were among the few vehicles for political expression.

Botha, explaining employers' angry response to the protest call, said Cosatu

did not seem to understand businesses were trying to develop themselves and the economy. They faced sanctions and had had to operate recently through a period of endless public holidays.

BRONWYN ADAMS reports a Shell spokesman said the protests were a labour issue and management, therefore, would certainly not dismiss or victimise workers. He expressed surprise at the overreaction of managers threatening disciplinary action against workers taking part in the stayaway.

THEO RAWANA reports Putco and Sats plan to put out full passenger transport services today.

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interpage

019/5

# What the Labour Relations Amendment Bill says.

Trade union federations have alleged that the Labour Relations Amendment Bill (LRA) currently before parliament is repressive and directed at attacking trade unions. These allegations are not supported by analysis of what the Bill actually says.

Employer federations have sought a meeting with union federations to explain why they believe the unions' allegations are unfounded.



# In sum the revised version of the Bill deals with most of the objections raised by Cosatu in its written submissions to the Parliamentary Standing Committee and is in line with major Western labour legislation.

SACCOLA, a consultative grouping of major South African employers' federations, publishes the following full summary and analysis so that workers and the general public can inform themselves of the provisions of the Bill and avoid the conflict and confrontation which protests and stayaways will bring.

## SUMMARY OF LRA

Many of the 31 clauses are essentially technical and non-controversial (2, 3, 8, 16, 18, 19, 21, 23, 27, 28, 29, 30 and 31).

## UNFAIR LABOUR PRACTICES AND THE RIGHT TO STRIKE

The legal right to strike remains unaltered.

As the original general definition of an Unfair Labour Practice is retained no practice previously deemed by the industrial court to be unfair is excluded. The court enjoys the same degree of discretion as was previously the case.

The additional definition of the Unfair Labour Practice in clause 1 provides protection against unfair dismissal as comprehensively as in any other Western democracy.

Secondary strikes, where the employer involved in the strike is unconnected with the issue in dispute, together with repeat strikes, dealing with the same issue in a period of twelve months, and product and service boycotts are now included in the definition of unfair labour practices. Secondary and repeat strikes, as well as boycotts all represent a destructive use of power and are discouraged, partially or completely, in many Western democracies and in almost all African countries.

The definition also makes intimidatory and discriminatory behaviour on the part of employers or unions an unfair labour practice, and similarly make unilateral alterations of employment conditions, as well as unfair or misleading union or employer organisation recruitment an Unfair Labour Practice.

All the above aspects of the new definition of the Unfair Labour Practice are both even handed and reasonable.

## IMPROVED AND QUICKER PROCEDURES

Clauses 5, 17, 20, 22 and 25 make a number of changes to the present Industrial

Court, all of which have the effect of increasing its status, power and effectiveness. All who use this court should welcome these changes.

Clause 6 creates a new Labour Appeal Court with the status of a division of the Supreme Court. This court will have the capacity to both interpret and make law, and also provides a new and more expert body to which contested decisions of the industrial court can be appealed. This change should be welcomed by all participants in South Africa's industrial relations system.

Clause 7 limits the power of Industrial Councils to determine alleged unfair labour practices, except where the parties in dispute agree with the Council's ruling in writing. This is a positive change.

Clauses 9 to 14 considerably simplify and expedite the functioning of the conciliation board, reducing the role of the State in these bodies, and increasing the powers of the parties themselves. This is a positive change.

Clause 15 increases the powers of the Industrial Court in terms of its ability to grant temporary relief through section 43 status quo orders. This is a positive change which can only be welcomed by unions.

Clause 24 provides, *inter alia*, for unregistered unions to conduct strike ballots before having recourse to strike action. This is a reasonable provision.

## UNION ACCOUNTABILITY AND LIABILITY FOR DAMAGES

Clause 26 deals with indemnity from civil litigation. In the Bill now before parliament indemnity is only removed in the case of illegal strikes or lock-outs, or in the case of criminal acts. This seems reasonable, and must at the very least remove much of the opposition to this clause.

Clause 26 also contains a presumption that union members, office bearers or officials are acting as authorised agents of their union. However this presumption will only apply where it can be demonstrated that such persons have committed a wrongful act. This presumption is much more narrowly defined than the provision in the version published for comment.

Clause 4 changes the method for registered unions to object to other unions seeking to claim new or expanded registration. If this will enable unions to use racist criteria to block the registration of other unions, employer organisations will oppose it.

**SACCOLA – South African Employers' Consultative Committee on Labour Affairs**



# NUM men to sue Police Minister for R136 000

By DAN DHLAMINI

THE massive police crackdown on miners who were down on miners who were involved in a legal strike last August has resulted in 68 NUM members filing a lawsuit for unlawful arrest and detention against the Minister of Police, Lawyer Igbbal Motlala, who is representing the 68 men, said the workers were suing for R136 000.

## Shooting on Ciskei border

CISKEI soldiers opened fire on a car that failed to stop at a border post, killing a middle-aged woman and seriously wounding one man.

A relative, who declined to give their name, said Niombekha Mankhaha, 34, was shot at when she failed to stop at the border post near Frankfort. She was a nursing sister at Mount Coke Hospital near Zwelitsha.

The relative said Mankhaha was on her way to visit her child, who is at school there. The man, DV Mavuso, was later admitted to Cecilia Makwane Hospital. He is the principal of Siseko Secondary School near Middeldrif.

# It will be a holocaust

## Buthelezi condemns plans for large-scale sanctions

By S'BU MINGADI

US SENATOR Edward Kennedy wanted to gain political mileage from his support for further sanctions against South Africa, KwaZulu Chief Minister Mangosuthu Buthelezi said at the weekend.

Addressing a 25 000-strong rally at Umlazi's Glebeband, Stadium, Buthelezi said it was tragic that Kennedy wanted to make political mileage at the expense of black South African workers.

The rally - which focused on the issue of economic sanctions - was timed to coincide with sweeping new proposed US sanctions legislation - the Anti-Apartheid Act Amendment Bill of 1988.

"All that matters to him is that it is a political gain for him," Buthelezi said. When it came to black SA spokesmen calling for disinvestment against the wishes of the black workers of SA it was another matter, Buthelezi said.

At one point during the rally, which was well attended by the foreign media, Buthelezi asked the crowd - with reference to the appeal against the conviction and sentence against Mapheshane failed in the Transvaal Supreme Court.

Motlala said last week the appeal against the conviction and sentence against Mapheshane failed in the Transvaal Supreme Court.

Motlala said the concerned parties have already received notices of the intended action, but summonses would only be sent after the Gladie court records had been made available.

"My brothers and sisters, do they speak on your behalf? Do they represent you when they speak? Please tell the whole world what the answers to these questions are."

The crowd roared in response. "Yes!"

Realising the confusion his address in English had created among his predominantly rural audience, Buthelezi paraphrased his question, and received a loud "no" from his audience.

Earlier this week, Buthelezi addressed a group of leading US industrialists when he indicated that he had changed from his earlier campaign against sanctions. He told the businessmen that only large-scale sanctions by united international action could bring South Africa to its knees.

He said, however, it was unthinkable that same people - who knew the facts of South Africa's mass poverty - could support actions which would succeed only if mounted on a scale large enough to destroy the country's potential growth.

"To make white SA really feel the bite of sanctions, the scale at which they are mounted would have to be devastatingly large," he said.

At the weekend rally he told supporters such large-scale sanctions could create a holocaust in SA because violence would erupt on a scale that would destroy everything. The rally was the second mass anti-disinvestment rally Buthelezi had addressed since the 1986 launch of the United Workers' Union of SA.

He assured his followers apartheid could not survive for ever. "Black South Africans will not let it survive." He pleaded: "We have to force apartheid to retreat in every walk of life. The black struggle for liberation has been going on since 1912 and no year has passed, no month passed, no week passed, no day passed, in which black opposition to apartheid was not flourishing forward relentlessly."

He said that the law said they could or not. "Black workers kept penetrating into parts of South Africa whites call their own."

"Whites tried to keep you out of the cities. For decades hundreds upon hundreds of thousands of black South Africans were arrested under pass laws and influx control regulations. Those arrested showed workers would not be intimidated and continued to march on the cities of South Africa because they were right to be there and they kept claiming this right whatever apartheid said."

"I tell the world the battles we have thus far won are now forever. I tell the world there is now a total white reliance on blacks in the economic sphere."

"This gives blacks bargaining power. It particularly gives workers bargaining power."

"The granting of trade union rights to black workers was not something the white South African government granted because it felt sorry for workers and wanted to help them."

"It was black worker resistance to oppression and the sacrifices black workers had made as they claimed their right to work in the cities."

"Trade union rights had to be granted because black workers had already become powerful and employers need to negotiate with black power."

"Am I right in rejecting disinvestment on your behalf?"

"Am I right in telling the world that those who call for disinvestment do not call for it because they want to avoid violence? They call for it because they are violent. Do you agree with me? Tell the world what you think."

He lashed out at Catholic Archbishop Dennis Hurley, Archbishop Tutu, Rev Boesak, Frank Chikane and Cosatu's Elijah Barayi, whom he said told the world to withdraw from South Africa.

Chief Buthelezi ... apartheid is doomed.

**New foundation set to boost black art, music**

By ZB MOLEFE

A NUMBER of guests will gyrate to the sounds of black music and be captivated by black visual arts tomorrow when the African Arts Foundation is launched.

The plush club, The A Train, will be the venue. The foundation was established by Irani Mntseki.

# Old Bucks salutes the winners.



Chief Buthelezi ... apartheid is doomed.



These include writer-actress Estika Mphahlele, playwright Mafiso Mafiso, writer Oupa Mthembu and journalist Maud Motanyane.

Mphahlele will officially launch the foundation at 8pm.

An art exhibition opens at 9am. It will feature works by Hargreaves Ntshwama, Ben Macala, Godfrey Ndaba and David Mbele, among others.

Highlight of the launch will be traditional dancing with music by Bayete Popular chef Jimmy Ntshini will be in charge of catering. The main focus will be on African dishes, including tripe and sheep's head.

Three broad areas on which the foundation will be built are:

- The promotion within the black community of the appreciation of the arts
- The motivation of black artists whose art to a large extent mirrors the existence of the black nation
- The promotion of progressive music



Jimmy Ntshini... African flavour for food.

## 4 500 houses planned for Cape blacks

A NEW township to house 4 500 middle-income black families is to be built at Mfuleni on the Cape Flats at a cost of about R150-million.

The project is to be funded by the private sector.

The government has awarded the right to develop the land to two non-profit housing utility companies, Garden Cities and the Housing League. Servicing of the 400-hectare site at Mfuleni - which is across the N2 from Kyayelitha - has already started and development of the first phase of 300 houses is to begin soon.

Andrew Donovan, general manager of Garden Cities, said the first phase would involve homes, ranging in price from about R25 000 to R50 000. Plots would vary in size between 200 and 450 sq metres.

Garden Cities and the Housing League were working closely with the Mfuleni Town Committee "which is setting the pace of development". Donovan said - Sapp

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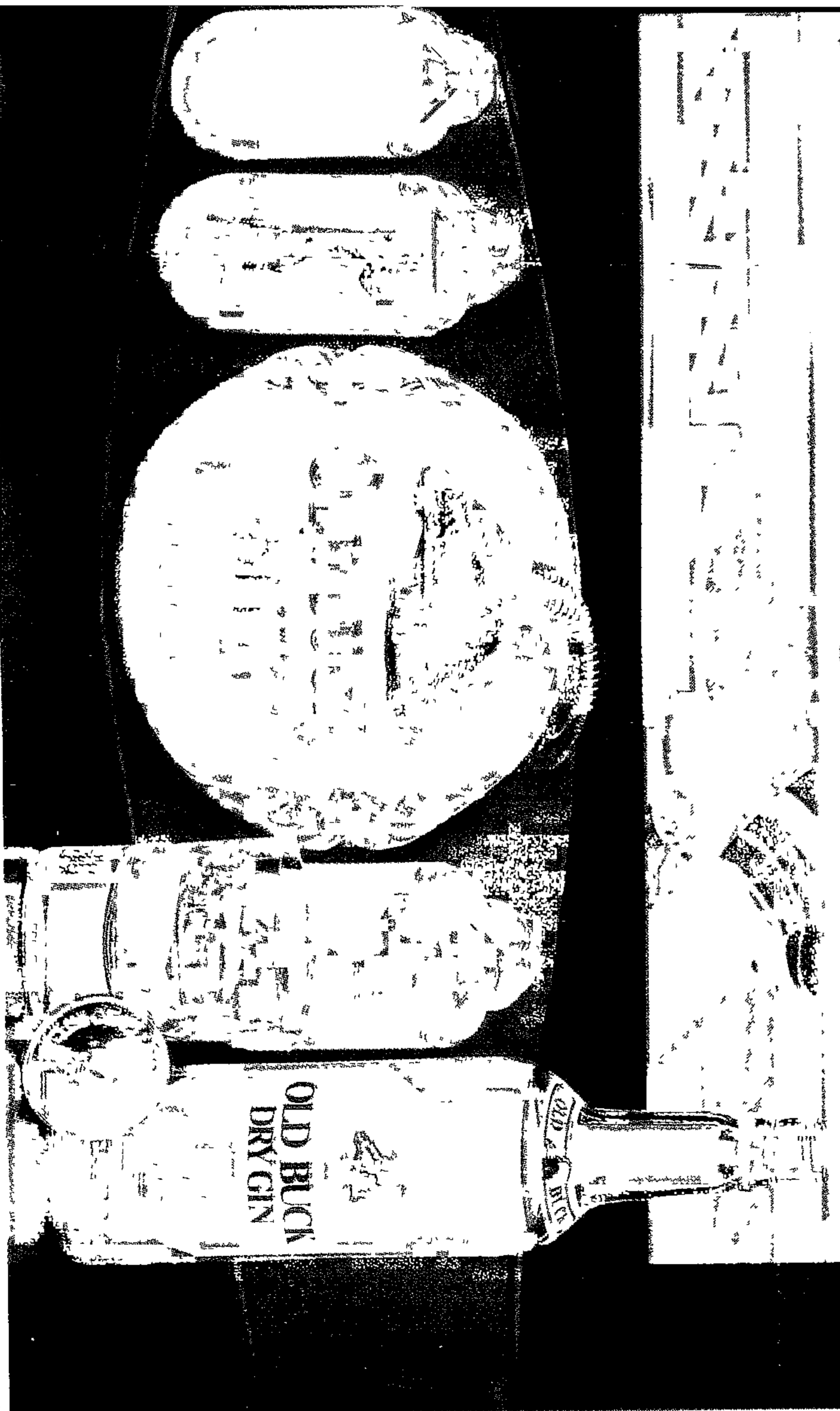
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07-175



### SUGAR RAY LEONARD

To win a world crown in boxing is no mean feat. To do it in two different divisions is rare. But to come back after a two-year lay-off and win a world title in yet a third division must surely rank as one of the great achievements in boxing. This is exactly what Sugar Ray Leonard achieved when he wrested the head of middleweight Marvellous Marvin Hagler the mighty Marvellous realised the full after 12 bruising rounds in winning an Olympic gold medal 11 years earlier. A great champion. A winner.



# It's Old Buck Gin and it ALWAYS WINS!

# Call to suspend Bill

COSATU general secretary Jay Naidoo yesterday called on employers to lobby for the suspension of the Labour Relations Amendment Bill pending further negotiations between management and labour and the referral of the Bill to the International Labour Organisation (ILO) for consideration

Interviewed on the first day of Cosatu's protest action against the Bill and the political restrictions on 18 organisations, Naidoo said this would help end the impasse over the Bill.

Cosatu would accept the findings of the ILO, which had an established procedure for dealing with such matters

In response, both Saccola and the FCI said they would be unlike-

(166) ~~ALAN FINE~~ ALAN FINE 7/6/88

ly to recommend that the passage of the Bill through Parliament be suspended. However, they stressed the Bill was not the final word on labour legislation

Saccola secretary Frieda Dowie said employers would be willing to submit evidence to an ILO committee

Saccola chairman Bobby Godsell said he would welcome such an opportunity as he believed the Bill did not transgress any of the ILO conventions

Dowie and FCI manpower spokesman Bokkie Botha said they would welcome further discussions with Cosatu on SA's labour dispensation.



# SCRAP THE BILL

THE Congress of South African Trade Unions yesterday called on the Government to suspend the controversial Labour Relations Amendment Bill and appoint a team of international labour experts to review the proposed legislation. (166) ~~166~~ Sowetan 16/88

Cosatu's general secretary, Mr Jay Naidoo, said this step was necessary because there were "fundamental differences of opinion" between employers and the country's largest federations over the Bill.

Cosatu's call for a review of the proposed legislation comes in the wake of a three-day "peaceful protest" — which began yesterday — organised by itself and National Council of Trade Unions.

Mr Naidoo called on the Minister of Manpower to appoint a team of experts from the International Labour Organisation to review the proposed amendments to the Labour Relations Act.

He said "We are prepared to sit down with employers and negotiate changes to the Bill. We reject the intervention of the State in the matter."

Responding to claims by employers that Cosatu had failed to specify their objections

to the Bill, Mr Naidoo said "Of the 27 objections we handed to the parliamentary standing committee on the Bill, only four were dealt with satisfactorily. It is a lie that we failed to identify our complaints about the Bill."

He said Cosatu, when calling for three days of "peaceful protest," had left it to various communities to decide the form of protest they would take. "It is a fact that millions of workers have decided to stay away from work as part of the protest," he said.

Many contentious amendments to the labour legislation — such as lock-outs — had been suggested by the

employers, Mr Naidoo said.

Mr Bobby Godsell, chairman of the South African Employers Consultative Committee on Labour Affairs, (Saccola), was not available for comment yesterday.



COSATU'S general secretary, Mr Jay Naidoo.



# Still time to change the Bill'

(166) 1/10/74  
CHRIS CAIRNCROSS

CAPE TOWN — Manpower Minister Pietie du Plessis last night called on Cosatu and the other labour organisations leading the three-day protest against the Labour Relations Amendment Bill now before Parliament to come forward with their objections and recommend changes to the draft legislation.

Du Plessis said his door was open and there was still time to amend the draft legislation if "they can convince me that their objections are valid".

Replying to debate on the Bill in the House of Delegates, Du Plessis said that neither Cosatu nor Nactu had ever made an attempt to approach him personally to discuss their objections.

Instead, they had chosen to organise a three-day protest, encouraging ordinary workers to stay away from their jobs, making them victims of the political aspirations of power-drunk opportunists.

Du Plessis warned he was not going to allow this form of exploitation and intimidation of the ordinary worker to continue, and the draft legislation was designed for such a purpose.

He said the Bill — now referred back to the Parliamentary Standing Committee to consider specific amendments proposed in the House of Assembly — was "fair" package legislation reflecting many of the hundreds of recommendations and submissions made to the National Manpower Commission (NMC).

"I am prepared to defend this Bill anywhere and against anyone because it is a fair Bill," Du Plessis said.

# Committee to consider proposed amendments

Star 8/6/88  
166  
By David Braun,  
Political Correspondent

CAPE TOWN — The controversial Labour Relations Amendment Bill has been referred back to the parliamentary joint standing committee on manpower, following debate in all three Houses

In terms of new rules of procedure for Parliament, the Bill is back in the committee only so that amendments, tabled before debate commenced, may be considered. The rest of the Bill has already been agreed to by the committee and will not be discussed.

The amendments tabled — most of which are of a technical nature — include those by the PFP and the Minis-

ter of Manpower, Mr Pietie du Plessis. Voting by the three Houses on the Bill will take place after the committee has decided whether to accept the amendments or not.

There will be no further debate on the Bill.

The three Houses vote on legislation in special voting sessions which allow any dissenting parties to make brief statements outlining the main points as to why they are in opposition.

The House of Delegates' decision to refer the Bill back to the committee to see if objections raised by trade unions could be met is mainly symbolic.

● See page 13.

## POLITICS

# Labour Bill needs further scrutiny, say Delegates

Star 7/6/88 166

All parties in the House of Delegates have supported Solidarity leader Dr JN Reddy's request to recommit the Labour Relations Amendment Bill back to the standing committee for "scrutiny of certain conditions"

Dr Reddy said debate of the Bill would not serve any purpose if the majority of the House supported a re-committal "to see whether objections raised (by trade unions) can be met"

Mr Mahmoud Rajab (PFP Springfield) said the PFP in the House of Assembly had recommended further amend-

ments to the Bill, which in its present state undermined collective bargaining and would increase industrial unrest

If the amendments were accepted the Bill would receive the party's approval.

Mr Pat Poovalingam (PFP Reservoir Hills) said the work stayaway endorsed by Cosatu and Nactu which started yesterday was clearly in objection to the Bill

Because blacks were not represented in the drawing up of labour legislation, a work stayaway was a perfectly reasonable form of demonstration

That black workers were obliged to take industrial action was entirely the Government's fault

In reply, the Minister of Manpower, Mr Pietie du Plessis, said only radical trade unions were opposing the Bill

They had made no effort to contact him, although his door was always open, to object to the Bill

The stayaway hit the ordinary worker hardest in that he was made to pay the price for the political aspirations of power-drunk Marxists — Sapa



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CAMP TIMES 30/10/88

## Unions set for 'growth'

Own Correspondent

JOHANNESBURG —  
The most important development since the introduction of the 1979 labour reforms was that workers had turned into human beings in the eyes of employers, the architect of the 1979 legislation, Professor Nic Wiehahn, said yesterday.

Speaking at the public launch of Webber Shepstone Findlay, a new law firm specializing in labour law, Prof Wiehahn said the 1990s would see a further growth in unionization.

# Cosatu protest over Bill 'politically motivated'

Cosatu's failure to substantiate its criticisms of the Labour Relations Amendment Bill and its refusal to call off the planned three-day protest indicated that its campaign against the Bill was essentially politically motivated, the Chamber of Mines said in a statement yesterday.

A spokesman for the Chamber said. "At Thursday's meeting in Johannesburg with the major employers, Cosatu was either unwilling or unable to back up its allegations that the Bill was a repressive measure aimed at curbing trade union activity."

"Thus, coupled with Cosatu's refusal to call off the protest, suggests that its campaign against the Bill is politically inspired and has very little to do with the proposed legislation itself."

"One can only deduce that Cosatu and its affiliates are using the Bill as a rallying point to polarise the workforce and employers, to destabilise workplace relations and to engineer a confrontation with the State."

"Employers in the mining industry hope that the workers will not allow themselves to be used in such a cynical way and to be misled about the effect the Bill will have. While we do have points of criticism, we regard the Bill's provisions as generally reasonable and in keeping with corresponding legislation in many Western democracies. If union leaders were prepared to detail the concerns they have about the new regulations, the mining industry would be happy to discuss them."

## 'Rights unaffected'

"To allege, as some trade unionists have done, that the proposed new measures will prevent people from joining trade unions and from striking lawfully, is simply not true."

"In fact, none of the fundamental rights of trade unions are affected. The rights to organise and strike are

retained, unions continue to have access to the industrial court and there is protection against unfair dismissal.

"The Bill contains a number of valuable new provisions — among them the streamlining of various procedures — which should improve South Africa's collective bargaining process."

"Cosatu has alleged that the views of trade unions and the workers they represent have not been taken into account in the Bill."

"A comparison of the original draft Bill, the amended version and Cosatu's own submissions to the parliamentary standing committee gives the lie to this assertion. Many, if not most, of Cosatu's criticisms have now been addressed in the amended Bill."

The spokesman said it was ironic that the voices now resisting the amendments and defending the status quo were often those of people who scornfully dismissed the Wehahn Commission's reforms as "cosmetic".

"Much the same language about 'restricting workers' rights was heard then," the spokesman said.

He said it was the Chamber's view that the primary requirements for the development of sound and efficient labour relations lay not so much in legislation, but in the evolution of trust, good faith and respect between employer and employee representatives at the negotiation table.

Unlike the current campaign being waged by Cosatu, the proposed new legislation did nothing to harm these relationships

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Star 4/16/85



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# Protest: 'Police Will be out in force'

*w/c Argus 4/6/88* *166*

Weekend Argus Reporter  
POLICE have warned they will be out in force from Monday to Wednesday to ensure the safety of anyone who wants to work during a three-day protest called by trade unions.

The protest has been called by the Congress of South African Trade Unions and the National Council of Trade Unions against the proposed Labour Relations Bill and the Government crackdown on 17 organisations.

Captain Reuben Bloomberg of police headquarters in Pretoria said yesterday that while details could not be divulged, every effort would be made to ensure workers' safety.

Patrols would be increased and every available member of the force would be on duty, he said.

The University of the Western Cape has postponed examinations scheduled to be written from Monday to Wednesday.

The University of Cape Town would regard Monday to Wednesday as normal working days, UCT vice-chancellor Dr Stuart Saunders said yesterday. Examinations would start on Wednesday as scheduled.

Dr Saunders said UCT would try to find ways of making peaceful protest possible on the three days without disrupting the work of the university.

The students' representative council said in a statement that it supported "the right of everyone to respond to the na-

tional call for three days of protest"

Black students at Rhodes University decided to work on Monday at a meeting yesterday attended by more than 400.

They said they intended showing their solidarity by holding placard demonstrations at the university during lunch-breaks on the three days.

The University of Durban-Westville council has postponed examinations scheduled for Monday, Tuesday or Wednesday.

The principal of Natal University, Professor Pieter Booysen, said that while he recognised that individual members of staff and students might wish to identify with the protest, all activities of the university would remain normal.



STW 30/16/88 (988) 166  
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# 'Employers may turn towards coloured or Indian workers'

By Mike Siluma,  
Labour Reporter

South African employers, faced with the prospect of future industrial unrest by black workers, could turn increasingly towards coloured and Indian workers

This is the finding of a survey into employer attitudes in the aftermath of the recent national three-day stayaway in response to calls by predominately black unions

The stayaway was in protest against the Labour Relations Amendment Bill and State repression of anti-apartheid organisations

The survey was conducted in all major economic sectors throughout South Africa by Mr Rob Daniel of management consultants PE Corporate Services.

According to Mr Daniel, the stayaway had caused many employer attitudes to harden to the extent that

they now intend to adopt a tougher stance in the future

He said most employers had reacted to the stayaway in the following ways

- Taking some kind of disciplinary action, such as issuing workers with warning notices
- Threatening to fire, or actually firing, those staying away
- Adopting a no work, no pay policy or allowing workers to take either paid or unpaid leave

## AUTOMATION

- Threatening to automate or mechanise, or going ahead with this decision
- Suggesting a change in the composition of the workforce through race substitution, entailing a reduction in the ratio of black workers in favour of more coloured and Indian workers
- Negotiating with trade unions to make up for lost time

# Only radical unions against 'strike curbs'

166  
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By BARRY STREEK

THE only people opposed to the amendments to the Labour Relations Act were the radical trade unions who did not want to obey any rules in South Africa, the Minister of Manpower, Mr Pietie du Plessis, said yesterday

These were the very unions which used intimidation, wanted to make the country ungovernable and bring the economy to a standstill, he said in reply to the debate in the House of Assembly on changes proposed to the Labour Relations Amendment Bill

Despite the opposition of both the Progressive Federal Party and the Conservative Party, the amended bill was passed without a division

Last week, lawyers representing Cosatu unions met Department of Manpower officials to express opposition to the bill, but both the adoption of the bill by the House of Assembly and Mr Du Plessis's strong attack on the "radical" trade unions indicates that little compromise seems possible

Yesterday, the Progressive Federal Party spokesman on manpower, Mr Jan van Gend, said the amendments would disrupt good labour relations, frustrate the process of collective bargaining and lead to increased uncertainty

Mr Van Gend said the standing committee on manpower had declined to amend the most important and controversial clauses including the ban on

sympathy strikes, intermittent strikes and product boycotts

"The evils in the bill are a manifestation of the Nats' design to squash political opponents by prohibiting all strike action which could be used to exert political pressure"

Mr Du Plessis said he disagreed with every point Mr Van Gend had made

Many of the trade unions and all the employer groups supported the changes to the definition of an unfair labour practice

Mr Van Gend had said the bill would curb strikes and he agreed with this

"We are going to curb strikes. We are going to curb illegal strikes and I am telling you the moderate trade unions and the mixed unions support this legislation totally"

The South African Consultative Committee of Labour Affairs (Saccola) not only supported the bill but had also published advertisements in newspapers explaining their position

"Who is complaining about it? The only people complaining are the radical unions who do not want to obey any rules in South Africa"

These unions were acting in a way to fulfill the calls by Joe Slovo to make the South African economy unprofitable, and the ANC president, Oliver Tambo, who had said the ANC wanted to disrupt labour relations

"We want to take a firm grip. We want to stop them disrupting the economy"



Employers threaten action against workers

# Industry, union clash looms

By Mike Siluma, Labour Reporter

South African industry and the black trade unions are set to clash head-on next week, following the failure last night of urgent talks on a three-day protest action starting on Monday.

Employers have warned they will take disciplinary action against workers failing to report for work during the protest.

At yesterday's talks the Congress of SA Trade Unions (Cosatu) and the SA Consultative Committee on Labour Affairs (Saccola) failed to agree that the "peaceful protest action" called for by Cosatu — and endorsed by other anti-apartheid bodies — should exclude a rumoured work stayaway.

Employers rejected Cosatu's position that the Labour Relations Amendment Bill, which sparked the protest, was aimed at "bashing" unions and destroying rights won by labour during the past decade.

## Individual action

Cosatu said employers had declined to say if they were planning to sue unions.

Saccola chairman Mr Bobby Godsell, when asked what action employers would take during the protest, said it was up to individual employers to act as they saw fit.

A number of employers have already threatened to dock workers' pay, institute disciplinary action in terms of the present labour legislation and withdraw from wage negotiations with unions.

After the meeting, Cosatu general-secretary Mr Jay Naidoo said the protest would continue because the views of workers and "the democratic movement" had not been taken into account in the formulation of the Bill.

Workers deprived of political power had no alternative but to stage the protest, he said.

Major employer associations such as the Steel and Engineering

Industries Federation (Seifsa) and the Association of Chambers of Commerce (Assocom), while not giving directives to members, have warned that employers would take disciplinary action against workers who stayed away.

In a press statement, Seifsa appealed to workers not to stay away.

Cosatu has warned that such action would only heighten conflict.

Mr Naidoo said Cosatu had maintained its position "that there has been no meaningful consultation with the labour movement on the amendments (to the Bill) passed".

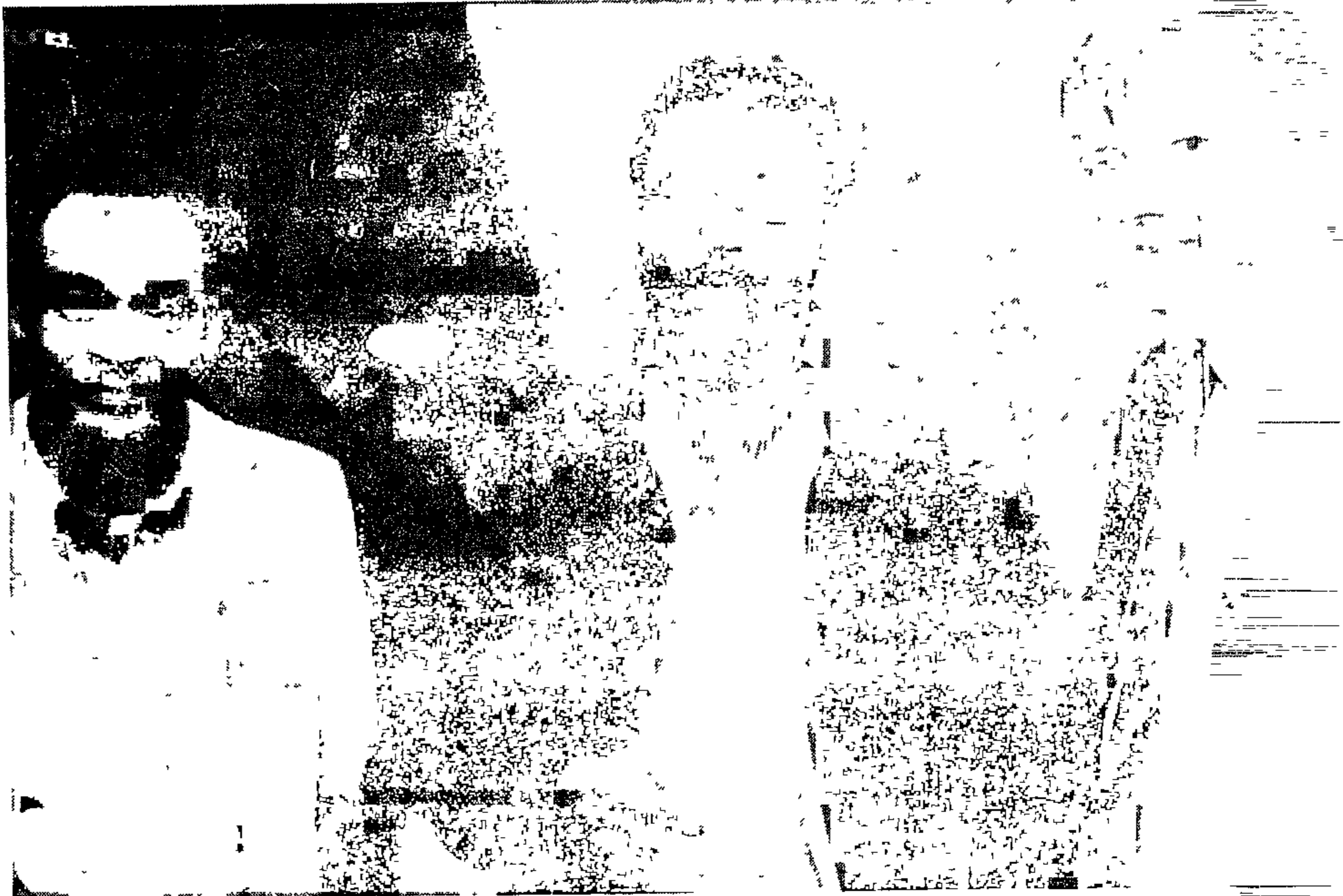
## 'Attack'

"We believe that the legislation very severely curtails unions' rights and entitles employers to sue and bankrupt unions."

The call for protest, he said, had followed "a major attack, not only on the unions, but on the whole progressive democratic movement in South Africa". Employers had been asked "to commit themselves to ensuring that the protest is peaceful".

Mr Godsell said Cosatu had failed to show employers how the Bill would undermine worker rights.

● Saccola is today to meet the second biggest labour federation, the National Council of Trade Unions, which has also called for protests next week.

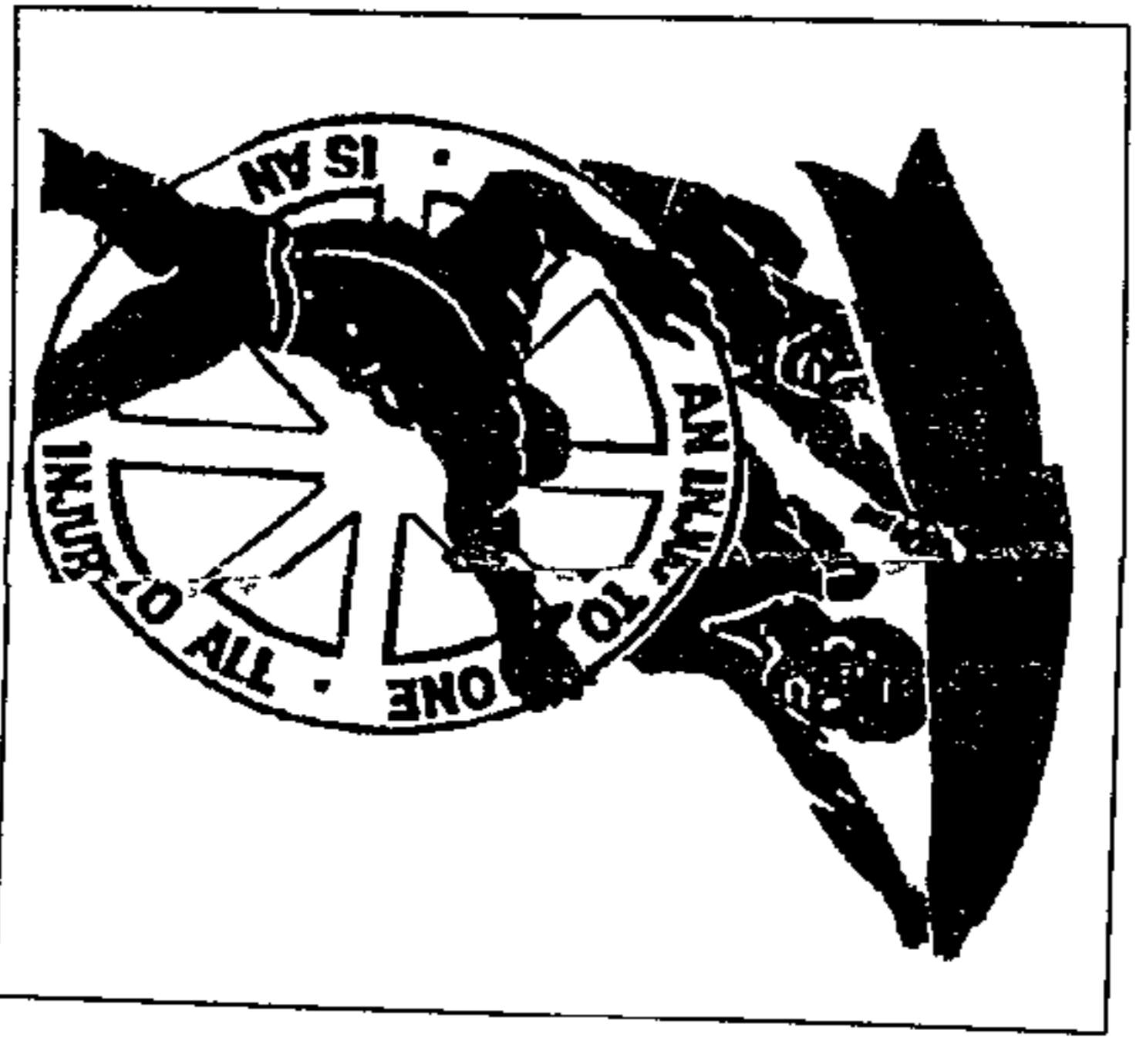
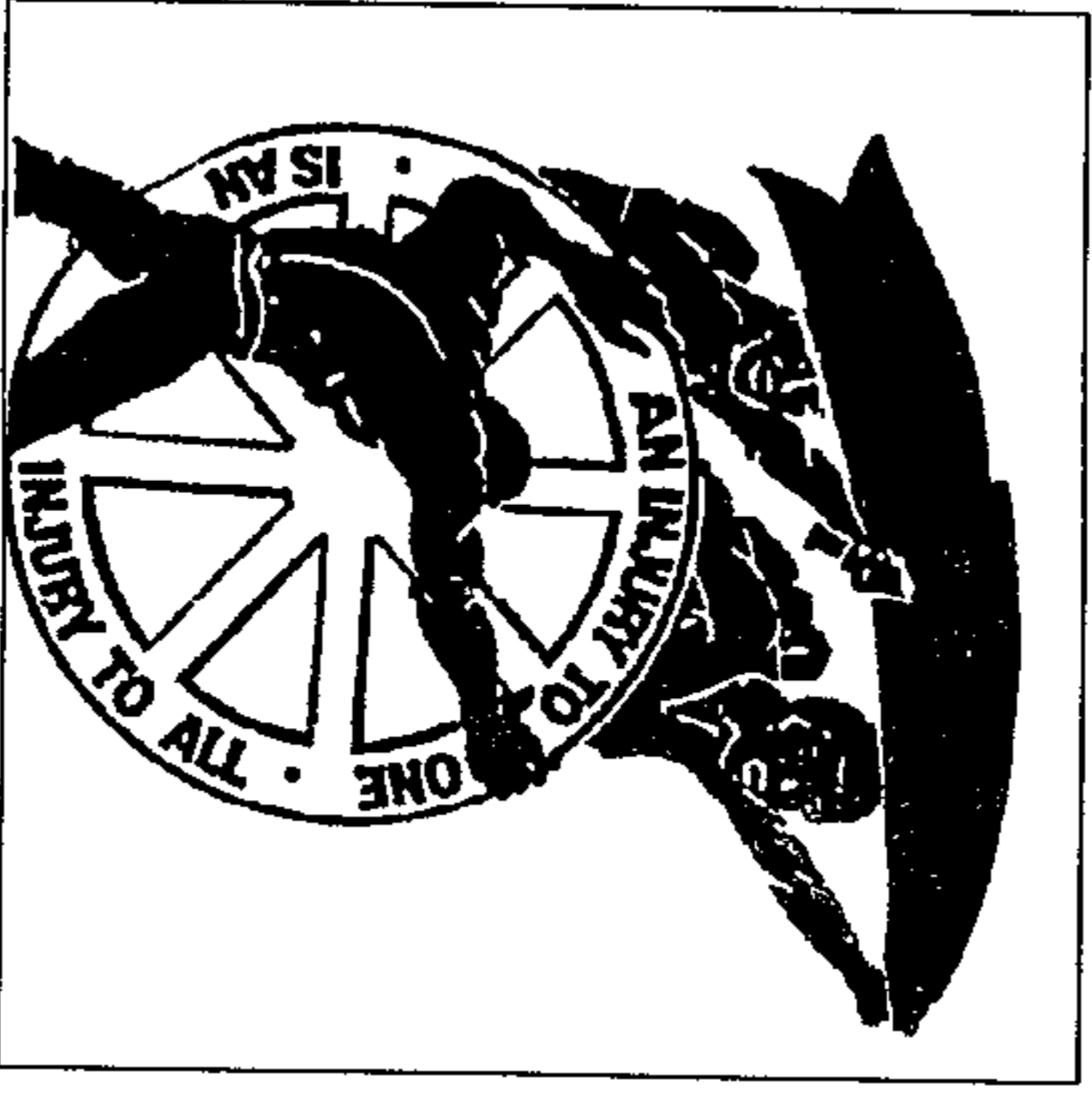


Cosatu president Mr Elijah Barayi (left), NUM general secretary Mr Cyril Ramaphosa and Saccola chairman Mr Bobby Godsell before yesterday's meeting. ● Picture by Alf Kumalo.



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# FREEDOM OF ASSOCIATION



Article 200 of the report of the International Labour Organisation on Freedom of Association and Collective Bargaining states:

The Committee considers that the right to strike is one of the essential means available to workers and their organisations for the promotion and protection of their economic and social interests. These interests not only have to do with obtaining better working conditions and pursuing collective demands of an occupational nature but also with seeking solutions to economic and social policy questions

At a special National Congress of Cosatu, called especially to discuss a response to the new Bill, it became apparent that spontaneous employee action was inevitable. In order to ensure that the protest against the Bill and the emergency restrictions was orderly and peaceful, Cosatu resolved to register peaceful protest to the emergency restrictions and the Bill.

Despite the above, employers have threatened to take action against our affiliate trade unions by

direct concern to the workers.

The new Labour Bill is in conflict with public international law and an attack on freedom of association.

- The Bill entrenches racial trade unions.
- The Bill erodes job security.
- The Bill imposes new limitations on the right to institute industrial action.

Despite the fact that this Bill is in breach of accepted international labour standards, employers in this country endorse it because it serves their interests.

### **How should Cosatu respond?**

Bear in mind:

- The majority of our members do not have the vote.
- We were never consulted with regard to the Bill.
- We have voiced criticism and made recommendations relating to the Bill, all of which have been ignored.
- We have even laid a formal complaint with the International Labour Organisation in Geneva.
- We have pointed out the inadequacies of the Bill to employers and indicated that we are prepared to sit down and negotiate a more efficient system of industrial relations, provided that the Bill is suspended during this period. This has not been accepted.

participate in the peaceful protest.

This expression of opposition is one of the few remaining avenues of peaceful and legitimate protest available to us. The objective is to draw attention to the views of our membership and we believe that this is the most appropriate action we can take, having regard to the circumstances currently prevailing in this country.

Cosatu is a democratic organisation controlled by representatives elected without regard to race, religion, creed or sex. In South Africa this is an achievement to be cherished and protected.

If Cosatu is prevented from functioning fully in that its right to freedom of association is threatened, and all avenues of peaceful protest are closed, then the new era of labour relations is doomed and industrial stability is seriously jeopardised.

Cosatu is a reality that cannot be avoided.

The legitimate demands of millions of workers are a reality that cannot be avoided.

Repression will not create a permanent peace in this country.

We call upon all South Africans to support our struggle for democracy and the right to speak, meet and organise for a democratic non-racial future.

**Human liberty is a right that should be fought for when it is threatened. We have made the choice — and so must you**

Issued by Jay Naidoo, General Secretary of the Congress of SA Trade Unions, National Acceptances House, corner Rissik & Anderson Streets, Johannesburg.



# Nactu, Saccola opt for mediators

By Mike Siluma,  
Labour Reporter

The National Council of Trade Unions (Nactu) and the SA Employers' Consultative Committee on Labour Affairs (Saccola) will set up a committee of experts to try and resolve their differences over proposed changes to

labour legislation (16)

In separate statements after a meeting on Friday, Saccola and Nactu said a "small committee of experts", nominated by each side, would be established.

The Nactu delegation was led by its president Mr James Mndaweni

while Mr Bobby Godsell headed the Saccola team.

Nactu said the purpose of the meeting was "to further explore ways and means of clarifying each other on issues of agreement and disagreement concerning the Labour Relations Amendment Bill".

Star 20/6/88  
A Saccola statement said the proposed committee would meet early this week.

The meeting was a sequel to one held on June 3 between Nactu and Saccola. It is hoped that the working group will be able to commence its activities early next week.



## Nactu, Saccola to study labour Bill

NACTU and the SA Consultative Committee on Labour Affairs (Saccola) have agreed to set up a small working group to study the Labour Relations Amendment Bill with a view to clarifying where they agree and disagree.

Meanwhile, Cosatu general secretary Jay Naidoo said discussions with Saccola and scrutiny of the Bill were continuing.

BRONWYN ADAMS

advantages of South Africa of signing the Nuclear Non-Proliferation Treaty,

(2) whether signatories are obliged to make available to the International Atomic Energy Agency or any other international body details of secret processes regarding the enrichment of uranium, if so, to what body or bodies,

(3) whether he will make a statement on the matter?

#### The MINISTER OF FOREIGN AFFAIRS

This is a delicate matter and, in the interests of national security, I am prepared on a confidential basis to discuss this matter with members of the Opposition

**Foreign Affairs: public relations and advertising**  
1134 Dr P W A MULDER asked the Minister of Foreign Affairs †

Whether any division or directorate of his Department made use of external (a) public relations consultants, (b) public relations agencies, (c) advertising consultants and/or (d) advertising agencies in the 1987-88 financial year, if so, (i) for what projects, (ii) what total amount was spent on each project (iii) what consultants and/or agencies were involved in each project and (iv) what procedure was followed in allocating these projects to agencies and/or consultants?

#### The MINISTER OF FOREIGN AFFAIRS

Yes

The Department of Foreign Affairs is prepared to discuss the Department's activities in this field with the hon member in confidence

#### Black Labour Act registration of workers

1208 Mr K M ANDREW asked the Minister of Home Affairs

(1) How many (a) South African and (b) foreign Black workers were registered as at 30 June 1987 in each category of labour defined in the regulations promulgated in terms of the Black Labour Act, No 67 of 1964,

(2) how many of the foreign workers in each category were from (a) Transkei, (b) Bophuthatswana, (c) Ciskei and (d) Venda,

(3) (a) what were the countries of origin of the other foreign workers and (b) how many in each category of labour were from each of these countries?

#### The MINISTER OF HOME AFFAIRS

(1) to (3)

The Black Labour Act, 1964 (Act 67 of 1964) was repealed with effect from 1 July 1986. No statistics on the basis as required by the hon member, are being kept by the Department

#### Education. State expenditure in Republic

1223 Mr K M ANDREW asked the Minister of National Education

(1) With reference to his reply to Question No 465 on 29 September 1987, what was the total State expenditure on education in the Republic, (a) including and (b) excluding the self-governing territories, in the 1987-88 financial year,

(2) what amount was spent in this financial year on education in respect of (a) Blacks in the (i) Republic and (ii) self-governing territories, (b) Whites, (c) Coloureds and (d) Indians?

#### The MINISTER OF NATIONAL EDUCATION

(1) Total State expenditure on education in the Republic for 1987/88

(a) Including the self-governing territories R9 192 054 000  
(b) Excluding the self-governing territories R7 802 203 000

(2) Expenditure on education in the Republic for 1987/88 in respect of

(a) Blacks  
(i) Outside the self-governing territories R1 651 791 000  
(ii) Inside the self-governing territories  
(b) Whites R1 389 851 000  
(c) Coloureds R4 141 247 000  
(d) Indians R1 430 702 000  
R578 463 000

The amounts in (1) and (2) include funds provided in respect of education on the Budget

Vote Improvement of Conditions of Service for 1987/88

Education: increase in expenditure

1224 Mr K M ANDREW asked the Minister of National Education

What percentage of the total increase in expenditure on education for all race groups in the Republic in the 1988-89 financial year is to be spent on (a) White and (b) Black education?

#### The MINISTER OF NATIONAL EDUCATION

Percentage of the total increase in expenditure on education in the Republic for 1988/89 to be spent on

(a) Whites 34,18%

(b) Blacks 51,34%

These percentages do not include the effect of funds provided on the Budget Vote Improvement of Conditions of Service for 1988/89 and which still have to be finally allocated. These figures are furthermore related to a number of factors such as fluctuations in student numbers at universities and technikons and the number of pupils in schools, as well as the nature of population migrations

#### Own Affairs

First-year students: pass rates

156 Mr K M ANDREW asked the Minister of Education and Culture

With reference to the reply of the then Minister of National Education to Question No 1114 on

Yes,

	(a)	(b)*	(c)
Cape	Sydenham Primary School, Port Elizabeth	3	1988-02-01
	Summerwood Primary School, Port Elizabeth	3	
	Pearson High School Port Elizabeth	1	
	Lawson Brown High School, Port Elizabeth	3	
	Hudson Park Primary School, East London	1	
	Hudson Park High School, East London	4	
	Grove Primary School, Claremont	3	
	Rustenburg Girls Primary School, Rondebosch	2	
	SA College Boys Primary School Rondebosch	4	1988-03-01
Natal	Glenashley Senior Primary School	3	1988-06-13
OFS	Brebnier High School, Bloemfontein	6	1988-06-10
Transvaal	Athlone Boys High School	2	
	Brooklyn Primary School	2	

4 July 1984, how many full-time equivalent first-year students were (a) enrolled and (b) successful in 1986 and 1987, respectively, at each university falling under his Department?

#### The MINISTER OF EDUCATION AND CULTURE

1986 University

	(a)	(b)
South Africa	4 295	1 343
Cape Town	1 919	1 534
Stellenbosch	2 615	1 954
Witwatersrand	3 676	2 367
Pretoria	3 505	2 652
Natal	2 316	1 660
Rhodes	764	487
Potchefstroom	1 530	1 120
Oranje-Vrystaat	1 466	1 090
Port Elizabeth	854	625
Randse Afrikaanse	1 339	920

The information regarding 1987 is not yet available

White schools, non-White pupils

158 Mr A GERBER asked the Minister of Education and Culture †

Whether any non-White pupils are attending public schools under the control of his Department at present, if so, (a) which schools, (b) how many non-White pupils are attending each such school and (c) in respect of what date is this information furnished?

#### The MINISTER OF EDUCATION AND CULTURE

TURE

that an election war between young Afrikaans-speakers."

# Industry, trade unions set to clash over protest

JOHANNESBURG. — South African industry and black trade unions are set to clash head-on next week, following the failure of urgent talks on a three-day protest starting on Monday.

Employers have warned they will take disciplinary action against workers failing to report for work during the protest.

In yesterday's talks the Congress of South African Trade Unions and the South African Consultative Committee on Labour Affairs failed to agree on what "peaceful protest action" included.

### "UNION-BASHING"

Employers rejected Cosatu's position that the Labour Relations Amendment Bill, which mainly caused the protest, was aimed at "bashing" unions and destroying rights won by labour during the past decade.

Cosatu said employers had declined to say if they were planning to sue unions.

The Consultative Committee chairman, Mr Bobby Godsell, when asked what action em-

ployers would take during the protest, said it was up to individual employers to act as they saw fit.

Some have threatened to dock pay, take disciplinary action in terms of the labour legislation and withdraw from wage negotiations with unions.

### DEPRIVED

After the meeting Cosatu general secretary Mr Jay Naidoo said the protest would continue as the views of workers and "the democratic movement" had not been taken into account in the formulation of the Bill.

Workers, deprived of political power, had no other alternative but to stage the protest, he said.

Major employer associations such as the Steel and Engineering Industries Federation and the Association of Chambers of Commerce, while not giving directives to members, have warned that employers would take disciplinary action against workers who stayed away. — Sapa.

*Handwritten notes:*  
3/16/88  
A. Agnes  
16/11/88





are jailed.

*CAN Times 21/6/81*  
**Labour law committee** *(166)*

JOHANNESBURG. — The National Council of Trade Unions and the SA Employers' Consultative Committee on Labour Affairs will set up a committee of experts to resolve their differences over proposed changes to the labour legislation

# **TUC Message to the Working People of South Africa**

The working people of South Africa have resorted to limited protest action after the few channels for them to express their opposition to the Labour Relations Amendment Bill have been exhausted. Their resistance, led by the trade union movement, reaffirms the constructive, measured opposition to this further anti-trade union measure.

The TUC has approached South African employers concerning the protest and is in receipt of telex messages giving reassurances that legal action will not be taken against working people and their organisations during or after the protests. The TUC calls on employers to avoid resorting to dismissals or any other form of action against working people. The TUC stands ready to support in all practicable ways the just demands of the South African trade union movement for freedom to function.

**NORMAN WILLIS**

(166)  
Sowetan 9/6/88

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# What the Labour Relations Bill really says

## EMPLOYERS AND THEIR ORGANISATION, SACCOLA, SAY:

- The Bill is not an attack on unions
- The Bill preserves worker rights
- The Bill is in line with Western labour standards
- The Bill satisfies most of COSATU's objections

## WORKERS AND COSATU SAY:

- The Bill is part of a broader strategy to suppress democratic opposition and worker organisation. COSATU has been severely restricted and 17 democratic organisations have been banned. COSATU's right to meet, speak, publish and organise has been systematically undermined by banning all our rallies, constant police raids on our offices, numerous anonymous bomb attacks on our property, regular confiscation of our media, ongoing detention of our members and so on. The Minister of Manpower has even said that the provisions of the Bill will hang "like a sword over the (unions) heads" — *The Star*, 17/12/87
- The Bill makes arbitrary and unfair dismissals

legal, restricts the right to strike and encourages minority unions

- The Bill contravenes international labour standards on freedom of association. COSATU has laid a complaint with the International Labour Organisation (ILO) for investigation
- Not one of COSATU's major objections to the Bill have been met — 20 out of our 27 objections to the parliamentary standing committee were ignored

This week's protest action demonstrates the opposition of millions of workers to the Bill. There is clear disagreement between workers and employers about the Bill.

## WE CHALLENGE SACCOLA:

- To submit this disagreement to the judgment of an independent panel of lawyers under the chairmanship of, for example, a retired judge who is a respected member of the legal profession,
- To call on the Government to suspend the Bill pending determination by the independent panel and the ILO;
- To call on the Government to submit to the jurisdiction of the ILO



# COSATU

## CONGRESS OF SOUTH AFRICAN TRADE UNIONS



Cap. Times 28/6/88

# To meet Saccola?

Own Correspondent

**JOHANNESBURG** — Nactu and Cosatu were "seriously considering" joining forces for discussions on labour legislation with the SA Consultative Committee on Labour Affairs (Saccola), Nactu general secretary Mr Piroshaw Camay said yesterday.

He said a Nactu delegation had met with Cosatu yesterday to discuss a joint approach to the talks.

## Train deaths

Political Staff

TWO people were killed and 15 seriously injured in train-related incidents on the Bonteheuwel line between April 1987 and March 1988, the Minister of Transport Affairs, Mr Eli Louw, said in reply to a question in the House of Representatives yesterday.

Mr Louw said Mr B Zofushe and Mr J Davids died on trains or in train-related incidents during that period

# Unions may join forces over labour laws

NACTU and Cosatu were "seriously considering" the possibility of joining forces for discussions on labour legislation with the SA Consultative Committee on Labour Affairs (Saccola), Nactu general secretary Piroshaw Camay said yesterday

And, speaking in Parliament yesterday during the final passage of the controversial Labour Relations Amendment Bill, Manpower Minister Pietie du Plessis said the Bill was not the last

(166) Alan Fine 28/6/88

word in labour legislation and his door was open to any trade unions "who wished to speak on amending the Bill next year", Sapa reports

Camay said a Nactu delegation had met with Cosatu to discuss a joint approach to talks with Saccola. It appeared there were no significant tactical disagreements between them and their views on the Bill and other legislation

were similar

However, a final decision would be made by the governing bodies of the two organisations in the next two weeks. Cosatu could not be reached for comment

Camay said while Nactu policy precluded any meeting with government at ministerial level — as had been agreed to by Cosatu — this was not a stumbling

● To Page 2 →

KEY MARKET MOVEMENTS JUNE 24 to JUNE 27

## Unions consider a united front on laws

block as the organisation had no objection to meeting non-political government officials such as the Director General of Manpower

Nactu had already agreed to thrash out its views on labour legislation with Saccola, and Camay envisaged that dis-

(166) Alan Fine 28/6/88 ● From Page 1 ←

agreements would be referred to arbitration

The outcome of the meeting in Cape Town last week between the department, Saccola and Cosatu's legal advisers has not yet been made public

My door is open, says Pietie du Plessis

# Blacks 'took part' in drafting labour Bill

Star 28/6/88

166

It was not true that blacks were excluded from making representation in the South African labour legislation process, Manpower Minister Pietie du Plessis said in the House of Delegates yesterday

## Responsible

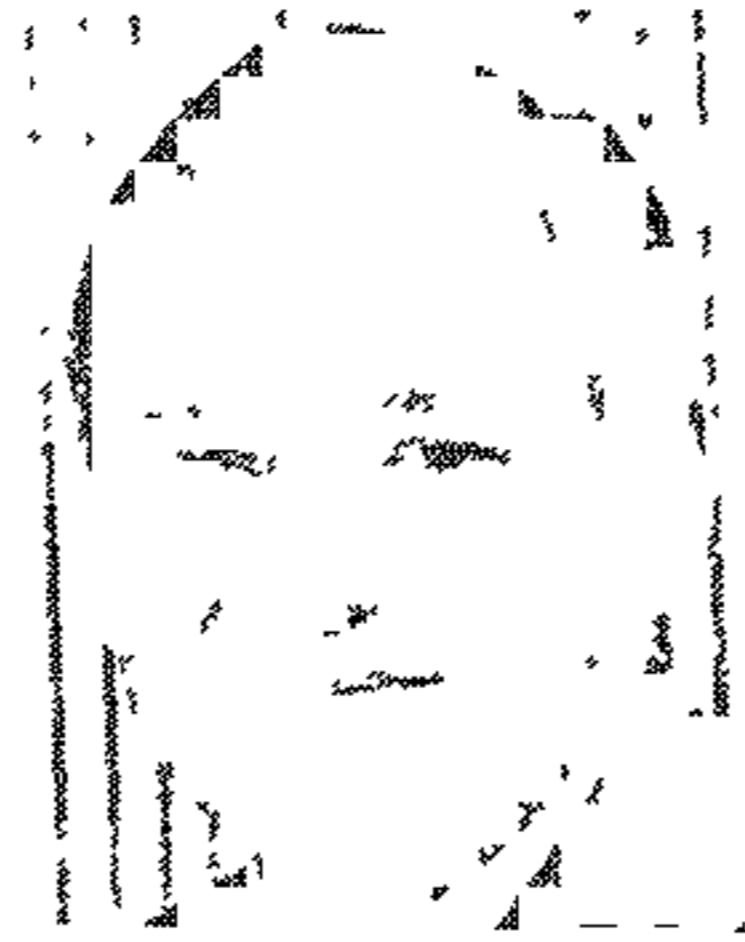
In reply to debate on consideration of the report of the joint committee on Mineral and Energy Affairs on the Labour Relations Amendment Bill, Mr du Plessis said the Bill emanated from recommendations made by the National Manpower Commission, which included black representation

Throughout the joint committee's deliberation of the Bill he had repeated that his door was open to anyone who wished to address him on matters concerning the Bill

It was interesting that several "more mature, responsible" trade unions, not all of them white, had supported the Bill "because they want order in the labour field. They want to combat disinformation"

It was also untrue that promulgation of the Bill would result in further labour unrest

The Bill was the most enlightened form of legislation. It made any discrimination on grounds of race, sex or creed an un-



Mr Pietie du Plessis 'enlightened legislation' fair labour practice

The basis of the Bill was fairness and equity. There had to be a balance of negotiating power between labour and capital.

Unions that had urged workers to participate in a three-day stayaway in protest at the Bill's adop-

tion had done so while the standing committee was still hearing evidence. Over 130 amendments to the Bill had subsequently been made.

The stayaway call, in protest at the unamended Bill, was therefore an act of disinformation. The trade unions should have waited until the Bill was submitted to Parliament.

This Bill was not the last word in labour legislation, Mr du Plessis said. His door would stay open, even after adoption of the Bill, to any unions, or individual workers, who wished to speak to him with regard to amending the Bill next year.

There was therefore no need to strike or for any labour unrest — Sapa



~~ISA~~  
~~160~~  
~~ISA~~

*27/6/88*  
**Cosatu protests to labour body**

GENEVA. — South Africa's biggest trade union federation has complained to the International Labour Organization (ILO) that new legislation proposed by the government would favour all-white unions and limit workers' rights to strike.

Planned government amendments to the Labour Relations Act would "make fundamental inroads into the freedom of association of trade unions", the Congress of South African Trade Unions (Cosatu) said in a letter to the ILO's Geneva headquarters.

The ILO's 58-member Governing Body (executive board) discussed the complaint on Thursday and decided to refer it to the United Nations Economic and Social Council (Ecosoc) with a view to having it examined by a fact-finding commission, an ILO spokesman said on Friday.

The 150-member ILO is a specialized agency of the UN that seeks to promote social justice and to improve workers' conditions around the world — Sapa-Reuter

Hobbs (166) Press



Every Tuesday is protest day against the proposed Labour Amendment Bill for workers at Muller and Phipps in Durban. The workers, members of the Chemical Workers' Industrial Union, have decided to demonstrate their rejection of the Bill by demonstrating during their Tuesday lunch-breaks. Shop steward Lucas Mtiyane, said the workers had decided on the action because the Labour Bill was in the interests of employers only.

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# Labour Bill storm still rages

By DICK USHER  
Weekend Argus  
Labour Reporter

URGENT attempts are still being made to delay or change the Labour Relations Amendment Bill, amid fierce criticism from the South African trade union movement.

A group of labour lawyers acting for the Congress of South African Trade Unions (Cosatu) met the Director-General of Manpower, Dr Piet van der Merwe, on Tuesday, after which they saw the Minister, Mr Pietie du Plessis, to discuss possible amendments to the Bill

One of the lawyers said they could not comment on the talks but understood that Mr du Plessis would issue a statement

Parliamentarians say amendments are not possible at this stage.

They had to be put on the order paper at the second-reading stage, after which the Bill went back to the standing committee for discussion.

The Bill was reported out of committee last week to be put on the order paper



# All's mum as labour Bill (166) talks continue

NEGOTIATIONS over the controversial Labour Relations Amendment Bill reached a critical stage this week, as lawyers for the Congress of South African Trade Unions (Cosatu) held unprecedented talks with government officials

Employers were represented by the SA Consultative Committee on Labour Affairs (Saccola). All parties were tight-lipped after the meeting.

Said Jan van Tonder, a representative of the Department of Manpower. "All I can say is that things have reached a delicate stage and that the parties agreed to keep the decisions taken - including on whether there will be a follow-up meeting - secret for the moment."

Van Tonder said that although there was routine contact between the manpower department and Cosatu affiliates, it was the first time the two parties had held such an important meeting.

Lawyers for Cosatu confirmed the meeting with manpower officials, but would not comment further.

The Bill has already been tabled in parliament after being altered slightly by the parliamentary joint committee on manpower affairs. In terms of parliamentary procedure, it cannot be amended at this stage.

However, if the Bill is passed by all three houses of parliament, it is constitutionally possible for the State President to shelve the law by not promulgating it.

Meanwhile, talks between Cosatu and Saccola's legal representatives are still taking place over the technicalities of a possible independent inquiry into the Bill.

Cosatu has proposed that a former judge and legal academic, L Ackerman, head an independent panel to investigate whether the Bill conforms with international labour standards.

Saccola secretary Friede Dowie said Saccola's official position on the arbitration proposal was that the two parties should first meet to define their differences and agreements over the Bill.

The National Council of Trade Unions (Nactu) and Saccola have agreed to set up a panel made up of representatives from each party, including legal experts, to examine their disagreements over the Bill.

Nactu general secretary Piroshaw Camay said the Nactu/Saccola panel would investigate the rights of farmworkers, domestic workers and public sector workers, who are not covered by the Labour Relations Act.

*w/Manu*

*24-30/6/88*

## Govt and Cosatu discuss Bill

The Minister of Man- tails had to be sorted out power, Mr Pietie du Plessis, met representatives of the SA Consultative Committee on Labour Affairs (Saccola) and the Congress of South African Trade Unions (Cosatu) in Cape Town this week.

A spokesman for the Minister said the parties had agreed that decisions made at Tuesday's meeting would not be disclosed at this stage.

He said technical de-

tails had to be sorted out. The meeting followed an invitation by Mr du Plessis to labour unions during the June 6 to 8 stayaway to discuss their objections and recommended changes to the Labour Relations Amendment Bill.

● A group of experts set up by Saccola and the National Congress of Trade Unions to discuss their differences over the Bill is due to meet this week.

Sowetan 22/6/88

## Nactu, bosses talk on Bill

EMPLOYERS and the National Council of Trade Unions are scheduled to meet this week for further talks on the Labour Relations Amendment.

A spokesman for the employer body, the SA Consultative Committee on Labour Affairs, said the two parties had agreed to form a working group to study the proposed amendments to the labour legislation.

He said "This working group will study the Bill in its present form in detail with a view to clarifying the two organisations' understanding of the amendments as well as to clarify where the two parties agree and disagree."

The decision to form a joint committee was taken at a meeting between Nactu and Saccola last Friday.

### Conservation

The Saccola spokesman said "We have tried to set up a similar working group with the Congress of SA Trade Unions but have not succeeded so far."

Mr Jay Naidoo, Cosatu's general secretary, was not available for comment yesterday.

• The Black Health and Allied Workers' Union of SA is to hold its annual convention in Johannesburg on Saturday.

Bhawusa's Press officer, Mr J P Moloto, said the convention begins at 8 30am at the Victoria Hotel in central Johannesburg.

He said the union's president, Mr Daniel "TD" Komape, will give both the presidential and secretarial reports as well as the keynote address.

• The Johannesburg Biker 'Riders' Association holds its monthly meeting in Soweto on Sunday.

The meeting will be held at 1728 Moletsane, and starts at 10 30am. All Jobra members and those wishing to join the association are requested to attend.

• The National Union of Steel and Allied Workers is to hold a report-back meeting with employees from Iscor in Pretoria, and Bessaans and Du Plessis at the Laudium Hotel, Pretoria on Saturday.

The meeting will focus on wage talks between the union and Iscor as well as that company's response to a demand by Nusaw for a 50 cents hourly increase.

Nusaw official, Mr Sam Notoane, said Iscor had made a final offer of 40 cents an hour.

He said "The meeting will also discuss a progress report on recognition talks between Bessaans and Du Plessis."



# Silence <sup>1166</sup> over Bill <sup>Star 2.21.66</sup> 'alarming'

By Zenaide Vendeiro,  
Education Reporter

The silence of business on the proposed amendments to the Labour Relations Act "speaks volumes", Professor Allen Zimble, professor of business administration at Wits University, said yesterday during his inaugural lecture.

Professor Zimble said this silence from business was alarming

The Labour Relations Act of 1981, he said, had provided a new labour deal, resulting in a system which operated without racial basis

Given the Government's apparent prior stance of non-interference, it had been something of a model system, and one that worked

Although the number of strikes and work stoppages had risen dramatically — from 71 in 1972 to 795 in 1986 — this had been within the framework of a regulated industrial relations system

This could be seen, for example, in the rise of Conciliation Board applications from 29 in 1979 to 2 062 in the first eight months of 1987

"In the face of this then, the Government's attempted amendment, allegedly drafted after business had whispered in its ear, is regarded by trade union federation leaders and other voices of opposition as a devastating attack," he said.

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6/20/88

# Manpower Dept mum on details of meeting with Cosatu, Saccola

REPRESENTATIVES of the Manpower Department, the SA Consultative Committee on Labour Affairs (Saccola) and Cosatu's legal advisers met in Cape Town yesterday, a spokesman for Minister Pietie du Plessis said last night.

At the same time, the Labour Relations Amendment Bill has emerged from the Parliamentary Joint Committee on Manpower and Mineral and Energy Affairs with only a few cosmetic changes.

ALAN FINE and CHRIS CAIRNCROSS

Du Plessis's spokesman declined to give any details on the contents of yesterday's talks, saying they were very sensitive. He added it was unlikely any of the other parties to the talks — who could not be reached for comment — would disclose details. The meeting, which presumably ad-

ressed questions related to the content and passage through Parliament of the Bill, followed a verbal invitation from Du Plessis to labour unions issued during the work stayaway two weeks ago. Cosatu accepted the invitation and proposed a seven-point agenda for such a meeting. The following day Du Plessis left for an overseas trip and has so far not responded publicly to Cosatu. Last week there appeared to be a great deal of communication between

Cosatu and Saccola about Cosatu's proposal that their differences over the Bill be referred to arbitration on whether its contents met mutually agreed criteria. As far as the passage of the Bill through Parliament is concerned, the earliest the committee's report is likely to be debated in the three Houses is late on Friday or early next week. There does not appear to be any doubt the Bill will receive final Parliamentary

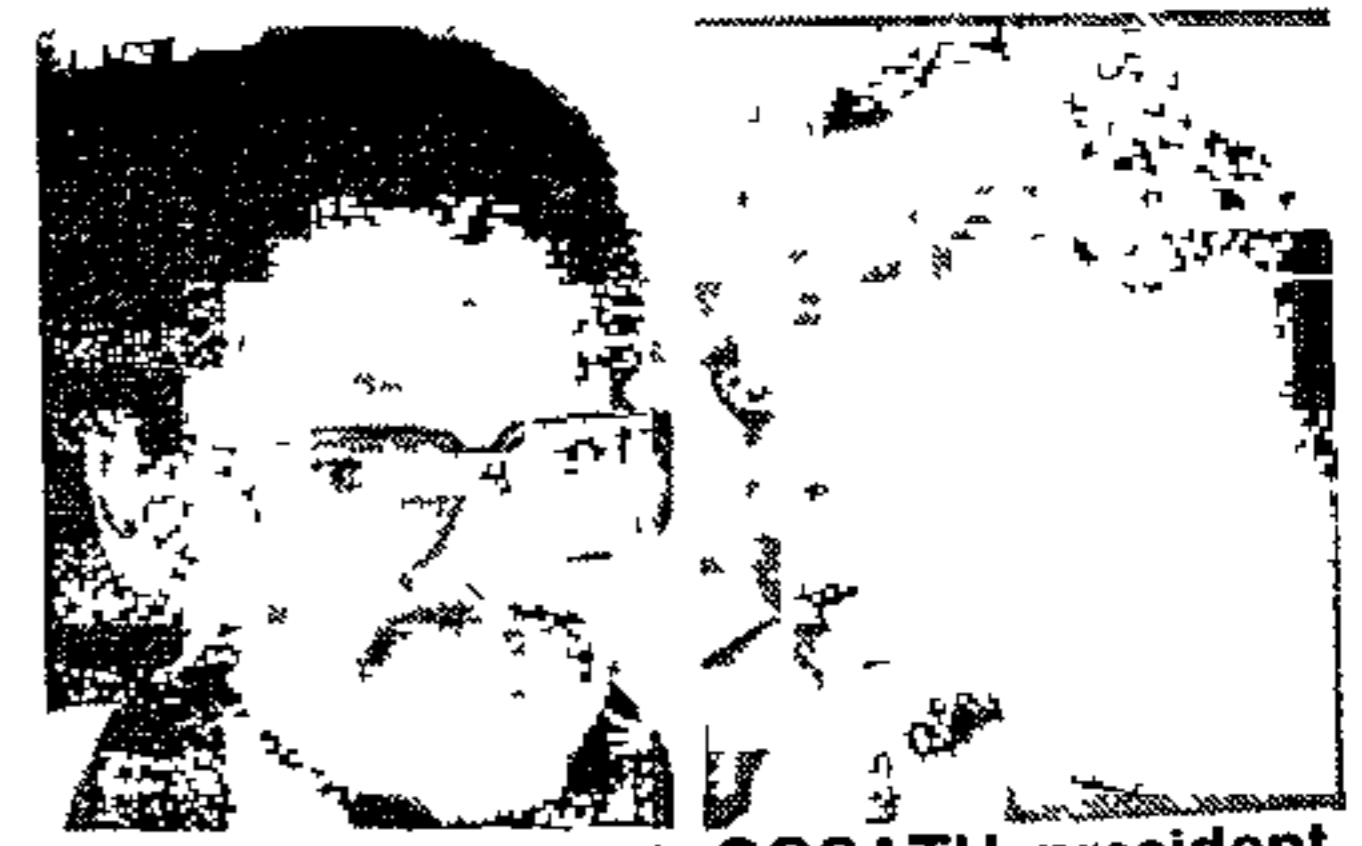
approval this session, and be translated into law soon afterwards. Nor is it likely now that government will accede to requests from organised labour and employers that the handling of the draft legislation be suspended pending the outcome of "private arbitration", or that Du Plessis will consider suspending any of the disputed clauses. Any proposed amendments will only emerge for tabling in Parliament when it reconvenes in 1989.

# BACK TO WORK

Sowetan  
9/6/88

~~166~~

~~166~~ 166



NACTU president James Mndaweni  
COSATU president Elijah Barayi.

## Economy takes a big knock

TODAY marks the end of one of South Africa's biggest protest action by workers.

The protest, which took the form of a stayaway was called by two giant federations — the Congress of South African Trade Unions and the National Council of Trade Unions to demonstrate their opposition to the Labour Amendment Bill.

The unions maintain that the Bill will erode their bargaining power by, among other things, curtailing their right to strike and encouraging employers to sue them for production losses in an "illegal" strike.

Employers have rejected the federation's contentions that the proposed legislation was aimed at union bashing and destroying the rights they gained in the past decade.

Police yesterday gave a figure of at least 10 people who have died violently since the start of the protest action on Monday.

### Stayaway

In Johannesburg a mysterious fire broke out in the passenger coach of a train at Mzimhlophe Station at about 9pm on Tuesday, a South African Transport Services (Sats) spokesman said.

Meanwhile the three-day stayaway has cost workers millions of rand, says Assocom labour spokesman, Mr Vincent Prett.

Mr Prett estimated the total cost of the stayaway to the economy would be in the region of R500 million, SABC Radio News reports.

He said much of this would be made up of wages lost by workers. Other negative effects on the workforce were that employers would move further towards mechanisation if they could not rely on their staff.

To Page 2

LONGDALE Station at dusk. A handful of commuters sigh with relief. Where every day hordes of workers rush madly about the platform and coaches, yesterday there was at least the assurance of an empty seat...



# Labour laws <sup>(166)</sup> still negotiable — Du Plessis

5 for 9/16/88

CAPE TOWN — The Labour Relations Amendment Bill was not the final word in labour legislation, Manpower Minister Mr Pietie du Plessis said today.

By David Braun,  
Political Correspondent

claimed that 3 million had participated in the protest on Monday and 2,5 million on Tuesday.

He confirmed in an interview that Cosatu was welcome to discuss with him its objections to the Bill, and that if these were substantial complaints, the legislation could be changed.

In response to an invitation by Manpower Minister Pietie du Plessis to the unions that they should discuss the Labour Relations Amendment Bill, which sparked the protest, Mr Naidoo said no formal invitation had been extended to Cosatu.

It was not possible, however, to change the Bill at this stage, he said, because it had already been through all three Houses of Parliament.

He said Cosatu's national executive committee now questioned the sincerity of the Minister's invitation.

"But we can look at amending it next year," he said.

"We still await the invitation from the Minister," he said.

## Invitation

One of the primary reasons for this week's mass protest by organised labour was the Labour Relations Bill.

"We are entering a process of discussion with the SA Co-ordinating Committee on Labour Affairs on the details of the arbitration which we have called for.

Mr du Plessis confirmed he had sent a formal invitation to Cosatu to send a delegation to meet him to discuss the legislation.

"We have agreed that their legal advisers and ours should meet to clarify the technical details of how the submissions should be prepared and the process of referral.

"Not everything has to be put in motion right away, and there is provision in the Bill to allow for the withholding of some clauses," he said.

"The executive noted that any punitive action against workers participating in the protest would jeopardise the negotiations to resolve the conflict," Mr Naidoo said.

● Cosatu general secretary Mr Jay Naidoo

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9/day 9/6/88 (166)

# Urgent meeting with Minister over Labour Bill

A TOP-LEVEL delegation from the SA Consultative Committee on Labour Affairs (Saccola) flew to Cape Town yesterday to meet with Manpower Minister Pietie du Plessis, just hours after it accepted, in principle, Cosatu's proposal for independent arbitration with the Labour Relations Amendment Bill.

The Bill was one of the two issues which marked the three-day protest action called by Cosatu and Nactu which ended yesterday with a lower level of intensity than the first two days.

Neither Saccola delegation leader Bobby

ALAN FINE and CHRIS CAIRNCROSS

Godsell nor Du Plessis were prepared to disclose the contents of their meeting. Godsell said Saccola and Du Plessis had agreed not to comment to the media "for very constructive reasons".

However, Cosatu general secretary Jay Naidoo announced yesterday Cosatu and Saccola were entering into discussions on the details of the process.

Cosatu proposed a panel chaired by

Professor Laurie Ackerman — a former judge who now occupies the chair of human rights in the Stellenbosch University law faculty — examine whether the Bill adheres to mutually agreed principles.

It is understood Saccola said it hoped it would be able to respond positively to the Cosatu proposal once certain technical matters had been agreed upon by their respective legal advisors.

But neither side has mentioned a key aspect of the Cosatu proposal — that passage

of the Bill be suspended pending this process — leading to speculation that this may have been an item on the agenda of the Saccola/Du Plessis talks.

Meanwhile, Naidoo said Cosatu had notified its response to the invitation made in Parliament on Monday by du Plessis to discuss the Bill.

A special executive meeting yesterday decided to refer the matter to affiliates, he said. It is understood Nactu is to be consulted

● To Page 2

## Consultations over Labour Bill continue

on the matter as well. Naidoo said Cosatu was awaiting a formal invitation from Du Plessis to be not merely a propaganda ploy to undermine Cosatu's assertion that government had been intransigent and arbitrary in formulating the Bill.

Sapa reports figures released by Sats indicate that in most parts of the country the stayaway dwindled yesterday. However, in Durban Putco reported passenger and staff turnouts at 90% below their normal levels while Sats re-

## Consultations over Labour Bill continue

ported passenger loads at 60% capacity. A spokesman for Putco said loads for Edenvale, near Johannesburg were 98% below normal levels. However, there was only a 40% drop below normal loads on the Soweto-Johannesburg run.

Sats said that loads on the same route were running at 30% of capacity. Natal Chamber of Industries executive director John Pohl said indications were that the position yesterday was a slight improvement on Tuesday.





# Return to work expected today

*Cape Times 9/6/88*

COMMERCE and industry countrywide are expected to return to normal today as black workers return to their jobs after a three-day stayaway

The protest was called by the 750 000-strong Congress of SA Trade Unions (Cosatu) and 500 000-strong National Council of Trade Unions (Nactu) to protest against the government's February crackdown and the Labour Relations Amendment Bill, which aims to curtail wildcat industrial action

A top-level South African Consultative Committee on Labour Affairs (Saccola) delegation flew to Cape Town yesterday afternoon to meet Manpower Minister Mr Pietie du Plessis, hours after Saccola accepted in principle Cosatu's proposal for independent arbitration on the Bill. Neither Saccola delegation leader Mr Bobby Godsell nor Mr Du Plessis were last night prepared to disclose what happened

However, Cosatu general secretary Mr Jay Naidoo said his organization

and Saccola were entering into discussions on the details of the process. Cosatu has proposed that a panel chaired by Professor Laurie Ackerman — a former judge who now occupies the chair of human rights in the Stellenbosch University law faculty — examine whether the Bill adheres to various mutually agreed principles

Mr Naidoo said no formal invitation had yet been received from Mr Du Plessis to discuss the Bill

Yesterday workers were absent in varying degrees on the Reef, in the Eastern Cape and at Durban and Maritzburg with a lack of bus transport slowing the return to work in many centres

Assocom's labour spokesman, Mr Vincent Brett, said the three-day protest had cost the economy about R500 million, much of this made up of wages lost by workers.

The FCI said there had been a marked improvement in work attendance especially in Johannesburg, the West Rand and Maritzburg — Staff Reporters, Own Correspondents and Sapa



*Costs 10/1/86*

# Firms fire 937 unionists

*116*

Own Correspondent

JOHANNESBURG. — A total 937 employees at 30 firms have been fired for their participation in the three-day stayaway this week, Nactu and Cosatu said yesterday.

They said those dismissed were union affiliates in the transport, metal and chemical sectors.

A Nactu spokesman said the dismissals appear to have occurred largely at small firms.

And Cosatu has agreed to meet Manpower Minister Mr Pietie du Plessis.

Among the discussions on the Labour Relations Amendment Bill will be the acceptance of ILO jurisdiction and determination over whether the bill is a breach of international standards, Cosatu said.

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# NEWS briefs

## Labour talks

COSATU has accepted the Minister of Manpower's invitation to hold talks on the controversial Labour Relations Amendment Bill.

The meeting will, however, take place only on condition that Mr Pietie du Plessis accepts Cosatu's agenda which includes

- The acceptance of the International Labour Organisation's jurisdiction and determination of the complaint Cosatu has laid that the new Bill was a breach of international standards;

- A private arbitration on the new labour amendments on the basis of proposals submitted to South African Consultative Committee on Labour Affairs, and

- Suspension of the Bill pending the outcome of the meeting between Mr du Plessis and Cosatu

Meanwhile, the National Council of Trade Unions yesterday rejected the Minister of Manpower's invitation to a meeting to discuss the Bill

Nactu official, Mr Phandelani Nefolovhodwe, said a meeting between the 500 000 member federation and Mr Pietie du Plessis could not take place until:

- All detained trade unionists were released,

- The 17 restricted organisations were unbanned, and

- The state of emergency is lifted

# Unions deny receiving invitation <sup>(166)</sup>

By Mike Siluma, Labour Reporter

While preliminary talks over the Labour Relations Amendment Bill got underway yesterday between employers and the Congress of SA Trade Unions (Cosatu), South Africa's biggest worker groups denied being formally invited to meet Manpower Minister Mr Pietie du Plessis

The meeting between Cosatu and employers represented by the SA Consultative Committee on Labour Affairs (Saccola), taking place through lawyers for both sides, was announced at a press conference by Saccola chairman

<sup>Ste 101618 ✓</sup>  
Mr Bobby Godsell

It followed a meeting this week between Saccola and Mr du Plessis and a three-day national work stayaway in protest against the Bill, which cost the economy about R500 million

Mr Godsell, stressing that the meeting with Cosatu was not the result of the stayaway, said Saccola had gained the impression in its talks with Mr du Plessis that talks with Cosatu on the Bill would still be worthwhile

Employers did not ask for the suspension of the Bill, which employers still regarded as positive and even-handed

"We are seeking to start discussions (with unions) as quickly as possible. The standing committee will meet early next week to consider amendments," said Mr Godsell

Saccola was also planning to meet the second biggest black labour federation, the National Council of Trade Unions (Nactu), to discuss the Bill

Nactu said it had not received invitations to meet either Saccola or Mr du Plessis

● Mr du Plessis said yesterday that he had formally invited Cosatu to meet him to discuss the legislation



# Cosatu and moderate group to discuss Bill

166  
B/day 13/6/88  
BRONWYN ADAMS

COSATU has accepted an invitation from the moderate trade union body, Labour Forum, to hold talks on the Labour Relations Amendment Bill

Cosatu information officer Frank Meintjies said at the weekend preliminary arrangements for talks between Labour Forum and Cosatu were being made and discussions would be held soon.

The Labour Forum recently resolved to approach largely black trade unions to try to prevent the Bill becoming law.

Nactu welcomed the Labour Forum's support against the Bill and said it was prepared to meet all non-collaborationist worker organisations in formulating a common strategy

Nactu said worker opposition was preferable to negotiations with the Manpower Minister as long as SA remained under a state of emergency, bannings and detentions continued, and the Minister encouraged management to fire and discipline workers taking part in peace-

ful protest action.

Meintjies said Cosatu's open policy was in line with its two main principles of non-racialism and worker unity. He said meetings with white unions were in line with Cosatu's resolution to reach out to all workers

He described the Labour Forum's move as significant especially since it arose out of opposition to the new Bill. Worker unity was essential given employer moves towards consolidation and the state's movement against the interests of workers.

All workers shared similar demands and it was only by standing together that they would defend themselves against low wages.

Meintjies acknowledged the ideological differences between white and black union groupings but said these would have to be tackled through discussion and debate.

# Money no problem pilots

tinuing, police said.

Dr Kim Mizrahi carries the

# Union request on Bill: employers to respond

Star 13/6/88

(166) By Tim Cohen

Employers will respond today to a union plea that the Labour Relations Amendment Bill be submitted to an independent tribunal for scrutiny on whether it meets Western standards.

The Congress of South African Trade Unions (Cosatu), which called for the three days of protest action over the Bill with the National Congress of Trade Unions (Nactu) last week, made the suggestion in a letter to the SA Co-ordinating Committee on Labour Affairs (Saccola).

Cosatu proposed last week that the Bill be referred to a panel chaired by a former judge, Mr L

Ackerman, now chairman of the Stellenbosch University law faculty.

The chairman of Saccola, Mr Bobby Godsell, said he was glad the unions now seemed prepared to discuss the content of the Bill.

Employers regarded the Bill as good legislation, but "are naturally willing to see good legislation made better".

As to Cosatu's claim that almost 2 000 workers had been dismissed and another 1 000 faced disciplinary action after the stayaway, Mr Godsell said Saccola regarded the union's action as punitive and the punitive response by employers was not unexpected.

# Bid to thrash out differences on Bill

By Mike Siluma,  
Labour Reporter

The search for employer-union consensus on the Labour Relations Amendment Bill will move a step further with a meeting on Friday between the SA Consultative Committee on Labour Affairs (Saccola) and the second largest black worker federation, the National Council of Trade Unions (Nactu)

Saccola is expected to respond today to the suggestion by the Congress of SA Trade Unions (Cosatu) that the dispute over the Bill's likely effect be referred to a neutral tribunal. Cosatu has suggested a former judge and chairman of the law faculty at the University of Stellenbosch, Mr L Ackerman, as president of the tribunal.

The Labour Bill, seen by many unions as an attack on their rights, was one of the issues to spark a three-

day work and school stayaway last week. Employers have maintained that the Bill was a "positive and even-handed" development.

Saccola chairman Mr Bobby Godsell said yesterday that Saccola would convey its response to the Cosatu proposal today. The tribunal would be asked to adjudicate on the different interpretations of the Bill.

● The Star's correspondent in Cape Town reports that the Labour Relations Amendment Bill has reached its final stages.

The Bill went back to the standing committee for further discussion on amendments which were completed yesterday.

Chairman Mr James Cunningham said the committee had "fairly long" discussions yesterday and the Bill would probably be placed on the order paper of all three Houses later this week.



Every holiday 'costs SA R400-m'

# Big business wants public holiday cuts

Star

14/6/88

166

By Michael Chester

**Big business has urged the Government to cut the number of public holidays to curb the cost of production losses caused by disruptions in work schedules.**

Public holidays are estimated to have cost about R2 400 million so far this year, running at R400 million per holiday, boosted by losses stemming from stayaways and unofficial long-weekend absences

If successful, the moves will provide far better guidelines to companies and labour forces on their approaches to such dates as June 16, the anniversary of the 1976 Soweto riots

One aim is to cut down on mid-week holidays, which often lead to workers taking extra time off for extended weekend breaks

The SA Employers' Consultative Committee on Labour Affairs (Saccola) is seeking to reduce the number of statutory holidays from 11 to four with a minimum of three additional paid holidays to be negotiated between employers and employees

## Christmas

Witwatersrand Chamber of Commerce and Industry (WCCI) pledged support yesterday for the proposed package

Cutting hard-core public holidays to only four falls in line with the recommendations of the President's Council (PC) which were submitted to the Government nine months ago but on which the State has yet to act

There is agreement on three of the statutory core holidays listed — Christmas Day, Good Friday and Republic Day

But there is disagreement about the fourth. The PC wanted it to be the Day of the Vow (December 16), Saccola and the WCCI think it should be New Year's Day

Also, while the PC proposes to leave it open to employers and employees to negotiate the selection of another six or seven paid holidays, Saccola's recommendations go no further than mentioning an additional three paid holidays as "a minimum"

The Saccola plan has been submitted to the Ministers of Manpower, of Home Affairs and of Constitutional Development

● See Page 15.

Government and employers in debate over workers' days off

# Public holidays may change

By Michael Chester

Planning the pattern of holiday breaks by South African families may never be the same again if a new debate between employers and the government comes to ultimate agreement.

The controversy over the selection of which holidays should remain fixed on the calendar, and which ones may be open to negotiation, has been stirred afresh by a holiday package proposed by the SA Employers' Consultative Committee on Labour Affairs.

Agreement has also been reached that the number of hardcore, permanent and immovable statutory holidays should be reduced from a current crop of 11 a year to only four.

One issue on which both sides agree is that three particular holidays should be regarded as sacrosanct: Christmas Day, Good Friday and Republic Day.

But even on a decision on the fourth date there is immediate division. The President's Council, in its own recommendations to the Government, insists that it must be the Day of the Vow (December 16). The employers' committee insists it must be New Year's Day.

Again, there is agreement that elbow room should be allowed for additional holiday dates — as long as they are ones selected in negotiations between employers and employees.

But how many of them? And when?

## Choice of six or seven

The President's Council recommendations, culled from an exercise undertaken by its Economic Affairs Committee, leave them the choice of six or seven — though without saying which six or seven.

The committee also falls short of being specific, talking only of a minimum of seven public holidays in all: the four hard core ones, plus three (or more?) that companies and their employees should be able to choose themselves.

The 1988 calendar of public holidays gives an indication of the choice of anniversaries they can pick from:

- New Year's Day..... January 1.
- Good Friday..... April 1.
- Family Day..... April 4.
- Founders' Day..... April 6.
- Workers' Day..... May 6.
- Ascension Day..... May 12.
- Republic Day..... May 31.
- Kruger Day..... October 10.
- Day of the Vow..... December 16.
- Christmas Day..... December 25.
- Day of Goodwill..... December 26.

Yet to be resolved is what happens in future to newer anniversaries that have crept into the South African calendar — such as Sharpeville Day (March 21) and Soweto Day (June 16).

That's not all. The Witwatersrand Chamber of Commerce and Industry, which yesterday promised full support to the employers' committee package, is also concerned about the precise timing of holidays — whichever ones are selected.

Chief executive Mr Marius de Jager makes a special plea that wherever possible holiday shut-downs should stay away from mid-week dates and affix themselves to weekends, as Workers' Day has been.

## Disruptive mid-week

"So, apart from Christmas Day and New Year's Day, we would like to see all other holidays that fall on a Tuesday, Wednesday or Thursday to be recognised on that day but in fact celebrated on either a Friday or Monday.

"If any of the core holidays fall on a Sunday, they should be celebrated on the following Monday."

Consensus had been reached inside SACCOLA on the basis that the four core holidays selected were the ones widely celebrated in the western world.

"Its committee," added Mr de Jager, "is aware that for historical and other reasons more than seven holidays are celebrated in certain industries. It stresses that any decision in this regard should be left for the negotiating table, where factors such as the annual leave granted in a specific industry, working hours and other pertinent details can be taken into consideration."

The plea focuses on what the holiday debate is really all about: the economic cost of shut-downs and disruptions to work schedules.

The President's Council, in its own studies, has estimated the daily cost of productivity losses of each public holiday at no less than R400 million.

With the present total of public holidays at 11 a year, that in itself implies annual costs of R4 400 million.

Then there is the cost of an officially extended long week-ends.

This has occurred several times so far this year as seen in the weekend holiday traffic flows that were easily linked to mid-week dates such as Founders' Day, Ascension Day and Republic Day.

There are the new political anniversaries such as Sharpeville and Soweto Day — aside from events like the three-day stayaway last week at an estimated cost of R500 million.

The President's Council report on holidays said the number of days that the black community was demanding was already 32.

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### Saccola considers arbitration option

Own Correspondent

JOHANNESBURG — Cosatu was yesterday considering a response from the SA Consultative Committee on Labour Affairs (Saccola) to a proposal for independent arbitration of the Labour Relations Amendment Bill. The response was delivered to Cosatu yesterday. Legal advisers for the two sides say technicalities have been discussed.



# Cosatu considers Saccola reply on proposed tribunal

Stev 15/6/87 By Mike Siluma, Labour Reporter (166) (133)

The Congress of South African Trade Unions (Cosatu) is still considering a response from South African employers to Cosatu's proposal that differences over the proposed new labour legislation be referred to a neutral tribunal

Cosatu general secretary Mr Jay Naidoo said yesterday that the federation was "studying" the response from the South African Consultative Committee on Labour Affairs (Saccola), to which 11 employer organisations are affiliated. He declined to elaborate, but said Cosatu's response would be forwarded "shortly"

Saccola chairman Mr Bobby Godsell would not comment on the content of the employers' response.

In making its proposal last week, Cosatu said it seemed that the federation and Saccola "shared certain beliefs about the Labour Relations Amendment Bill"

Points of agreement included that amendments should not erode legitimate worker protection against arbitrary and unfair dismissal and that they should not undermine the unions

# Cosatu considers Saccola reply on proposed tribunal

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Points of agreement included that amendments should not erode legitimate worker protection against arbitrary and unfair dismissal and that they should not undermine the unions

## Holidays move is rejected

By Duncan Guy

Cosatu has rejected big business's call for a cut in the number of public holidays and has described any move to this end "a punitive measure against workers".

Cosatu said that it, and "other mass democratic organisations", had made demands on public holidays but the SA Employers' Consultative Committee on Labour Affairs (Saccola) had not referred to them, nor raised them in talks

Saccola chairman Mr Bobby Godsell, last night invited Cosatu to discuss the matter.

# THOUSANDS OBSERVE DAY

Sowetan 7/6/88

## SOWETAN Reporters

Two explosions and a stayaway involving thousands of workers throughout the country yesterday marked the 12th anniversary of the start of the 1976 Soweto revolt. A man was killed in an explosion in Ken Road, Wynberg in the Cape early yesterday morning and soon after

noon, commuters narrowly missed death when an explosion rocked a railway line 100 metres from Langa railway station in Cape Town. No deaths or injuries were reported but the line was extensively damaged. Police believe the man who died in the Wynberg explosion was carrying the explosives possibly a handgrenade. An unemployed township refused to surrender a limpet mine was also found on the pavement near the body.

The occasion was particularly solidly observed in Soweto itself on the Reef and in Pretoria, in Maritzburg and Port Elizabeth. And there were indications that the observance of June 16 as a holiday is gaining wider

A skeleton taxi service operated internally and only nurses and other hospital staff were visible on taxi routes where they were picked up by Transvaal Provincial Administration vehicles.

Police in Pretoria said that by mid-morning fewer than 10 minor accidents linked to the stayaway had been reported nationally. In the second largest town, Johannesburg, the majority of residents observed the holiday



SOME of the people who attended the June 16 service in Wattville, Benoni, yesterday.

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FOCUS

THE contentious Labour Relations Amendment Act comes finally into force today after running the gauntlet of attacks from trade unions who are vehemently opposed to it.

But the fight against the new legislation is not yet over

Two labour federations, the Congress of South African Trade Unions (Cosatu) and National Council of Trade Unions (Nactu), are pressing ahead with their demand for a review of certain controversial clauses they perceive as amounting to "union-bashing"

They see the Act as placing a damper on unions' ability to exercise their bargaining muscle more than it does on employers. In particular, the federations have objected to clauses which.

- Outlaw secondary and sympathy strikes,
- Severely curtail the right to strike,
- Expose unions to suits for damages in the event of "illegal" strikes by their members, and
- The loss of the right to boycott "under any circumstances whatsoever"

It is against this background that Cosatu and Nactu, claiming collusion between managements and the State, have exerted pressure on employers to denounce certain aspects of the new legislation

**Demand**

The two federations demand that the employers, through the South African Consultative Committee on Labour Affairs (Saccola), give undertakings by today that they will disregard rights conferred on them by the Act

This means that these parties would have to agree on a framework

# LABOUR ACT IN FORCE TODAY

## But fight against new legislation is not over yet

By **LEN MASEKO**

that will override State interference through the LRA

In responding to union demands, the Minister of Manpower has set another deadline — September 30 — for Cosatu, Nactu and Saccola to submit definite proposals

This would allow his department to study and approve them, a draft to be published for comment by other interested groups, and the Parliamentary procedures to be followed.

The proposed amendment would then be tabled during the first Parliamentary session early next year

On the other hand, Cosatu and Nactu have demanded that individual employers give written undertakings that they will rely on rights conferred on them by the new Act, pointing to the fact that the Industrial Court would attain new status from this month

The controversial amendments have sparked demonstrations, work stoppages and — most notable — a three-day stayaway by thousands of workers throughout the country between June 6 and June 8.

**Cost**

The stayaway cost the country about R500 million

Other developments linked to the opposition to the legislation include

- Co-operation between Cosatu and Nactu in the fight against the amendments — for the first time since two federations were formed,

• Cosatu's submissions to the International Labour Organisation (ILO), detailing its objections to the amendments and asking the international body to intervene,

• A threat by the European Economic Community to implement certain punitive sanctions if the South African Government — among other things — went ahead with promulgating the new legislation, and

• Attempts by the International Metalworkers' Federation to put pressure on employers in the metal industry to negotiate what will nullify any State interference through the new law

**Protests**

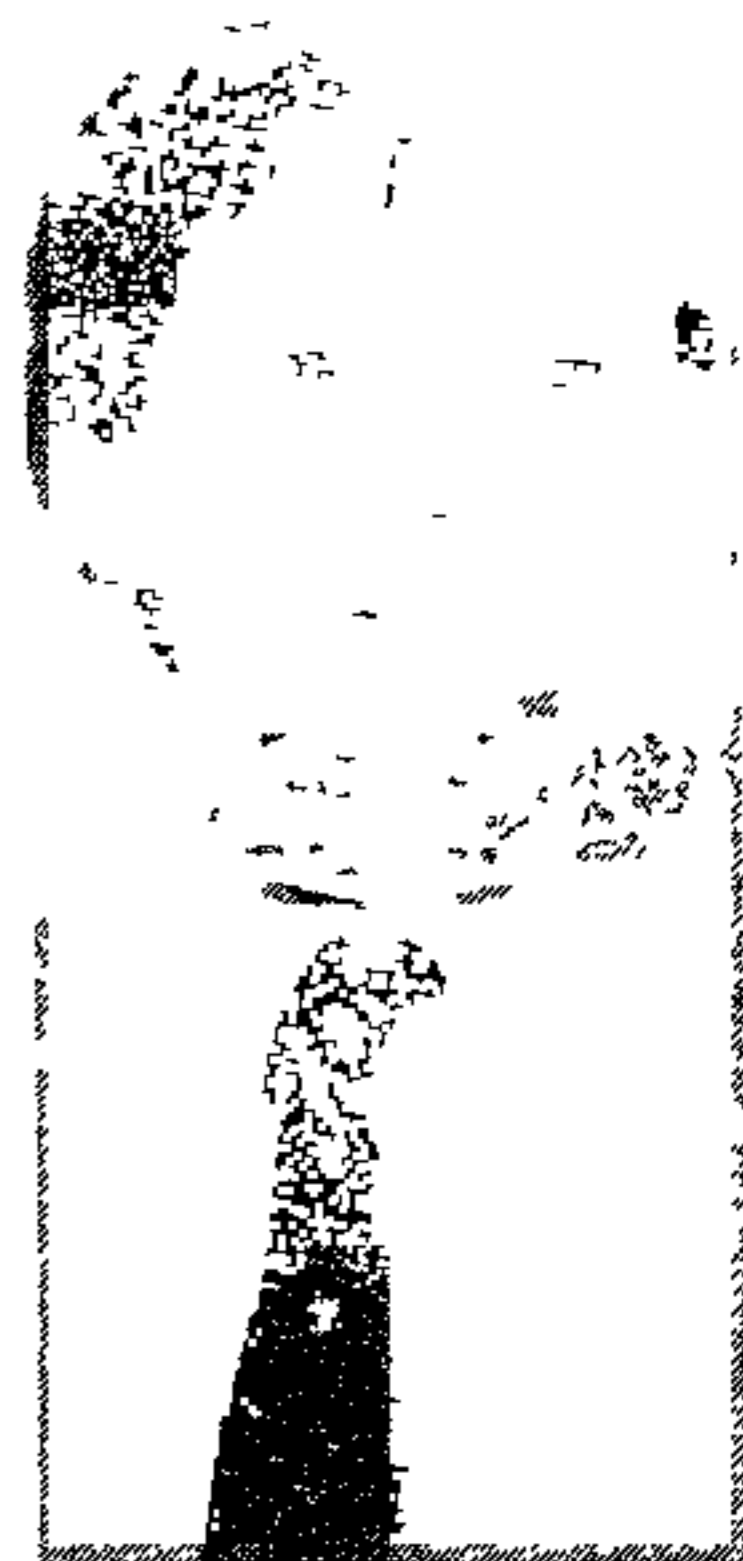
The two parties have since agreed to deal with the issue through Saccola, which is involved in joint consultations with Cosatu and Nactu

Meanwhile, the Cape garment industry is facing widespread protests against the-law Employers in the region's largest industry have been given until today to respond to demands for assurances that they would not apply the Act where it was not in workers' interests

Similar actions are likely in other industries in line with a threat from Nactu and Cosatu that



MINISTER of Manpower Mr Pletle du Plessis.



SACCOLA chairman Mr Bobby Godsell.



COSATU president Mr Elijah Barayi.



NACTU president Mr James Mndaweni.

employers who fail to give this assurance may face industrial action.

The Act will certainly dominate factory-floor issues in the coming months as the federations embark on a campaign to "isolate" those employers who the new provisions bash trade unions.



# Bill sparks call for 3-day protest

Unions say it weakens

1966

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## them, strengthens State

By Mike Siluma, Labour Reporter

The Labour Relations Amendment Bill is one of the contentious issues that has sparked the decision by major black union groupings to call for three days of "peaceful protest action" starting today.

The Bill has been surrounded by controversy since it was first published for comment, with most employers welcoming it as a means to restore the power balance between capital and labour, following the inclusion of black workers into South Africa's labour relations system after 1979

On the other hand, the unions have generally maintained that the Bill is aimed at weakening the power of trade unions to the advantage of employers and the State

Employers vainly convened last-minute meetings with the Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) on Thursday and Friday in an apparent bid to persuade unions to discourage publicly a rumoured stayaway

They also wanted clarification on the form the protests would take and an undertaking that these would be peaceful

In their meeting with Cosatu, employers, under the umbrella of the SA Consultative Committee on Labour Affairs (Saccola), said they did not see the Bill as a "union-bashing" mechanism

A document issued at the meeting outlined the employer view of the more controversial aspects of the Bill. In particular, employers said, the proscription of secondary strikes, or those over the same issue within a 12-month period and union-inspired consumer and service boycotts, was "even-handed and reasonable"

On the other hand, Cosatu and Nactu have bitterly opposed these provisions.

Cosatu general secretary Mr Jay Naidoo told a press conference on Friday that among the reasons Cosatu rejected the Bill was that there had been "no meaningful negotiation" with Cosatu on the amendments, that black workers "unlike the employers, had no right to vote and were not able to determine what the Bill contained"

### 'Curtails right to strike'

He said the Bill also "severely curtails our right to strike, promotes minority unionism, erodes job security, lays unions open to damages suits which would be used to bankrupt unions and criminalises secondary industrial action"

Nactu has made similar points and some of these were raised in the Saccola meeting.

However, the unions insist that the Bill's overall effect, including aspects regarded by employers as positive, is a negative piece of legislation

In a weekend statement, the Chamber of Mines, a member of Saccola, discouraged workers from joining the protests and proffered an explanation for the stand taken by Cosatu

Cosatu, it said, at its meeting with Saccola "was either unwilling or unable to back up its allegations that the Bill was a repressive measure aimed at curbing union activity"

"This, coupled with Cosatu's refusal to call off the protests, suggests that its campaign against the Bill is politically inspired and has very little to do with the legislation itself," the Chamber said

This has raised the question of whether, given State behaviour prior to the publication of the Bill, the proposed legislation can be discussed outside a political context

In the wake of last year's rail strike, among others, the Government repeatedly promised to enact legislation to control black unions

The Minister of Manpower, Mr Prete du Plessis, who last week made an 11th-hour offer to negotiate with unions, specifically said provisions of the new legislation would hang "like a sword over (unions' heads" and have a "disciplining effect"

Whatever the merits of the employers' and the unions' arguments, one of the important effects of the new legislation will be to prevent black unions from using boycotts and work stayaways as political weapons

The question is whether this will, in the long term, guarantee political and economic stability while black workers are still disfranchised.

● The Bill is before Parliament for its second reading



The controversial Labour Amendment Bill was clearly aimed at curbing workers' militancy and wiping out the gains they have made in the past

This is the assertion of the Congress of South African Trade Unions in a paper responding to the proposed legislation

The Bill — which drastically impinges on the right to strike, bans sympathy strike action and encourages management to sue unions for losses due to unlawful strikes — has already sparked widespread anger and demonstrations by thousands of workers in factories

Besides demonstrations, unions have run education programmes, produced pamphlets explaining implications of the Bill, and requested management to condemn it unequivocally

Cosatu says "Now that unions are more and more going on legal strikes, they want to make it as difficult as possible for unions to strike legally"

Amendments

In tabling the Bill in Parliament last week the Government appeared "dead set" on pushing through its "union-bashing" amendments in spite of angry objections from trade unions, says Cosatu

The Bill was not only aimed at curtailing the right to strike but also to undermine worker unity. A ban on sympathy or solidarity strikes was an attack on the very basis of Cosatu's existence according to the federation

Solidarity action was the meaning of Cosatu's slogan "An injury to one is an injury to all"

"How many times have we won struggles through solidarity strike action or a solidarity boycott of particular products or through

The Bill that wipes out gains

Cosatu's response to proposed law

By LEN MASEKO

blackening the goods of a company where our comrades are on strike?" Cosatu asks.

Bosses in terms of the Bill, could bring a court interdict against the union concerned if its members participated in any solidarity action

The implications in such a case are quite horrifying. An interdict, Cosatu asserts, could result in union leaders — officials and shop stewards in the place where action is being taken — being jailed. This action could also lead to union property including money, being seized

Cosatu adds "This could mean that unions will distance themselves completely from spontaneous strikes — which, in turn could lead to a breakdown in industrial relations at factory level"

"It is to strengthen solidarity action that we built one big union in each industry. It is solidarity action that helped win the OK Bazaars strike, the Sats strike and many others," the federation says

Following is Cosatu's

analysis of some of the contentious sections contained in the controversial Bill

Workers cannot strike on the "same issue" within 15 months

Cosatu says "But most of our recognition agreements say we must negotiate on wages and conditions every year. This means we will not be able to go on strike over wages, for example for two years in a row. It means that if, for example, a worker is dismissed and there is a strike for the worker's reinstatement, then we cannot strike over that dismissal if it occurs again"

Much more complicated procedure for going on a legal strike,

Dispute

"One way the bill makes it more complicated is to say that the president and general secretary of the union have to sign papers when declaring a dispute that could lead to a legal strike. But most general secretaries and presidents of our unions do not even live in the same town. This bureaucracy is designed to make things more complicated — and the same does not apply to the bosses"

You can only strike if you notify the Department of Manpower within 21 days of the dispute starting

But the Bill does not make it clear when it is that a dispute begins. And 21 days is a very little time for unions to have to go through all the complicated procedures especially when our recognition agreements with the bosses have their own procedures and time limits

If the Manpower Department is not notified about the

dispute within 21 days, then there is no way workers can go on a legal strike"

The inspector "can delay forever the time when a union can go on a legal strike"

The Bill gives the inspector powers to delay forever the calling of a legal strike. It (the Bill) says that the inspector can extend the period of 30 days on the request of the bosses. He can extend it forever to prevent us (workers) from striking"

The proposed legislation says it is not an unfair labour practice for bosses to selectively re-employ workers after a strike

"After a long struggle in the Industrial Court workers eventually won the right to stop bosses from selectively re-employing workers after a strike. Bosses were doing this so they could get rid of the shop stewards, the union activists and the union itself"

The court now says that if a boss sacks workers on strike and wants to re-employ, then he must re-employ everyone. The Bill wants to take this away so it will be easier for bosses to smash unions"

It will be an unfair labour practice for a majority union to demand the right to negotiate for the whole workplace

Most unions have won the right, in our recognition agreements to be the sole representative of the workers in the workplace where over 50 percent of the workers are members

If this Bill becomes law, all our recognition agreements will have to be re-negotiated and the bosses will create tiny unions all over the place to try and divide and rule us"

Political comment in this issue by Aggrey Klaaste and Joe Tholoe. Sub-editing, headlines and posters by Sydney Mathaku. All of 61 Commando Road, Industria West, Johannesburg

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FOCUS

It will restrict the Industrial Court powers. The Bill makes it possible for appeals to be made against the decision of the Industrial Court. At the moment the decision of the court is final

It (the Bill) allows appeals to be made to a Special Labour Court — which will be set up under a judge from the Supreme Court — and it will also be possible to appeal to the Appellate Division of the courts. All these appeals will take a long time. Already workers have to wait up to six months for an Industrial Court case

Now, if there are appeals, workers could wait for two to three years"

It makes "unfair dismissals" legal

Procedures

It (the proposed legislation) says it is alright to dismiss a worker if that worker has been employed for a year or less. The situation, at the moment is that no worker can be dismissed — no matter how long the worker has been employed — unless there is a good reason and unless basic dismissal procedures — like having a hearing — have been complied with

Under the new Bill there does not even have to be a hearing before a worker is dismissed if the boss thinks there is a good reason for dismissing the worker"

The bill makes "unfair retrenchment" illegal

Many unions have negotiated retrenchment procedures on the basis of LIFO (Last In, First Out). Now the bill makes it possible for retrenchment to be decided by the boss, or the foreman. They will be able to retrench on things like the number of warnings a worker has or even whether the foreman likes the worker or not

All in all, Cosatu says, Government structures have once again been exposed as the tool of capital and a privileged minority

The federation has warned that its members will not quietly accept draconian measures aimed at further crushing the rights of South Africa's exploited workers.









'It is pandering to right wing'

# Business urged to attack labour relations Bill

Star 29/4/58

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By Michael Chester

The chairman of Shell SA, Mr John Wilson, has urged business leaders to close ranks in condemning Government plans to introduce laws that restrict trade unions and the powers of the industrial court in the settlement of labour disputes

In a Shell business review released yesterday, Mr Wilson expresses "grave disquiet" about the repercussions of proposed dramatic amendments to the Labour Relations Act

And the former Federated Chamber

of Industries president warns that the new moves are "pandering to the growing white right-wing electorate"

The original legislation, introduced in the wake of the Wiehann Commission in 1979, was the first move to bring black trade unions into statutory procedures in collective bargaining and laid the foundations of the industrial-court system to deal with labour issues

Mr Wilson contends that while both employers and unions initially shared a degree of suspicion about the launch of the industrial court, its use in recent years had shown it to be a most effective way of entrenching the rights of workers and management and of setting out valuable guidelines.

### UNACCEPTABLE LEGISLATION

Attacking the proposed amendments, he writes "It is incomprehensible that Government should seek to destabilise industrial relations, just when a positive consensus approach was crystallising, by imposing legislation which is not acceptable to any of the parties involved

"The new Bill seeks, among other things, to restrict the power of the industrial court and to render the use of statutory procedures more costly and time consuming; it severely limits the right to resort to industrial action, and can generally be said to be aimed at undermining the strength of the union movement — to the detriment of employers, employees and unions"

### CHANGES CONDEMNED

The proposed amendments are yet to be debated by Parliament, but a standing committee on labour relations is now hearing evidence on its provisions

"Now is the time when business can act," says Mr Wilson "There is by no means agreement in the private sector concerning the Bill, which can even be said to be welcomed by certain employers, indeed, it can legitimately be said to be pandering to the growing white right-wing electorate

"But it is up to companies like Shell, which do have a vision of a different future, to make their voices heard loudly and to make known their criticism and grave disquiet.

"Unions, academics, labour-law specialists, business organisations — all have condemned the changes So too does Shell"

Industrial relations had been a key issue in the business mix in the past 12 months, with more than 9-million man-days lost as a result of strike action

Productivity now stands as a particularly important issue, Mr Wilson says

"Shell believes it is essential for substantial wage demands to be linked to improved productivity if South African industry is to remain viable and competitive"

## 'Move will lead to chaos and conflict'

29/4/58

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By Mike Siluma, Labour Reporter

The promulgation of the Labour Relations Amendment Bill would destroy the South African industrial relations system and lead to conflict and chaos on the factory floor, Congress of SA Trade Unions (Cosatu) president Mr Elijah Barayi said yesterday

At a Labour Day rally at the University of the Witwatersrand, Mr Barayi also attacked State policies on privatisation and deregulation which, he said, would lead to freer profits for capital while impoverishing most South Africans

Referring specifically to the Amendment Bill, Mr Barayi said it sought to destroy the gains the unions had won over the years and had the support of employers

### 'DESTROY LABOUR RELATIONS'

"This Bill will destroy the labour relations system. The result will be chaos and conflict in the factories," he said

The State President's economic programme, including the wage freeze, privatisation and deregulation, would lead to a deterioration of living standards for black and white workers

In particular, privatisation in the public sector would cost thousands of black and white jobs, Mr Barayi said

Despite repression by the State, the workers' demands — including an end to apartheid and starvation wages and the establishment of a democratic society — remained, he said

The meeting was also addressed by the president of the National Education, Health and Allied Workers Union, Mr Robert Mkhize



Congress of SA Trade Unions president Mr Elijah Barayi (centre) was the main speaker at a Labour Day meeting at the University of the Witwatersrand yesterday

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# EXPLORE TONY'S MAZE, FIND THE KELLOGG'S® FRO SECRET FORMUL AND WIN



# Unions want world body to probe the new labour Bill

W/ Mail 22-28/4/88

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The union battle against the controversial new labour Bill moves abroad. EDDIE KOCH reports

SOUTH AFRICA's biggest labour federation has decided to ask the International Labour Organisation (ILO) to begin an investigation into proposed changes to the country's labour laws which the unions believe are designed to shackle their growing strength.

Frank Meintjies, press officer for the 750 000-strong Congress of South African Trade Unions (Cosatu), told the *Weekly Mail* that his federation believed key clauses in the Labour Relations Amendment Bill, expected to become law this year, contravened ILO standards.

South Africa is not a member of the ILO, the international body would not be able to take any concrete steps to prevent the Bill from becoming law.

But Meintjies noted government spokesmen have consistently claimed their statutory system of collective bargaining conforms to ILO standards. A condemnation of the Bill from the ILO would thus undermine the legitimacy of the Bill and boost organised labour's fight against it.

The move is the latest in a multi-pronged battle that is being waged by some of South Africa's militant unions against the Bill, which if passed will allow employers to sue unions for damages suffered during illegal strikes, outlaw sympathy strikes during a legal dispute and limit protections that workers have won in recent years against unfair dismissals.

Meintjies also announced that the extraordinary congress called by Cosatu so its members could formulate a response to the Bill and the recent banning of anti-apartheid organisations had been postponed from May 7 and 8 to May 14 and 15.

He said difficulty in obtaining a venue for the congress was responsible for the delay. The congress was originally called for late this month and this is its second postponement. Cosatu has threatened widespread protest action if the congress is banned.

## A convergence of strategies

THERE is growing support within Cosatu for the idea of extended recognition agreements, which labour lawyer Clive Thompson says could lead to a "new social contract" between organised labour and employers that excludes interference from the state.

The emergence of this trend also shifts hitherto hostile members of Cosatu and Nactu into a similar position on the Bill. Nactu general secretary, Piroshaw Camay, says his federation has called for a united front to oppose the legislation and its affiliates have not ruled out protest action in the workplace, similar to the spate of lunch-time stoppages Cosatu unions have been staging in recent weeks.

However it is unlikely this convergence of positions will lead to any formal alliance between the deeply divided union bodies. Nactu's resolution that opposition to the Bill exclude protest action in the townships will be a source of continuing conflict with Cosatu, which places much emphasis on links with township political organisations.

"The main things we are going to look at during the congress are how to build stronger unity between our affiliates, which we feel has been lacking, and how to consolidate our relationship with democratic organisations," said Meintjies. "The third key issue will be whether there should be a strong response to the bannings and what that response should be."

"At our last congress we adopted the Freedom Charter and called for a cementing of alliances with democratic organisations and the United Democratic Front in particular. A year later the state has banned the UDF and other organisations and restricted Cosatu to trade union work. Last year our living wage campaign established Cosatu as a force to be reckoned with. But now, with the Labour Relations Amendment Bill, the government wants to take that strength away and force us into accepting the erosion of living standards. . . In a sense we are in a crisis."

Cosatu members have been involved in intense discussions about how to respond to that crisis over the past few weeks. In some sectors unions have even called general meetings of rank-and-file members to discuss the Bill and the delays in holding the congress suggest that a ferment of thinking is taking place within the federation.

A major new tactic that has emerged

from this process has been a demand from Cosatu's two biggest affiliates, the National Union of Metalworkers of South Africa and the National Union of Mineworkers (NUM), that employers sign expanded recognition agreements with them that will bypass the restrictive clauses in the Bill if it becomes law.

A similar policy was adopted last year by the rival National Council of Trade Unions, which claims 450 000 members, and labour observers note it could become a key issue of industrial relations in important sectors of the economy this year.

Anglo American has already reached an agreement with the NUM over the mass dismissals during last year's miners' strike by making use of a private adjudication process that both sides agreed would have the same status as an industrial court hearing.

The Premier Group and SA Breweries, among the biggest employers in the food sector, have expressed support for the idea of negotiating with unions outside of the official collective bargaining system — opening up the possibility that Cosatu's third biggest affiliate, the Food and Allied Workers' Union, will also pursue the tactic. Meintjies stressed that the position had not been formally discussed by Cosatu and its adoption by affiliates would not preclude them from participating in wider campaigns.



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**COMMENT**

**Labour limits**

**T**HE right of workers to protest against legislation which affects their interests is unassailable, but when legislation becomes a mere pretext for one of the attempts — they are planned almost monthly — to disrupt the economy, the workers will find scant sympathy.

The Labour Relations Amendment Bill is a generally progressive and sensible piece of legislation which includes some retrogressive clauses and some clauses on which unions and management will legitimately agree, each from his own perspective. The principal point at issue in this case is whether unions should be permitted to operate as vehicles for the wider political aspirations of the workers.

The argument that people who are denied any opportunity to express or defend their legitimate political aspirations will politicise any institution within their reach — churches, schools, trades unions — is familiar enough. But that does not mean the institutions which become instruments in a power struggle are immune to damage. If workers make of their unions an instrument to attack Nationalist rule in this country, they must at least calculate their chances of surviving the struggle.

In the present circumstances, they are on a hiding to nothing. If they manage to mobilise the work force in protest on such a scale that it throws the country into severe crisis they must expect a ferocious

reaction from government including, if necessary, the use of troops as in 1922. Even if it does not reach that stage, workers must calculate that severe damage to the economy will reduce employment and, later if not sooner, undermine the unions' own power base. There is a vast difference between picking a fight and winning it.

Then, to bring the argument down from the national stage to the shop floor, unions which continually inflict damage on their employers must expect the employers to defend their own interests with as much determination. The political grievances for which the Bill is a kind of code are beyond the power of employers to rectify.

Most major employers have gone a long way in recent years to adopt benign labour policies and to alleviate the hardships which result from apartheid. To push them beyond what they can reasonably be expected to do is to risk driving them to disinvest, if they are foreigners, or to close down operations which become unprofitable, or to substitute less rebellious workers, or to invest in machinery and labour-saving practices.

The general policy of "no work, no pay" is a warning to workers that there are limits to which even labour unions can be stretched to accommodate political ambitions. In launching this week's protests, the unions are bringing their members close to those limits.

**Words and deeds**

**5** **1** **NOTHER** bomb, this time in tance itself from such indiscrimi-

# What the Labour Relations Amendment Bill says.

Trade union federations have alleged that the Labour Relations Amendment Bill (LRA) currently before parliament is repressive and directed at attacking trade unions.

These allegations are not supported by analysis of what the Bill actually says.

Employer federations have sought a meeting with union federations to explain why they believe the unions' allegations are unfounded and why they see merit in the Bill.

In sum the revised version of the Bill deals with most of the objections raised by Cosatu in its written submissions to the Parliamentary Standing Committee and is in line with major Western labour legislation.

SACCOLA, a consultative grouping of major South African employers' federations, publishes the following full summary and analysis so that workers and the general public can inform themselves of the provisions of the Bill and avoid the conflict and confrontation which protests and stayaways will bring

## SUMMARY OF LRA

Many of the 31 clauses are essentially technical and non-controversial (2, 3, 8, 16, 18, 19, 21, 23, 27, 28, 29, 30 and 31)

### UNFAIR LABOUR PRACTICES AND THE RIGHT TO STRIKE

The legal right to strike remains unaltered

As the original general definition of an Unfair Labour Practice is retained no practice previously deemed by the industrial court to be unfair is excluded. The court enjoys the same degree of discretion as was previously the case

The additional definition of the Unfair Labour Practice in clause 1 provides protection against unfair dismissal as comprehensively as in any other Western democracy

Secondary strikes, where the employer involved in the strike is unconnected with the issue in dispute, together with repeat strikes dealing with the same issue in a period of twelve months, and product and service boycotts are now included in the definition of unfair labour practices. Secondary and repeat strikes as well as boycotts all represent a destructive use of power and are discouraged, partially or completely, in many Western democracies and in almost all African countries

The definition also makes intimidatory and discriminatory behaviour on the part of employers or unions an unfair labour practice and similarly make unilateral alterations of employment conditions as well as unfair or misleading union or employer organisation recruitment an Unfair Labour Practice

All the above aspects of the new definition of the Unfair Labour Practice are both even handed and reasonable

### IMPROVED AND QUICKER PROCEDURES

Clauses 5, 17, 20, 22 and 25 make a number of changes to the present Industrial

Court, all of which have the effect of increasing its status, power and effectiveness. All who use this court should welcome these changes

Clause 6 creates a new Labour Appeal Court with the status of a division of the Supreme Court. This court will have the capacity to both interpret and make law and also provides a new and more expert body to which contested decisions of the industrial court can be appealed. This change should be welcomed by all participants in South Africa's industrial relations system

Clause 7 limits the power of Industrial Councils to determine alleged unfair labour practices, except where the parties in dispute agree with the Council's ruling in writing. This is a positive change

Clauses 9 to 14 considerably simplify and expedite the functioning of the conciliation board, reducing the role of the State in these bodies and increasing the powers of the parties themselves. This is a positive change

Clause 15 increases the powers of the Industrial Court in terms of its ability to grant temporary relief through section 43 status quo orders. This is a positive change which can only be welcomed by unions

Clause 24 provides, inter alia, for unregistered unions to conduct strike ballots before having recourse to strike action. This is a reasonable provision

### UNION ACCOUNTABILITY AND LIABILITY FOR DAMAGES

Clause 26 deals with indemnity from civil litigation. In the Bill now before parliament indemnity is only removed in the case of illegal strikes or lock-outs or in the case of criminal acts. This seems reasonable, and must at the very least remove much of the opposition to this clause

Clause 26 also contains a presumption that union members, office bearers or officials are acting as authorised agents of their union. However, this presumption will only apply where it can be demonstrated that such persons have committed a wrongful act. This presumption is much more narrowly defined than the provision in the version published for comment

Clause 4 changes the method for registered unions to object to other unions seeking to claim new or expanded registration. If this will enable unions to use racist criteria to block the registration of other unions, employer organisations will oppose it.



PKLWS 17/5/88

# Constraints in new Labour Relations Bill

By Peter Gastrow MP,  
a member of the Standing Committee on Manpower.

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**T**HE final version of the Labour Relations Amendment Bill is certain to evoke wide and conflicting comment. More than 150 employer organisations, trade unions, academics, businesses, lawyers and government bodies forwarded written comments to the Department of Manpower after the draft Bill was first published in December 1986.

During 1987 an amended Bill was published and forwarded to the Standing Committee. The Bar Council, Cosatu, the Chamber of Mines and many others urged the Committee to effect further amendments, each from their vantage points. The final product which is to be dealt with by Parliament, includes further amendments, many of them an improvement on previous drafts.

## Curtailments

That does not detract from the fact that the impact of the Bill as a whole will cause the pendulum to swing towards employers, even if the swing is not as dramatic as initially anticipated.

To the detriment of trade unions the Bill introduces further curtailments on the right to strike. Such as:

- Sympathy strikes or sympathy lock outs and multiple action or so called grasshopper strikes, if repeated during a period of 12 months are now defined as unfair labour practices,

- Any person who interferes with the contractual relationship between an employer and employee resulting in the breach of such contract can now be liable in delict. This could give rise to a damages claim against a trade union unless the union can prove that the person responsible was not acting on its behalf or with its authority.

- It is widely accepted that the strike action has to be regulated — there is no country in the world where the right to strike is absolute. The new provisions do, however, in practice, place a heavier damper on the trade unions' ability to exert their bargaining muscle

than it does on employers to do so.

Sympathy lock-outs by employers, for example, even though now defined as an unfair labour practice, have not been a practice to which employers in South Africa have resorted in order to apply pressure on unions. The overall effect of the above provisions is therefore a further swing away from the point of equilibrium between capital and labour towards capital.

Some aspects of the Bill constitute a definite improvement on the present Act and are to be welcomed.

- The establishment of conciliation Boards has been streamlined. A board can now be established by an inspector instead of going through the uncertainty and delays when such applications were channeled to the Minister. Time constraints contained in the previous draft Bill have been eased.

The application for a Conciliation Board now has to be lodged within 21 days of notifying the other parties of the dispute and within 90 days from the date on which the dispute arose. Once an application is lodged, the inspector is obliged to establish a conciliation board.

- The restriction in the previous draft Bill which prevented a Conciliation Board from dealing with an issue covered in a wage agreement if the agreement was less than 15 months old, has been eased. The 15 month period has now become 12 months.

- The procedures applicable to the settlement of disputes by the Industrial Council are now more closely aligned to those applicable to Conciliation Boards. The prohibition which was to prevent an Industrial Council from dealing with a dispute similar to one which existed during the previous 15 months, has been dropped altogether.

- No longer will Section 17 (11)(a) of the present Act be repealed. It enables the Industrial Court to act as a

court of law and hear urgent applications. The wording changes, but the Industrial Court is still able to grant interim relief pending an order made in terms of Section 43 (4).

- The establishment of a Labour Appeal Court is a positive development. It will deal with questions of law referred to it by the Industrial Court or one of the parties before an Industrial Court or one of the parties before an Industrial Court. In order to prevent any party from using the appeal procedure to drag out disputes or to exhaust the other side, the Industrial Court is empowered to make interim orders pending the appeal. It could for example, order reinstatement pending the decision on appeal.

## Interpretations

Labour lawyers will be able to make a meal of the new extended definition of an unfair labour practice which now extends over two pages of detailed definitions. Instead of providing greater clarity, the new definition is likely to raise numerous questions of interpretation.

There may well be a case for codifying unfair labour practices, but the codification should never have been given binding effect by incorporating it into a definition in the Act. Such a code should have been operated as a guide which obliges courts to merely have regard to it rather than being bound to it. A previous provision which gave the Minister the power to amend the definition of unfair labour practice has fortunately been dropped.

In board rooms and union offices the Bill will now be dissected. It is to be hoped that the new Bill will not unsettle our collective bargaining system which has become sophisticated and very effective.

The warning signs all suggest that a tightening of the reins by the state could cause unions to circumvent the established procedures laid down by the Labour Relations Act.



**OPPOSITION to the Labour Relations Amendment Bill** heightened this week with unions intensifying their attempts to have the proposed legislation scrapped.

The Congress of SA Trade Unions (Cosatu) said in reports that it saw the Bill as a devastating attack which could bankrupt and close down unions, leaving management to deal with

organisations outside the system

The federation said this after meeting employer organisations which included the Federated Chamber of Industries and Assocom this week. It said the employers had refused to reject the legislation, because they believed it would be passed — nevertheless

The Chemical Workers' Industrial Union (CWIU) said yesterday that its members had taken part in lunch-time demonstrations at various factories in the Transvaal, in protest against the proposed labour legislation

**Protest**

The demonstrations organised by the union were at factories this week, the CWIU said

A CWIU spokesman said "In February shop stewards took up the issue with their managements and demanded that the companies send a letter of protest to the Minister of Manpower, and support their employees in their anti-Bill stand

"Almost all employers

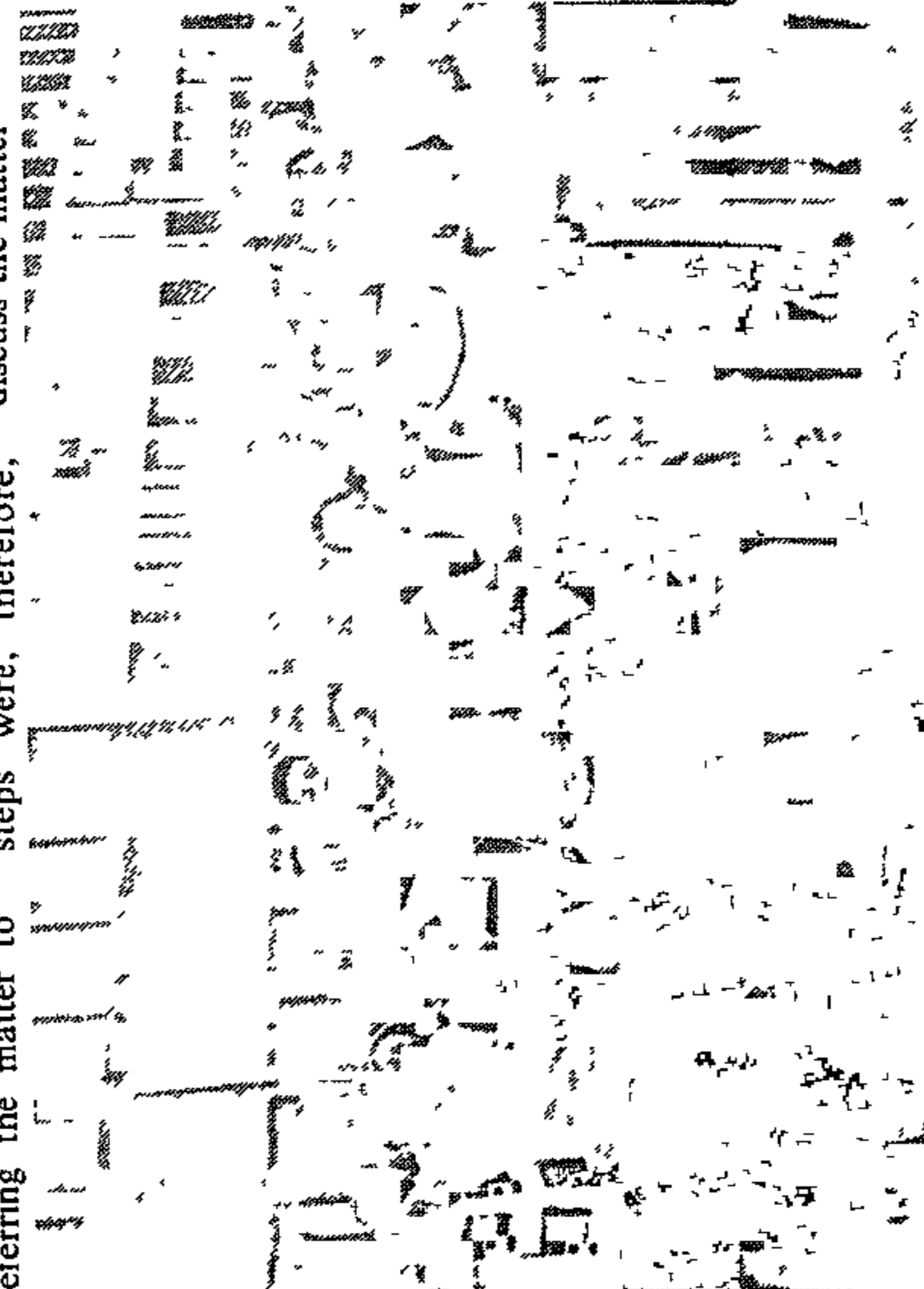
refused to send the letter. Many employers took an ambiguous stand stating that they were opposed to some clauses and not others

"Many employers avoided the issue by referring the matter to

**By LEN MASEKO**

their employer associations," the spokesman added. The union spokesman

Workers were not satisfied with such responses and further steps were, therefore, requested to meet the Minister of Manpower to discuss the matter



**ABOUT 200 Malster Outdoor Marketing employees (above) went on strike at the company's Industria plant in Johannesburg yesterday, demanding better wages. They demand an across-the-board R31 a week while management, they said, offered them R24. Employees' representatives and management, led by Mr N Stamper, were said to be locked in talks yesterday.**

# Unions step up opposition to labour Bill

Sowetan 4/3/88

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## Govt's new labour laws could spark conflict, say experts

Developments in the labour relations field since 1979 have distinguished this area of South African life as the only one where genuine democracy and negotiations have taken root. Allowing for the emergence of freely elected and credible black leadership, the industrial relations arena has been seen as exemplary in the search for political democracy in South Africa. But now even those achievements stand threatened by proposed changes to labour legislation. MIKE SILUMA reports

# Positive changes in labour field will be wiped out

The Government's proposed changes to labour legislation, due to be tabled in Parliament shortly, could spark shopfloor conflict not seen since the 1970s, when black trade unions fought bitter battles for recognition, say labour experts.

Organised black labour and leading employers The Star spoke to believe that the Labour Relations Amendment Bill, if passed in its present form, will wipe out many positive developments achieved in the labour relations field over the past nine years.

Critics also point out that the Bill omits to extend statutory protection to State, domestic and agricultural workers

The American Chamber of Commerce, representing about 200 American companies in South Africa, has warned that such legislative intervention by the state could "distort the balance of power to the advantage of employers, thereby exacerbating the already high level of conflict in management/labour relations"

The South African Consultative Committee on Labour Affairs (Saccola), which includes employer organisations in agriculture, commerce and industry, is currently discussing the Bill, following union demands that employers publicly reject it.

The Congress of SA Trade Unions (Cosatu) has decided on a "mass campaign" to stave off promulgation of the Bill and warned of "the strongest action" if employers failed to "satisfactorily" oppose the Bill. Its affiliates are presently approaching individual companies asking them to inform the Government of their opposition to the Bill

### Divide workers

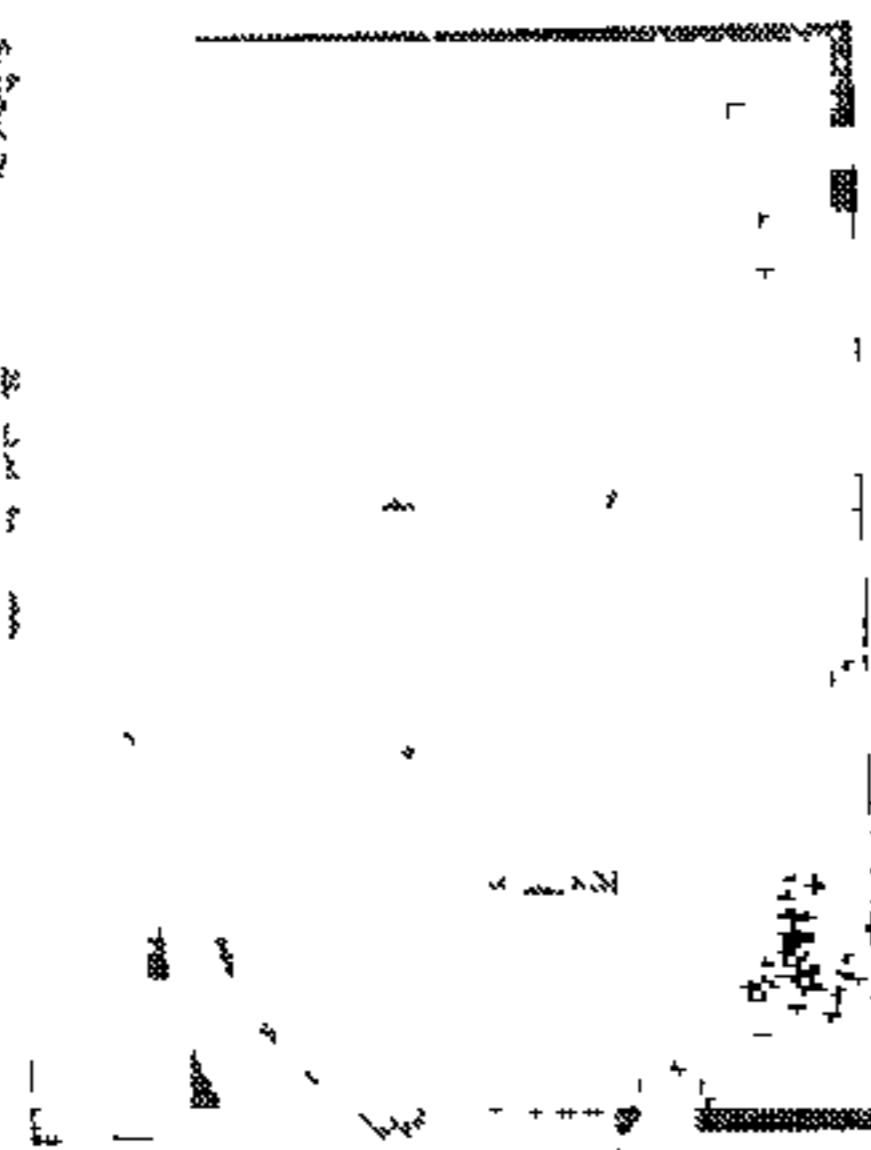
According to Cosatu general secretary Mr Jay Naidoo, the federation sees the Bill as "a fundamental attack" on the rights and gains won by unions over the years.

Referring to the proposed ban on secondary industrial action and consumer boycotts, Mr Naidoo said this would remove from workers "legitimate" weapons which equalised the power balance between monopolies and unions

The replacement of the majoritarian system of collective bargaining (where the majority union had sole bargaining rights) with an all-comers-type system would undermine "the basis of democratic trade unionism", and enable employers to divide workers.

Majoritarianism, had, in fact, become a precondition for negotiation, with most employers requiring a "50-plus-one" representation before they could recognise a union, Mr Naidoo pointed out

With its provision that parties inform the Minister of Manpower of their disputes within 21 days, the Bill would undermine existing dispute-settling procedures contained in many recog-



Mr Theo Heffer

nition agreements, which provided for more time in which settlement could be sought between the parties

Mr Naidoo condemned the provision enabling employers to sue unions for damages in the event of illegal industrial action. "Unions will not accept a situation where their assets will be attached every time there is industrial action. Even where industrial action has been technically illegal, it has been resolved through the goodwill of the parties," he said

Other aspects causing concern to Cosatu and the National Council of Trade Unions (Nactu) include

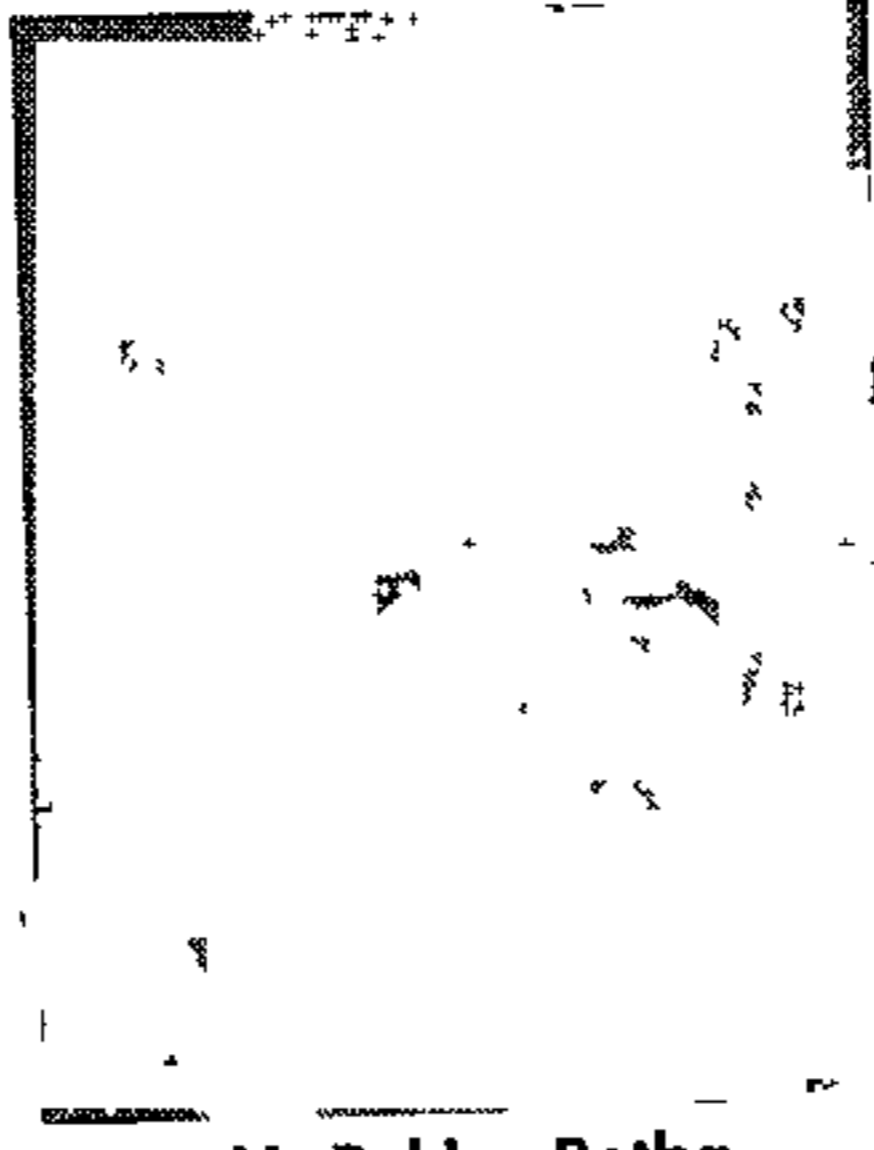
- A clause which prevents unions from declaring a second dispute on the same issue within 15 months of that issue being settled. This runs counter to the present practice whereby most wage agreements with employers last for periods of between six to 12 months. Most disputes centre on wages

- A provision allowing employers to, under certain circumstances, dismiss a worker with less than a year's service, without a hearing, and allowing for selective re-employment of dismissed workers

### Instigated Bill

- Giving the Minister of Manpower the discretion to decide on what constitutes an unfair labour practice. In Cosatu's view, this would necessarily be decided from an employer and State viewpoint

Cosatu believed it was legitimate to put pressure on employers because "the employers are the direct beneficiaries of the proposed legislation" "It is in the direct interests of employers to oppose the Bill to avert the



Mr Bokkie Botha

collapse of the industrial relations system," said Mr Naidoo

The general secretary of Nactu, Mr Piroshaw Camay, was more pessimistic, accusing employers of "conniving" with the State by "instigating" the Bill

"It is up to the employers to prove to us that this is not so. If one goes back to the May election, one sees that the overwhelming support given to the National Party included that from employers," he said

Besides the streamlining of the procedures for the convening of conciliation boards (CB), Mr Camay saw no benefits for the unions as a whole, and warned of possible shopfloor conflict if the Bill became law

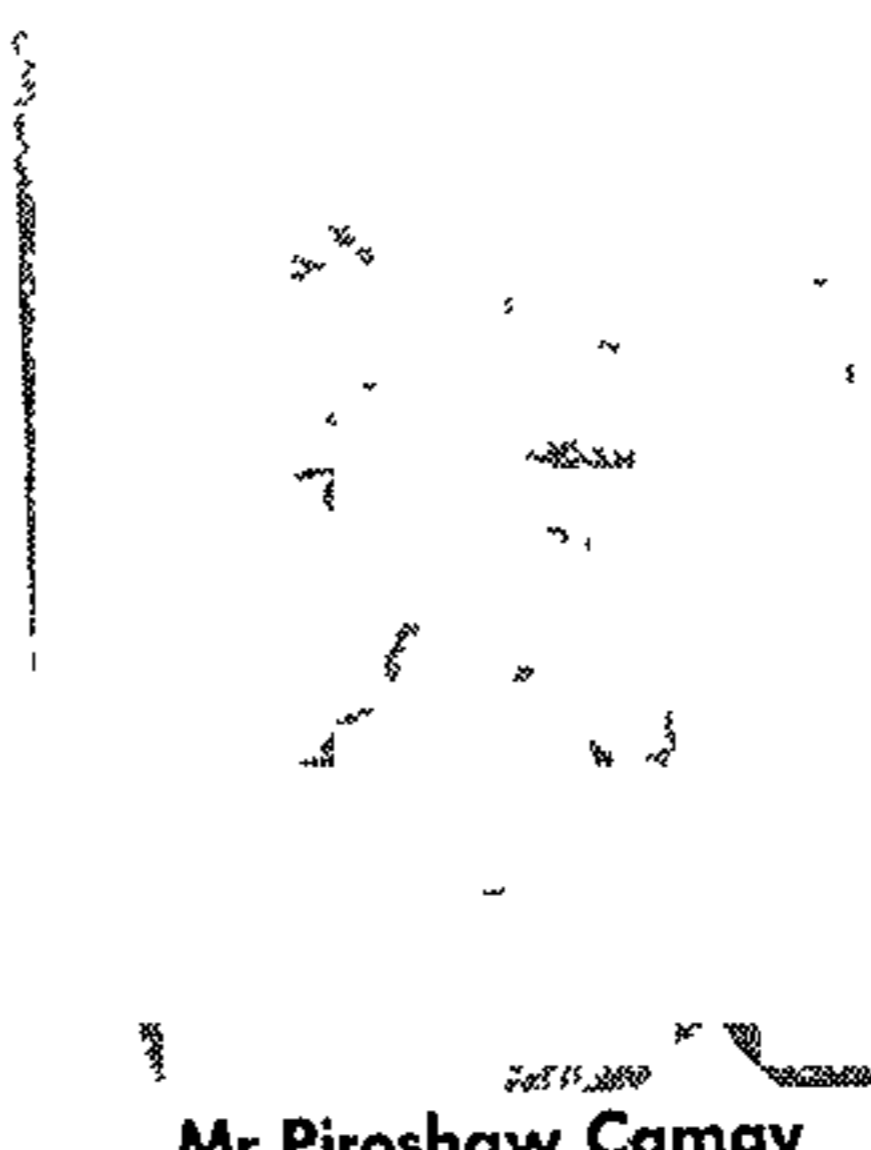
However, AECI group personnel manager and chairman of the FCI's standing committee on manpower, Mr Bokkie Botha, warned that a total rejection of the Bill amounted to throwing the baby out with the bath water

"There are positive aspects in the Bill, which we have been concerned about. Some of them, such as the changes in CB procedures, have been introduced after representations by employers," said Mr Botha

He stressed that comment on the Bill was speculative because the parliamentary committee considering the Bill had yet to announce a final version

"I hope the parliamentary standing committee is placing very strong emphasis on what employers and unions are saying because they are the parties who will have to live with the new legislation," he said

But the human resources director for the Premier Group, Mr Theo Heffer, sees the Bill as generally retrogressive to industrial relations



Mr Piroshaw Camay

In particular, he was critical of its emphasis on "legality as opposed to fairness" in regulating relations between employers and unions. He foresaw industrial chaos if one party in the system felt that the legislation was loaded against it

He thought most parties who saw the Bill as entirely beneficial are "those who are into the 'coercion/co-optive' mode of relationships. Where the parties have chosen the 'negotiating road', they will see a large proportion of the draft legislation as retrogressive

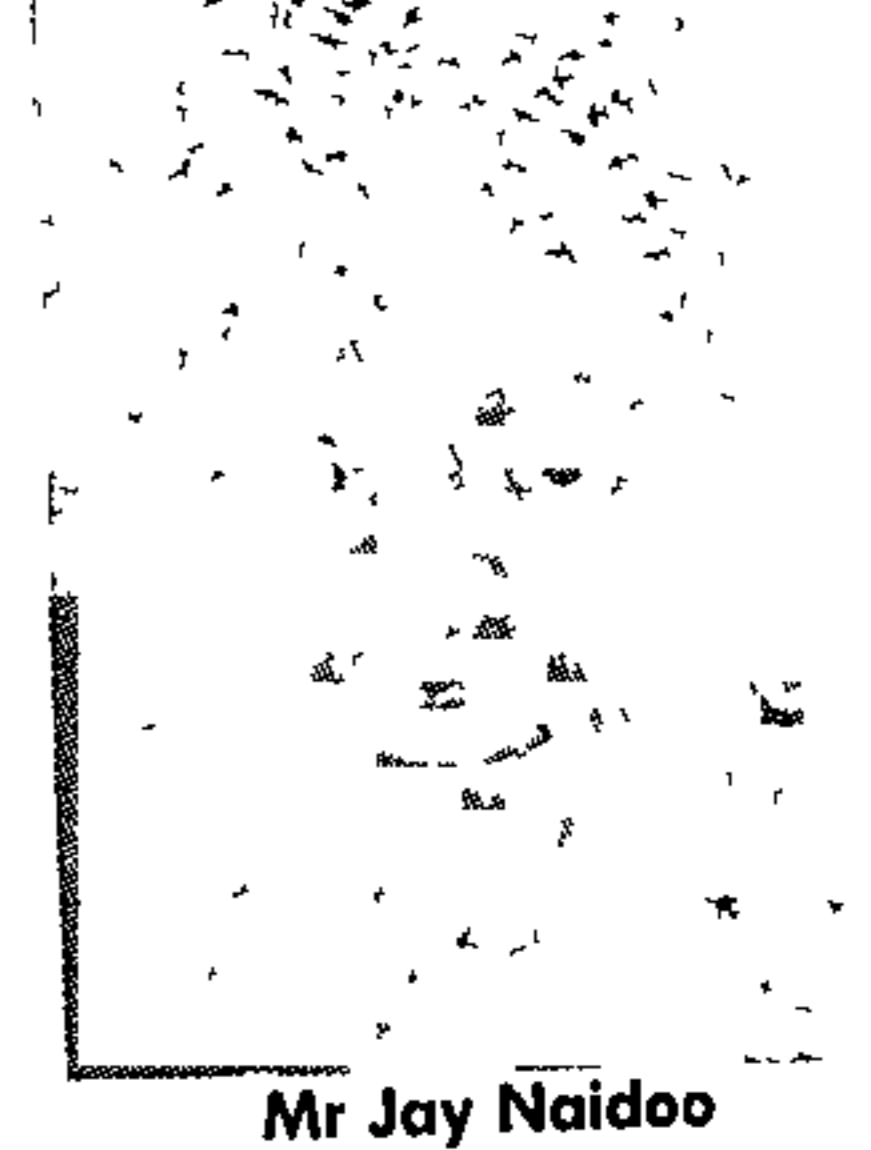
"Whatever one thinks of secondary industrial action and boycotts, the ideal way to stop these is not through legislation — but at the negotiation table," Mr Heffer said

Wits Business School lecturer Professor Loet Douwes Dekker said the challenge facing industrial relations was to ensure minimal Government interference

"Both the unions and employers should be able to give the Government a combined message that the amendments (contained in the Bill) will be detrimental to sound industrial relations," he said, adding that the Bill comes at a time when capital and labour were still experimenting with the most suitable structures to direct their relationships

"The immediate and positive response from certain employers and Saccola to Cosatu's call for a stand by them against the legislation is a positive sign that the two parties are wanting to develop a relationship beyond workplace issues," said Professor Douwes Dekker

A further concern to Nactu and Cosatu is that the Government secretly wants to use the Bill to club labour into political



Mr Jay Naidoo

submission, but they point out that union involvement in politics is inevitable in the light of the denial of political rights for members

Both Mr Botha and Mr Heffer are not particularly perturbed by "political unionism"

Said Mr Heffer in response to calls for unions to "stay out of politics" "Trying to change the status quo is not more political than trying to preserve it" Mr Botha commented that "unions all over the world have political views" "The so-called 'political demands' I have experienced have been legitimate"

### Promise of action

Government spokesmen have declined to discuss the Bill — or the rationale for particular clauses in it — while it is being considered by the standing committee. But statements by both National Party politicians and police spokesmen over the past year — in particular those promising action against Cosatu for allegedly "inciting the masses" — give the unions little reason for comfort

The view held in some industrial relations circles is that if the Bill becomes law in its present form, then individual unions and employers finding it unacceptable might evolve an "extra statutory" system suitable to their relationship.

The Premier Group, for instance, has already informed the Food and Allied Workers' Union (Fawu) that it will not go back on its negotiated agreements

However, it is the response of a group like Saccola (expected some time this week), which will give an indication of the general employer reaction.



'Advance' in industrial relations

STev [915]88 166

# Give labour Bill a chance — Assocom

By Zenaide Vendeiro

Assocom does not see the Labour Relations Amendment Bill as being in any way an assault on the trade union movement and has appealed to employers and trade unions to give the legislation "a chance to prove itself"

At the conclusion of the mid-year meeting of Assocom's executive council in Johannesburg yesterday, which was attended by about 110 top businessmen, Assocom's manpower secretary, Mr G A V Brett, said the associa-

tion had had reservations about certain clauses in the Bill when it was first tabled and had conveyed them to the parliamentary standing committee

However, it welcomed the general thrust of the Bill as representing "an advance" in the structure of industrial relations in South Africa

Assocom viewed that the Bill, published this week in a slightly amended form, "sets out merely to assist in introducing more order into the industrial relations scene and, if accepted in good faith by all parties, would help to improve industrial relations".

## TRADE UNIONS WELCOMED

The Assocom executive council, however, recognised that certain unions had expressed opposition to the Bill and that this could cause increased industrial unrest, said Mr Brett.

"We appeal to all concerned, both employers and employees and trade unions, to give this new legislation, if it is passed by Parliament, a chance to prove itself."

Mr Brett said Assocom had for many years, and particularly since the reports of the Wiehahn Commission in 1979, maintained that the emergence of black trade unions was part of the modernisation of South Africa's labour scene and a welcome development



# Labour Update

THE two major trade union federations in the country are to intensify their opposition to the Labour Relations Amendment Bill after it was tabled again in Parliament this week.

The controversial Bill, which has been viewed by the labour movement as aimed at curtailing trade union activity and limiting the right to strike, was published in September last year and tabled in Parliament on Monday.

The Bill, among other things, provides that unlawful strikes be regarded as unfair practices in which employers could sue for damages. It also bans sympathy strikes and introduces civil liability for those involved.

# Anger over Bill rising

Sowetan 18/5/88

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By LEN MASEKO

The Congress of South African Trade Unions (Cosatu), which claims one million members in its 33 affiliates, resolved at its special congress at the weekend to step up demonstrations every Tuesday at factories.

Cosatu said it would pursue the issue with

management, warning employers of "the grave threat to industrial relations" and giving them notice that worker militancy around legitimate demands would not be curbed.

The National Council of Trade Unions (Nactu), which represents 500 000 workers in its 24 affiliates, yesterday reiterated

its warning that it would call for a national action beginning on the day the Bill becomes law.

Nactu said it had already set up regional structures to co-ordinate the action and that regular meetings were being held to monitor the parliamentary debate on the Bill.

Both federations said they were planning to get other community and political organisations to join in the protests.

The trade union movement's main objections to the proposed legislation are that

- It undermines the principle which has in the past allowed unions to bargain and negotiate on behalf of its members,
- It will end the indemnity of unions against losses suffered by employers through illegal strikes. A union will have to now prove it was not involved to avoid liability, and
- It opens the way for lengthy and costly litigation.

• See Page 6.

Stayaway: nearly 2 000 get the sack

# Cosatu vows to contest management retaliation

Star 11/6/88



Almost 2 000 workers had been dismissed and 1 000 more faced some form of "disciplinary action" following this week's three-day stayaway, Cosatu said in a statement yesterday.

"The action follows warnings from management to Cosatu affiliates that they 'reserved the right' to take retaliatory action," Cosatu said.

"Cosatu affiliates are fighting each and every dismissal as well as lockouts, suspensions, cancellations of stop orders and agreements with unions.

"As far as dismissals, suspensions and lockouts are concerned, union officials have told management that it is unreasonable, drastic and premature to crack down on individual workers when they protested in line with a community decision over the controversial labour Bill, which has not yet been resolved.

"It is mostly small companies which are taking punitive action. In negotiations on the issue, Cosatu unions have warned management that their actions could jeopardise and undermine sensitive discussions with the SA Consultative Committee on Labour Affairs (Saccola) at national level, as well as the proposed meeting with Manpower Minister Mr Pietie du Plessis," the statement said.

"There are widespread examples of management lockouts, where workers were told to return to work on Monday as punishment. This is spiteful and vindictive action and makes nonsense of management opposition to stayaway action. Workers refer to this as illegal strike action by management," the statement said.

"Obviously Cosatu will be raising this matter with Saccola and calls on them to intervene to advise against chaotic management actions which stoke the tension and conflict.

"It is unfortunate that Saccola and various business leaders last week discredited the protest as nothing more than political power play by union leaders and not really to do with the new labour Bill.

"Statements like these, along with SABC propoganda against the union movement, tend to stick in the minds of management of small firms who have a very shallow view of legitimate trade union and democratic rights."

The statement said the Paper, Printing and Allied Worker's Union had told Cosatu that many companies, including major ones like Mondi and Sappi, were beginning to attempt disciplinary action through "kangaroo courts".

The statement said the National Metal Union of South Africa (Numsa) had said in a letter to one of the companies where Numsa members are facing management action, that any steps taken by the company might prejudice any discussions Cosatu might have with Saccola and might pre-empt a negotiated resolution of the problems of the Labour Relations Act.

The letter said

"Discussions have been held between Saccola and Cosatu with regard to The Labour Relations Act (LRA). These discussions are at a very sensitive stage.

"The Minister of Manpower has indicated that he intends issuing a formal invitation to Cosatu to meet regarding the proposed amendments.

"Any steps which may be taken by your company may severely prejudice any discussion with Saccola and the Minister and may pre-empt a negotiated resolution to the problems attached to the LRA.

"In the circumstances we consider any steps taken against our members to be drastic and premature and not conducive to good labour relations."

Attempt to 'destabilise' industrial relations

166  
19/1/88

# Shell boss hits out at new labour Bill

HELOISE HENNING

THE Labour Relations Amendment Bill is aimed at undermining the strength of the union movement and of current conciliatory procedures, says Shell executive chairman J R Wilson in his company's 1987 Business Report

It could be seen as a pandering to the growing right-wing electorate, he adds.

"It is incomprehensible that government should seek to destabilise industrial relations just when a positive consensual approach was crystallising by imposing legislation which is not acceptable to any of the parties involved"

The Bill, in restricting the effectiveness of the Industrial Court, will make statutory procedures more costly and time consuming and severely limit the right to resort to industrial action — to the detriment of em-

ployers, employees and unions  
Wilson says there is no private sector agreement on the Bill. He calls on business to act while the Committee on Labour Relations hears evidence on the Bill before it is debated in Parliament.

## 'Development aid'

Unions have also been weakened by detentions, Press curbs and, more importantly, by disinvestment. Repressive government action could change the balance of black power for the future, while disinvestment, instead of crumbling the SA economy, has increased domestic control over business and silenced its foreign critics.

"It can truly be said that disinvestment has been development aid to SA capitalism"

Wilson says recent wage settlements and union demands are

significantly above the inflation rate and a stage could be reached putting jobs at risk.

Shell believes multi-nationals must "sit it out". Its public stance on human rights is one way of giving effect to the changes needed in the perceptions of SA whites.

It is disturbing that the economic recovery was led by consumer spending rather than infrastructural improvement.

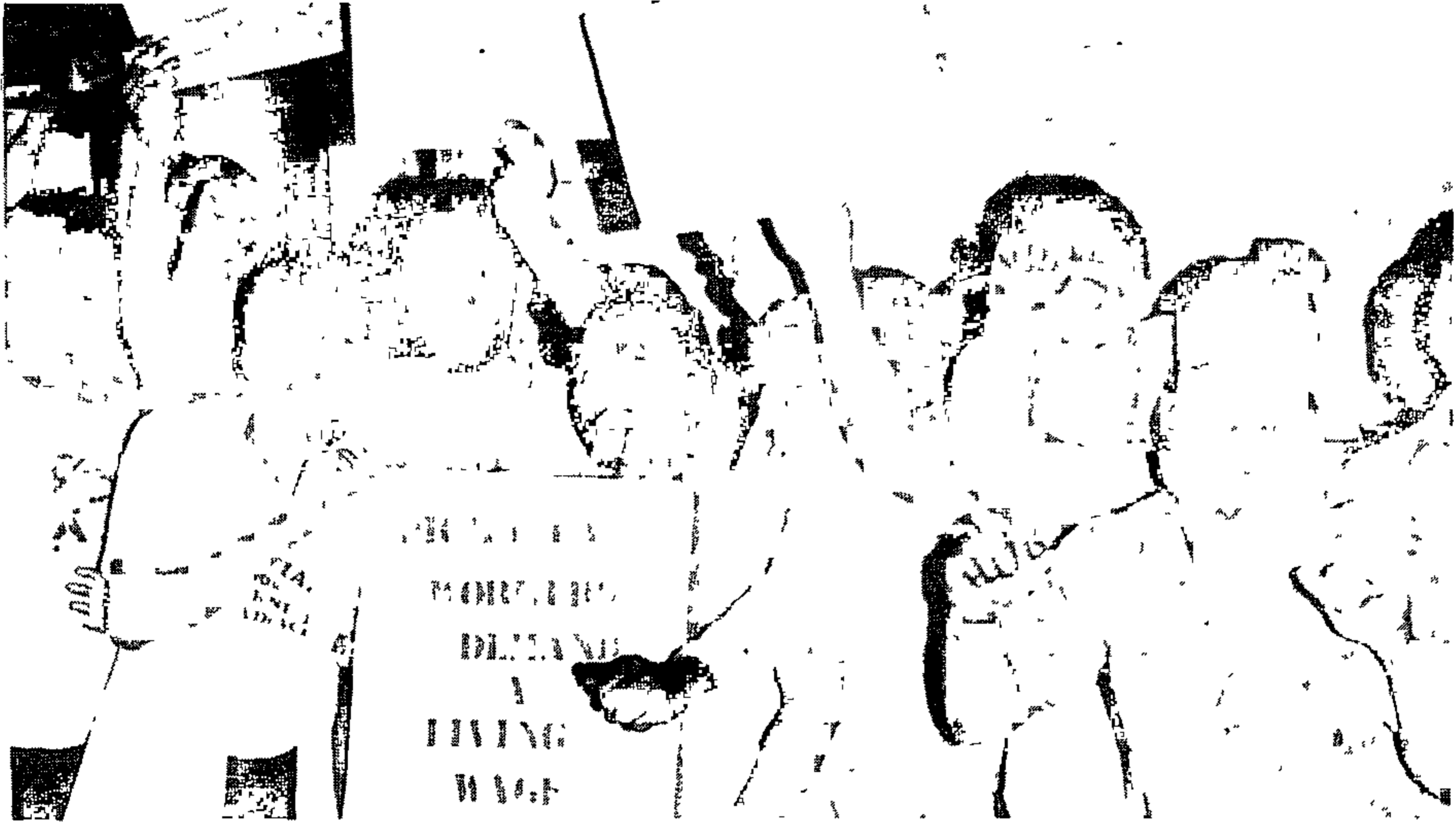
Of Shell's business interests the oil division in 1987 grew by 5,3% compared with the industry average of 5,7%, while growth in petrol sales was significantly higher at 14,6%, the coal division was able to sell its products internationally but the financial performance was not sparkling because of political discount of between \$2-\$4 a ton, the forestry division grew but industrial chemical sales were sluggish.

See Page 4

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R 15,000 donation

Particulars on the number of busi-  
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New labour legislation will make it more difficult for unions

# Choking the unions

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**T**HE relative freedom trade unions have enjoyed in the last few years is about to end. Instead of trying to co-opt the labour movement, the state will now attempt to choke it.

The 1987 Labour Relations Amendment Bill constitutes a major re-orientation in government thinking on labour relations in South Africa.

The Wiehahn dispensation which was ushered in after 1979

was a calculated risk for the state. The reformed labour laws were intended to defuse rising worker militancy by channeling union energies into existing statutory institutions such as industrial councils and new institutions such as the Industrial Court.

However, to achieve this end, potential benefits under the new system had to be offered to the emerging trade unions.

Developments over the last decade show that, although the unions have made aggressive use of the new legal remedies, they have not been transformed into pliant and bureaucratic organisations.

On the contrary, in 1988 organized labour constitutes one of the most threatening forces to the minority government.

Although the Emergency regulations have been brought to bear against trade unions — leaders have been detained, meetings prohibited and publications banned — the overall effect of such measures has not been nearly as disruptive to unions as to political and community organisations.

The unions have received a certain amount of protection from the labour laws and, more importantly, the very nature of their

***This year trade unions are likely to be faced with the iron fist of the state. The new Labour Relations Amendment Bill is going to take away a lot of the space unions had to operate in. CLIVE THOMPSON, director of the Labour Law unit at UCT, spells out the implications.***

industrial activities places them beyond the reach of many security measures.

The Labour Relations Amendment Bill sets out to tackle labour on its home ground.

The methods which it adopts are crude and retrogressive, but they have a major impact on the developing industrial relations system.

### Colour bar

The Bill is a many-headed beast, but three features deserve particular attention.

Firstly, nearly ten years after the job colour bar was scrapped from the statute, racial factors in collective bargaining are reinstated.

This occurs through a rather unsubtle mechanism. It becomes an unfair labour practice for any trade union to demand exclusive bargaining rights at an undertaking. As a result, the bargaining rights of minority unions — including those that recruit on a racial basis — can be

maintained against the wishes of the majority of workers in a bargaining unit.

An additional spin-off of the provision is the fragmentation of unions in the bargaining process.

Secondly, the Bill attempts to ensnare unions in a web of bureaucratic procedure whenever industrial disputes arise. Technicalities abound and indefinite time requirements are introduced. Failure to meet the statutory conditions will render strike action illegal.

Finally, attempts are made to put a range of economic weapons beyond the reach of trade unions. Sympathy strikes are outlawed, while consumer boycotts become unfair labour practices. Unions are deemed to be liable in law for all acts which members commit during a strike which is found to be illegal.

It is doubtful whether industrial peace can be bludgeoned into

existence; the bill is more likely to result in casualty.

Against such a backdrop, the case for an alternative labour code between unions and the more progressive elements of management becomes an option. Such a code would be entered into voluntarily but would thereafter become binding on the parties.

### Bargaining

It would place a premium on effective collective bargaining, but recognize the role of peaceable industrial action. It would reject any reliance on the security laws and oppressive features of this society such as the migratory labour system.

It is an open question, however, whether employers and unions would be prepared to trade rights for a different genre of industrial peace and, in any event, the prospects of such a deal holding in a hostile wider environment must be slim indeed.

# Row over labour Bill reflects <sup>(166)</sup> 'wide extent of conflict in SA'

By Michael Chester

The intense controversy over the Labour Relations Amendment Bill was a reflection of both the limited degree of political representation and the extent to

which South Africa was "riddled with conflict", Anglo American Corporation declared today

The AAC directors, in an annual review, said it was understandable that black trade unions were "suspicious of legislation emanating from a parliament in which they had no representation"

Though the Bill had generated controversy, little attention had been focused on its content, consistent with labour relations practices in industrialised democracies such as the United States and Britain

In essence, the Bill enhanced the status of the Industrial Court, entrenched protection of employees against unfair dismissal, discouraged sympathy and repeat strikes and boycotts, and simplified and strengthened recourse to conciliation boards to resolve disputes.



AR 645 9/6/88 166

# Moves to resolve Labour Bill conflict

By DICK USHER  
Labour Reporter

TOP-LEVEL moves are under way to resolve conflict over the controversial Labour Relations Amendment Bill, bitterly opposed by South Africa's major union groups

The South African Consultative Committee on Labour Affairs (Saccola) has agreed in principle to a proposal by the 750 000-member Congress of South African Trade Unions (Cosatu) for independent arbitration on the Bill and a Saccola delegation yesterday flew to Cape Town for urgent discussions with the Minister of Manpower, Mr Pietie du Plessis

Opposition to the Bill led to this week's stayaway, which followed a call by Cosatu and the 500 000-member National Council of Trade Unions (Nactu) for peaceful protests against the proposed legislation.

Workers began returning to work today after the stayaway, which had limited support in the Western Cape.

Cosatu general secretary Mr Jay Naidoo said his organisation was starting discussions with Saccola on details of the arbitration.

"We have agreed that their legal advisers and ours should meet as soon as possible to clarify the technical details of how submissions should be prepared and the process of referral," he said.

Cosatu this week proposed that arbitration should be by an independent panel headed by Professor Laurie Ackerman, a former judge who is now professor of human rights law at Stellenbosch University

Mr Naidoo said no formal invitation had been received from Mr du Plessis to discuss the controversial aspects of the Bill.

"As a result the national executive committee questioned the sincerity of the Minister's invitation," he said.

Several recommendations on the issue had been referred to membership for discussion, said Mr Naidoo.

A labour spokesman for the Associated Chambers of Commerce, Mr Vincent Brett, estimated that the total cost to the economy of the three-day

action would be about R500-million, much of it in workers' pay.

Other negative effects on the workforce were that employers would move further towards mechanisation and that financial harm to companies would result in fewer jobs and higher costs.

## Labour law may change 'next year'

Political Staff

THE Labour Relations Amendment Bill is not the final word in labour legislation, says Manpower Minister Mr Pietie du Plessis

He confirmed today that Cosatu was welcome to discuss its objections to the Bill with him, and that if these were substantial the legislation could be changed

The Bill could not be changed at this stage, he said, because it had already been through all three Houses of Parliament "But we can look at amending it next year"

One of the primary reasons for this week's stayaway by organised labour was the Labour Relations Bill.

### INVITATION

Mr du Plessis confirmed he had sent a formal invitation to Cosatu to send a delegation to meet him to discuss the legislation

He said he had not met Cosatu previously to discuss the legislation, although the trade union organisation had made representations to the Standing Committee of Parliament when the Bill was being considered

If Cosatu could produce objections of substance then it was possible to withhold certain provisions of the Bill until it could be amended, Mr du Plessis said

However, there was no possibility now of the Bill not going ahead, because it had been processed by the three Houses of Parliament





MORE than 2000 members of the Food and Allied Workers' Union attended a protest rally against the Labour Relations Amendment Bill at Nasrec in Johannesburg at the weekend. At least 20 buses from all over the Transvaal brought members of Fawu — an affiliate to the Congress of South African Trade Unions — to the rally which was characterised by songs and chants in opposition to the Bill

Pic LEN KUMALO

166

166

Source: 6/6/88

TODAY is the start of the three-day protest action called by two major trade union federations in the country — the Nactu and Cosatu.

The joint protest action has been called in opposition to the disputed Labour Relations Amendment Bill and the recent restrictions placed on several anti-apartheid organisations

This action — one of the major worker protests in recent times — has been viewed from some quarters as a factor that could widen the gulf between the unions and the Government

Employers have warned that they will take disciplinary action against workers failing to report for work during the protest period

### Protest

The Minister of Manpower and of Public Works and Land Affairs, Mr Piet du Plessis, has also said the protest against the proposed changes to Labour legislation could lead to dismissals, unemployment and hardship for the ordinary worker

In an 11th-hour attempt to thwart the feared three-day "stay-away", several big South African companies have sought court orders to prevent black trade unions from calling its members out on strike

On Friday, the Anglo American Corporation obtained a Bloemfontein Supreme Court order restraining the black National Union of Mineworkers from calling its members out on strike at Anglo's huge Orange Free State gold mine

A spokesman for Anglo American said there was evidence that calls for people to stay away from work had been backed by threats of violence and coercion

# Employers threaten to get tough

# DAY ONE

By NKOPANE MAKOBANE

Meanwhile, the police have warned those participating in rumoured stayaways and planned protest action to beware the emergency regulations and existing laws. The police have also given assurance to those who wish to work that they will be protected

Labour leaders have urged peaceful protests against the Bill which they allege would curtail the activities of trade unions

The nature of protest has not been spelled out by unions

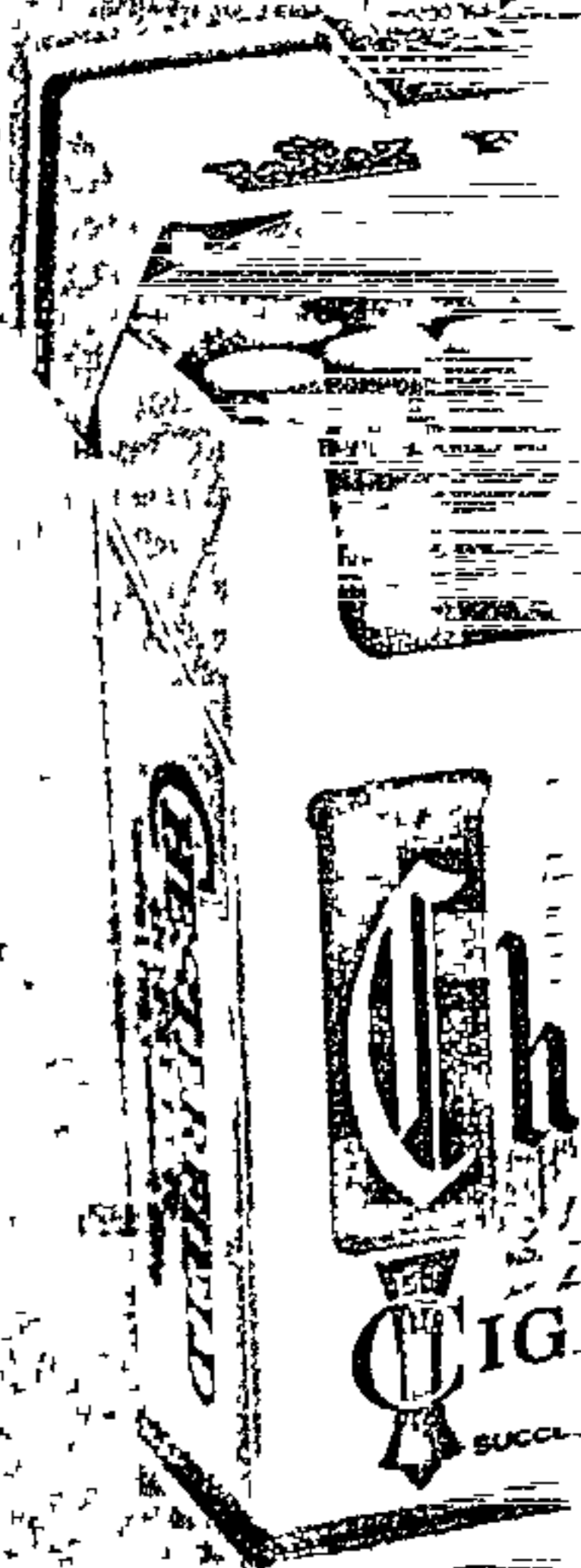
However, some unions belonging to Cosatu and Nactu have notified employers of a range of protest action — including stayaways, lunch-time protest meetings and letters to employers appealing to them to reject amendments proposed to the Bill

While the protest action has received support from churches,

black business and the community as a whole, KwaZulu Chief Minister Mangosuthu Buthelezi, has said he had not been consulted about it. West Rand Inkatha Youth Brigade has also come out against the protest

REPORTS, pictures and comment in this edition may be censored in terms of the Government's state of emergency

REDISCOVER THE CLASSIC TASTE



INTERNATIONAL

ONE HUNDRED

Made in South Africa



166 (scribble) w/maul 19-25/2/88

# Multi-pronged Cosatu campaign against Bill

By EDDIE KOCH

RESISTANCE to the government's proposed changes to the collective bargaining system is mounting in the wake of a decision by the Congress of South African Trade Unions to launch a multi-pronged campaign against the Labour Relations Amendment Bill

The 800 000-strong federation decided at its central executive committee (CEC) meeting at the weekend to draw its affiliates, employer organisations and other political organisations into a wide-ranging display of opposition to the Bill

Even before the weekend meeting, three of Cosatu's most powerful unions began mobilising their members in a show of strength against the pro-

posed law. Their strategies open the possibility that a series of legal strikes against the Bill will roll across the country in the weeks to come.

Cosatu information officer Frank Mentjies said delegates to the weekend meeting decided to organise the following actions around the proposed law:

- Weekly demonstrations, in the form of lunch-time rallies, at all organised factories

- Shop stewards will approach managements at their factories to sign a letter, addressed to the minister of manpower, calling for the Bill to be scrapped

- Cosatu head office and its regional branches will meet employer organisations to discuss joint opposition to the proposed changes

- A special executive meeting will be called in March to discuss what action to take if there is no response from employers and the government

Last week Cosatu's 30 000-strong Chemical Workers' Industrial Union (CWIU) held a special meeting of all its shop stewards in the Transvaal, after they had demanded time off from their employers to discuss the Bill.

The National Union of Metalworkers of South Africa (Numsa), Cosatu's second biggest affiliate with some 150 000 members, has also begun distributing thousands of pamphlets calling on workers nationwide to hold meetings to protest against the Bill and to urge their managers to sign the letter.

Once this stage is complete, Numsa will discuss a united approach with other unions in the motor and metal industries against the Bill.

According to Numsa's Geoff Schreiner, some unions have been discussing the possibility of declaring a dispute with employers who refuse to condemn the Bill.

Nactu general secretary Piroshaw Camay told the *Weekly Mail* his federation believed employers and the government were determined to pass the Bill. Nactu had, therefore, resolved to focus its energies on renegotiating recognition agreements with employers in a bid to protect its members rights in a collective bargaining system that would operate outside the statutory framework.

The most controversial aspects of the Bill, due to be debated in parliament in the next few weeks, are clauses that will open unions to being sued for losses suffered by companies during an illegal strike; effectively ban sympathy and solidarity strikes; undermine rights that unions have won over the years against unfair dismissals and make it possible for employers to prevent legal strikes by seeking pre-emptive legal interdicts.

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URFFONTEIN RACE COURSE NATION  
RE CITY NEDBANK

2nd Prize . . . . . R100 000  
4th Prize . . . . . R10 000  
30 Prizes of . . . . . R1000

3/13-7/48 W/Weir (168)



Johannesburg workers chant, sing and dance in protest against the Labour Relations Amendment Bill. The demonstration was broken up by police and 21 were arrested

Picture SANTU MOFOKENG, Afrapix

## Workers' poster march stopped

By EDDIE KOCH

POLICE this week broke up a demonstration in Johannesburg by about 300 workers protesting at proposed legislation designed to limit the power of their trade unions

Workers from four factories in Industria marched through the industrial area, singing and carrying placards denouncing the Labour Relations Amendment Bill

A contingent of about 50 policemen cordoned off the street and dispersed the workers after warning that their march was illegal. Editor of the *South African Labour Bulletin* Karl Van Holdt and a photographer from *Learn and Teach* magazine, Jacob Mokolabate, were arrested along with at least 20 workers.

A spokesman for the South African Police in Pretoria confirmed yesterday that "police used batons and patrol dogs to disperse an illegal gathering" and said 21 people had been arrested. He was unable to give the names of those held or say whether they would be charged. He said no injuries had been reported.

Van Holdt and Mokolabate said they were released after police developed film of the photographs they had taken and then returned the negatives. Mokolabate said he had been bitten by a dog and beaten on the back with a baton.

Workers from the Paper Print Wood and Allied Workers' Union (Ppwawu), the Food and Allied Workers' Union (Fawu) and the National Union of Metalworkers of South Africa (Numsa) took part in the protest, the first in a recent spate

of lunchtime demonstrations against the Bill to spill out of factory premises onto the streets

The three unions are part of the Congress of South African Trade Unions (Cosatu), which announced this week that a special congress it has called to discuss the Bill and the recent banning of anti-apartheid organisations has been postponed from April 9 and 10 to May 7 and 8.

A Cosatu press statement said the delay was to "allow affiliates to undertake the broadest consultation with membership". The 750 000-strong federation confirmed plans to conduct three days of protest action if the congress is banned and said this would take place in the week after the new date of the congress.

The statement listed a "chronology of repression" allegedly directed at Cosatu this month. The list included:

- The distribution of thousands of fake pamphlets on the East Rand saying "Cosatu we don't want to strike" early this month

- The detention of all shop stewards at a meeting in Grahamstown on March 16. After they were released four shop stewards remained in custody. Their names were given as Joseph Mantla of Numsa, Canon Maasdorp of Fawu, Pumla of the Transport and General Workers' Union (no other details known) and Mafinda of the National Education Health and Allied Workers' Union (no other details known)

- The detention of Commercial Catering and Allied Workers' Union organiser Johnson Ndou in Warmbaths and Numsa organiser Stanley Tyelentombi in Vereeniging on March 18. Cosatu's offices in Vereeniging were raided on the same day

- Offices of the National Union of Mineworkers (Num) in Welkom were raided on March 18. May Day and Living Wage Campaign posters were confiscated as well as minutes of a meeting

- Cosatu offices in Pretoria were raided on March 18 and material on the Labour Relations Amendment Bill confiscated

- Three Fawu members were detained in Johannesburg on March 19. Their names were given as Ernest Buthelezi, Phillip Siqubu and Sibongile Ndlovu

- Cosatu's regional secretary for the Eastern Highveld, Jacob Mabena, and two Num members were detained at a roadblock on March 20 and told they would be charged with assault and robbery. They appeared in court last week and are out on bail

- Fake pamphlets issued in Numsa's name were distributed on the East Rand on March 23. They condemned Cosatu's militancy and called for acceptance of the new Bill

A police spokesman said the SAP public relations directorate had received a list of the alleged raids and detentions and would issue a response to Cosatu's claims later. This had not been received at the time of going to press.





THIS was the scene in Mohlakeng, Randfontein where workers who stayed at home milled around the streets.

Sowetan 7/6/88

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# No work — no pay

## • From Page 1

any more, he said

Virtually all employers, he said, had agreed to the stand. "No work — no pay"

The impact in Cape Town aside from at the harbour and with milk deliveries, was no more than minimal, according to a snap Association of Chambers of Commerce and Industry survey

### Buses

About ninety percent of workers stayed away from work on the East Rand

Pamphlets calling for a stay-away from work in

Atteridgeville, Mamelodi and Soshanguve were ignored by most workers yesterday.

Many of those who went to work were left stranded in Atteridgeville as there were no taxis operating in the area. Hundreds of people boarded trains and buses. Others boarded a few taxis that operated from Kalafong Hospital in the morning.

Vaal Triangle employers have also adopted the "no work no pay" policy attitude as hundreds of workers heeded the call for a three-day national protest.

Although gold mines

were not affected, a number of the country's largest collieries were hit by the stay-away.

Six collieries in the Witbank - Middelburg coalfields reported almost 100 percent absenteeism. Many others had partial attendances.

### Pamphlets

The Maritzburg Chamber of Industries said that bus services, operated by the Kwa-Zulu Transport Corporation, were running normally. East London was affected by a marked stayaway.

A spokesman for the Port Elizabeth Chamber of Commerce and managing director of PE Tramways, Mr. Carl Coetzer, reported an estimated 50 percent stayaway in central Port Elizabeth and a 30 percent stayaway in Uitenhage.

### Winter

There was a limited stayaway in certain sectors of industry in the Western Cape.

Less than two percent of the Cape Town City Council's staff were absent yesterday, which a spokesman described as almost normal for a cold

winter's day

# Labour law will heighten conflict — Ramaphosa

Own Correspondent

CAPE TOWN — A vast and rapid increase in unlawful and unregulated strikes would occur if the proposed Labour Relations Amendment Bill was passed, Mr Cyril Ramaphosa, general secretary of the National Union of Mineworkers, said yesterday.

He was speaking at a conference on Laws Against Trade Unions and Political Organisations organised by the Labour Law Unit at the University of Cape Town

Mr Ramaphosa said other consequences would be that unions would adopt a "hands off" approach for fear of being held liable for damages caused by a strike, and employers would lose valuable skilled employees because of strike dismissals

The Bill was aimed at the Congress of South African Trade Unions (Cosatu) and its affiliates, he said

## ECONOMIC INTERESTS

Cosatu was attacked because it formed alliances with progressive organisations and co-ordinated and participated in political campaigns.

The affiliates were attacked because, through their tight organisation, they had articulated the political aspirations of members and the communities in which they lived

It was those unions which had best served their members' economic interests which had been best able to articulate their members' political views

Mr Ramaphosa said the Bill was a blatant at-

tempt to breathe new life into employer prerogative

It had not been widely condemned by employer organisations and there could be no doubt that capital as a whole supported the Bill

Employers who did not like the Bill could either lobby the State directly or enter into a new series of agreements with trade unions in which "no attempt is made to buttress employer power with the coercive aspects of State legislation"

These private agreements would establish rights not given by the statutory system

## MOST CRUCIAL

Mr Ramaphosa said the most crucial among these were the right to strike once conciliation procedures had been exhausted, the right to picket and the entrenchment of majoritarian trade unionism

Trade unions would in turn have to undertake that strikes took place in an orderly fashion, and they would particularly have to address the question of violence

Any industrial system involved in profit-making had conflict built into it, he said. The interests of workers and management were seldom the same even on small issues

"The Labour Relations Amendment Bill cannot and will not conciliate the tension between labour and management in South Africa

"No matter the short term gains for employers it can only exacerbate tension and heighten conflict

"As we know, in this country it is a sad fact that where we have conflict we often have bloodshed, Mr Ramaphosa said"

# Cosatu urges international probe into controversial SA labour Bill

By Mike Siluma,  
Labour Reporter

The Congress of SA Trade Unions (Cosatu) called yesterday for the suspension of the Labour Relations Amendment Bill and the re-opening of negotiations with employers to end the impasse over the proposed legislation

Cosatu general secretary Mr Jay Naidoo said Cosatu, which has already laid a complaint with the International Labour Organisation (ILO) regarding the Bill, called on South African employers to agree to an ILO investigation into whether or not aspects of the Bill were in conflict with internationally accepted guidelines

Mr Naidoo said that, contrary to employers' statements, Cosatu had submitted 27 objections to the standing committee drafting the Bill. Three of these were fully and four partially addressed and the rest rejected

"We have challenged employers to agree that the Bill be referred to the ILO because they have said the Bill, if made law, would reform present labour legislation in line with international standards set by the ILO. The Bill cannot be discussed piecemeal," said Mr Naidoo

If the Bill were suspended, Cosatu was prepared to meet employers to discuss mutual con-

cerns about current legislation. Joint representations could then be made to the Government.

He believed the ILO could hear evidence "very soon if people are committed to the process"

Mr Bobby Godsell, chairman of the SA Consultative Committee on Labour Affairs (Saccola), expressed willingness to re-start negotiations with the unions on the Bill, but said he believed that the ILO route was fraught with potential problems

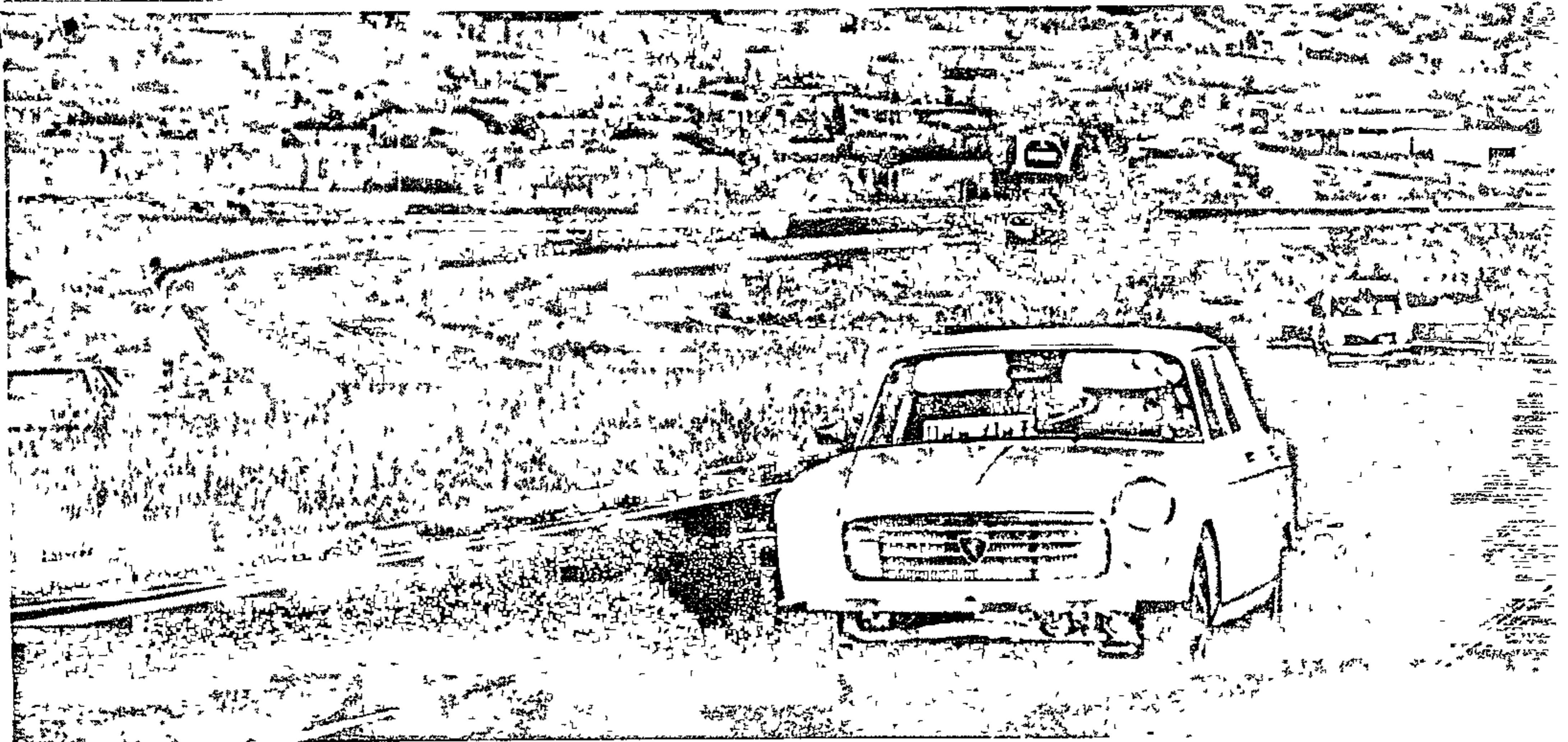
The ILO was a tripartite body, including governments, employers and unions from each country, he said

"For the process to have meaning, all three parties of a country's delegation have to submit themselves to the process. It would be particularly complicated in South Africa because it is a very technical case whether we are members because the South African delegation left the ILO in 1964"

Employers would be willing to discuss Cosatu's concerns provided Cosatu specified these in the same way as the National Council of Trade Unions, the other federation to call for protest action, had done

Mr Naidoo said conflict would result if employers went ahead with dismissals or disciplinary action following this week's protests





This is how the usually busy and congested Soweto freeway looked at peak hour yesterday morning, the beginning of the second of three days of protest action called

Controversial legislation at the heart of the stayaway

# Lawyers differ over revised version of Bill

By Patrick Laurence

At the core of the three-day protest action which ends today is an ongoing — and still potentially explosive — dispute over whether the revised version of the Labour Relations Amendment Bill represents an improvement on the original Bill

The dispute has been given new topicality by yesterday's decision to refer the revised version to a parliamentary standing committee for possible further changes

Mr Bobby Godsell and Mr Halton Cheadle, who respectively represent the major adversaries, the South African Employers Consultative Committee on Labour Affairs (Saccola) and the Congress of South African Trade Unions (Cosatu), offer diametrically opposed assessments

Mr Godsell contends that the present Bill before Parliament is a "substantial improvement" Mr Cheadle disagrees, noting that of the 27 objections Cosatu lodged against the original Bill, only three have been met completely Four were met partly and 20 not at all, he adds

## Semantic difference

Mr Godsell observes that the 1987 draft Bill declared sympathy strikes and repeat strikes (strikes over the same issue which occur within 12 months of the the original strike) illegal But, he adds, the revised Bill categorises them as unfair labour practices

"That is more than a semantic difference," Mr Godsell says If the definition of sympathy and repeat strikes as unlawful actions had been left intact, the State would have been able to intervene, as unfair labour practices, however, they are not criminal actions and remain an issue to be settled between employers and trade unions

But Mr Cheadle contends that the prohibi-

tion on solidarity strikes and repeat strikes remains, but in a different guise It is one of 20 objections which were not met at all, he says

He argues that solidarity or secondary strikes are already restricted in the existing Act, and that the amendment prohibiting them is both unnecessary and inimical to trade union interests

"The only secondary action which is permitted (under existing law) is that secondary action that would have as its effect pressure on the employer to settlement," Mr Cheadle says

"The amendments are even more drastic than those imposed by Mrs Thatcher's government in the UK"

Labelling repeat strikes an unfair labour practice will discourage a prevailing practice which facilitates settlement of disputes the return of workers to the assembly line as an interim measure while employers and unions try to resolve their difference in a less heated atmosphere

If a resumed strike is deemed to be an unfair labour practice, workers will not resume work and their union will not advise them to do so, Mr Cheadle says

Another major improvement, in Mr Godsell's view, concerns the indemnity granted to employers, employees and unions

The 1987 draft amendment proposed to repeal the indemnity as a whole The 1988 revised Bill, however, removes indemnity in specific situations only where any of the three parties — employers, employees or unions — engages in unlawful lock-outs or strikes, or where any of the parties commits criminal actions

Mr Cheadle concedes that the revised Bill is an improvement on the indemnity issue But he objects to the "codification" of unfair labour practices

In the 1987 draft Bill it was codified in a special schedule In revised version it is part of the proposed law proper

Mr Godsell argues that defining unfair labour practices in the body of the statute itself, instead of in a schedule to the law, is an improvement It means, he says, that the Minister of Manpower can no longer alter the definition by decree, he can do so only by amending the law with the approval of Parliament

Mr Cheadle responds "Cosatu objects on principle to the codification The development of our law of unfair labour practice should be left to the industrial court (Codification) introduces rigidity where there should be flexibility"

Another "quite substantial improvement" cited by Mr Godsell relates to conciliation boards, a salient feature of South African labour law

## Counter-weapon

In the 1987 draft version, divisional inspectors — or functionaries of the Department of Manpower — were empowered to unilaterally extend the life of a conciliation board

As a strike cannot take place while a conciliation board is functioning, an inspector could defer strikes — or the employer counter-weapon, lock-outs — indefinitely

That power is, however, removed from divisional inspectors in the revised version, as Mr Cheadle acknowledges

But Mr Cheadle refers to the continued existence of another "objectionable" element recognition of minority racial unions to the detriment of majority — and therefore representative — non-racial unions

Mr Godsell concedes that controversial features remain in the revised Bill But, he insists, claims that employers are in league with the State in a conspiracy to crush the unions are "not sustained by detailed analysis of the Bill"

## Many pupils still absent from the classrooms

By Zenaide Vendeiro, Education Reporter

There was almost no attendance at black schools in Soweto and the East Rand again yesterday, but other areas in the Pretoria-Witwatersrand-Vereeniging region reported a slight improvement over Monday's figures

Spokesman for the Soweto region Mr Peter Mundell, said that although more pupils reported for school yesterday morning they had returned home by 9 am

A larger number of pupils milled around some schools indicating that they were willing to resume classes, but they filtered back home because of a lack of strength in numbers or because staff were absent"

He said the situation was "very quiet" and no incidents of violence had been reported

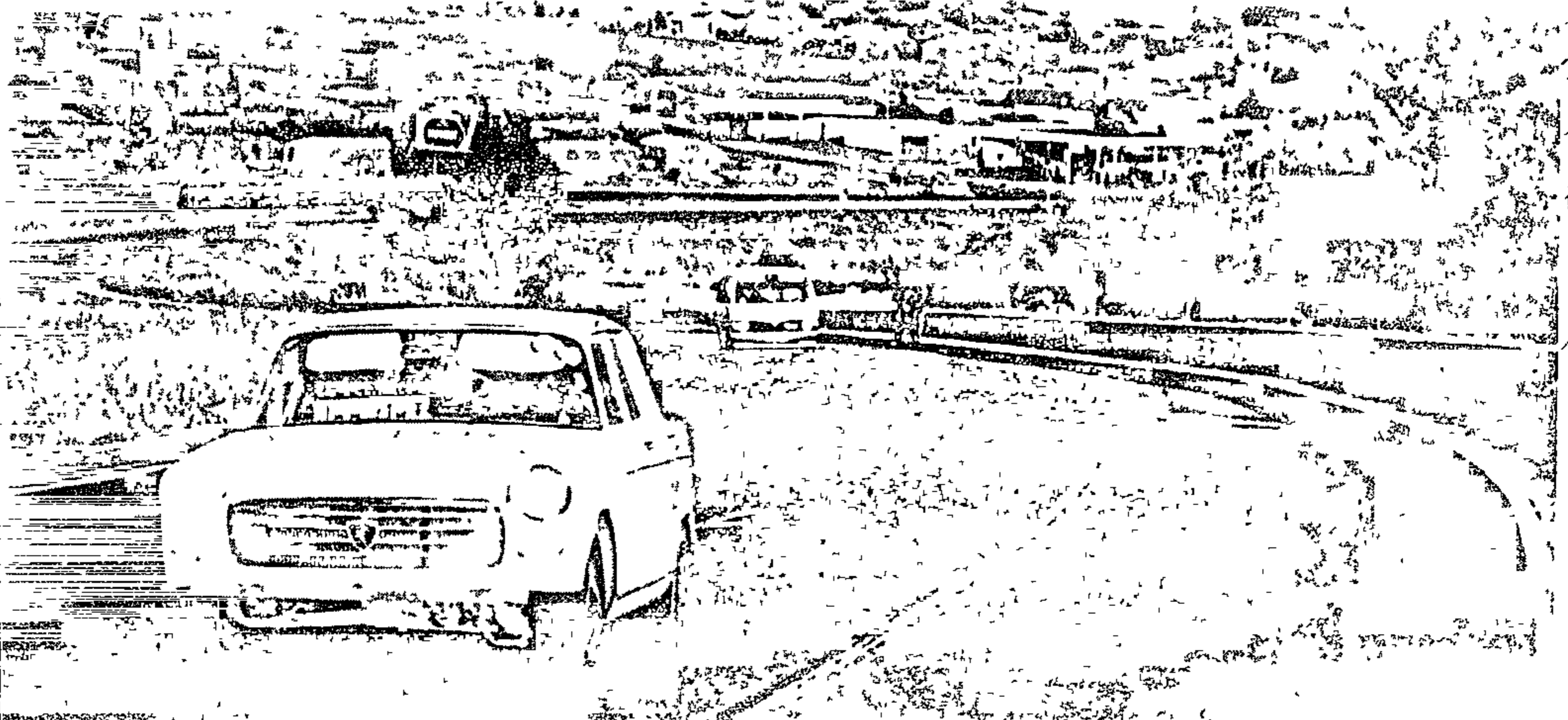
In the East Rand there was "a complete stayaway" by pupils again yesterday, said the director for the DET's Highveld region, Mr J H Booysen

But the situation was normal in rural areas of the Highveld, he said

Mr Booysen said he had been informed that lack of transport services was the "major contributor" to the very high absenteeism on the East Rand

A spokesman for the northern Transvaal region said yesterday's attendance figures indicated that the situation was normal in Mamelodi and "better" in Atteridgeville where attendance figures ranged from between 48 and 98 percent.





ed at peak hour yesterday morning, the beginning of the second of three days of protest action called for by Cosatu and Nactu In the background is Diepkloof

● Picture by Herbert Mabuza.

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## Many pupils still absent from the classrooms

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Education Reporter  
Star 8/6/88  
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## Stayaways on mines range from 100% to full worker turnouts

By Mike Siluma  
and Adele Baleta  
Star 8/6/88

The National Union of Mineworkers (NUM) and mine managements are at odds over the effect of the national protest on the mining industry

NUM yesterday reported a stayaway by members ranging between 15 percent at some mines to 100 percent at others The concerns affected include coal, gold, asbestos and chrome

But the Chamber of Mines said only 9 000 out of the 555 000 workforce were off

A chamber spokesman said protest action was reported at six of the more than 50 coal mines

A union spokesman said workers at New Clydesdale Colliery near Witbank had been given an ultimatum to return to work. The union was discussing the matter

A spokesman for Gold Fields, owners of the colliery, denied any ultimatum

He said "We informed workers that they were involved in an illegal action, and warned them that a continuation of a stayaway at New Clydesdale could result in dismissals or disciplinary action"

All operations were normal at Gold Fields yesterday, except at head office, where 40 percent of workers stayed away, he said

The NUM also reported that in the diamond mining industry there had been a 100 percent stay-at-home at Kimberley De Beers, Finsch, Koffiefontein and Geology mines

A spokesman for Anglo American's gold and uranium division, Mr Michael Spicer, said work had continued underground as usual at nearly all the mines it controlled

The only exception was at East Rand Gold and Uranium Company (Ergo), where only some plants were functioning yesterday

Anglovaal reported full attendance at all its mines

Gencor spokesman Mr Harry Hill said workers at the group's gold mines were at their posts — except for Grootvlei Mine near Springs, where there was a 55 percent stayaway on Monday But they all returned yesterday

## There's still power for the people

Star 8/6/88  
Highveld Bureau

Four of Eskom's 11 Transvaal power stations have been hit by the stayaway although production is being maintained throughout

On Monday there was an almost total stayaway of black workers at Eskom's Arnot, Hendrina and Komatie stations

A spokesman said there was an improvement in staff numbers yesterday although a partial stayaway began yesterday morning at the giant Kriel station

The collieries feeding these four stations are also experiencing almost total absenteeism



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## COMMENT

## Labour's low road

**T**O PARAPHRASE scenario architect Clem Sunter, the business community is faced with the choice of the high road or the low road on the industrial relations front. And business reaction to the Labour Relations Amendment Bill to be debated in Parliament this year is crucial in determining which road SA takes.

Among the more controversial aspects of the Bill are provisions which designate sympathy strikes, consumer boycotts and repeated industrial action over the same issue as unfair labour practices.

The Bill also narrows the scope for challenging alleged unfair dismissals and exposes unions to civil actions for damages in unlawful strikes unless they can prove the action was unauthorised.

Some employer groups, dismayed at high levels of sometimes politically-motivated strike activity last year, accompanied by far too many incidents of intimidation and violence, see the Bill as at least a partial answer. It is not, no more than restrictions on the Press are a solution.

We repeat our warning of last year. coercive measures do not solve labour relations problems and outlawing strikes does not prevent them.

That, fundamentally, was the message delivered by Professor Nic Wiehahn (and accepted by government) nearly nine years ago. This retrogressive new Bill will seriously damage continuing efforts to build as normal a labour

relations system as is possible in an apartheid society, and those who are busy shaping the legislation into its final form should heed the misgivings voiced, significantly, by both management and labour.

Failing that, farsighted employers will have to look seriously at creating a system of labour relations independent of the state, with a set of norms and standards negotiated between employers and unions. But this concept, punted in Business Day by a number of prominent employers last week, is not to be undertaken lightly. For one thing, the valuable role of a neutral authority in a tripartite labour relations system will be lost.

For another, such proposals will strain the limited reserves of pragmatism in those trade unions which believe that the only good employer is a dead one — so to speak.

High road or low road, there is no easy road. Finding mutually acceptable answers to prickly questions will not be easy. These issues include the circumstances in which a sympathy strike or political stayaway is acceptable, and whether strikers who have followed procedures should be entitled to protection from dismissal.

Nevertheless, employers need a system where inevitable industrial conflict will not be exacerbated by undue state interference, while unions are entitled to reasonable space for going about their business of improving the lives of their members. As for the state, neutrality should be its goal.



166 B/day

# Cosatu to tackle new labour Bill

ALAN FINE

THE Labour Relations Amendment Bill, to be debated in Parliament later this year, could become one of the focal industrial relations issues of 1988.

The Cosatu central executive committee is due to meet on Friday to discuss the tactics of a campaign against the Bill, while at least three major affiliates have already initiated their own actions.

Cosatu information officer Frank Meintjies said yesterday the organisation was open to talking to employers and their organisations about the Bill.

Employers will be asked to help convince government that the legislation would potentially create a revolutionary situation by reversing advances made since the beginning of the Wiehahn era.

Among other things, the Bill restricts further the right to strike and makes it easier for employers to sue for damages against unions whose members strike unlawfully. It also narrows the scope for unfair dismissal actions by unions in the industrial court.

Shop stewards of the Chemical Workers Industrial Union (CWIU) — as reported last week — and the Food and Allied Workers' Union (Fawu) have begun approaching managements to take a stand against the Bill.

## Protest action

And the National Union of Metalworkers of SA (Numsa) announced yesterday it would distribute 100 000 pamphlets on the Bill to members this week as a prelude to mass protest meetings at factories and calls on individual employers to distance themselves from the Bill.

Fawu president Chris Dlamini said shop stewards would meet soon to plan protest actions against employers who failed to respond positively to the approaches.

Among the large companies that have already received representations through shop stewards at plant level are Premier and AECI.

AECI group industrial relations manager Bokkie Botha said his company was willing to have talks on the Bill with the CWIU and would be keen to make joint representations to government on any common ground reached.

Premier group human resources director Theo Heffer said after promulgation it might become necessary for the union and management to create new parameters for their relationship which override retrogressive statutory measures.

<sup>D/D 9/2/88</sup> <sup>166</sup>  
**Labour Relations Bill**  
**stormy times ahead?**

Daily Dispatch Correspondent

JOHANNESBURG — The Labour Relations Amendment Bill, scheduled to be debated in Parliament later this year, promises to become one of the focal industrial relations issues of 1988.

The Cosatu central executive committee is due to meet on Friday to discuss the tactics of a campaign against the Bill, while three major affiliates have initiated their own actions.

The Cosatu information officer, Mr Frank Meintjies, said yesterday the organisation was open to talking to employers and their organisations about the Bill, although employers appeared to have moved to the right since the Chris Ball affair and the general election.

Employers will be asked to use their clout to convince the government that the legislation would create a potentially revolutionary situation by reversing advances made since the beginning of the Wiehahn era.

Among other things, the Bill further restricts the right to strike, and makes it easier for employers to sue for damages against unions whose members take part in unlawful strikes. It also narrows the scope for unfair dismissal actions by unions in the industrial court.

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The AECI group industrial relations manager, Mr Bokkie Botha, said his company was willing to have talks on the Bill with the CWIU.

The Premier group human resources director, Mr Theo Heffer, said after promulgation it may become necessary for the union and management to create new parameters for their relationships, which override retrogressive statutory measures.

Premier had telexed the Fawu head office reaffirming that the company would not go back on any agreements if and when the Bill became law.

Mr Meintjies said a hostile response by employers and government to union demands would deepen union members' commitment against capitalism and the tricameral system.

nr 665 2/4/88

# Labour relations need alternative code, says lawyer

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Labour Reporter

AN alternative labour code which would evade unsatisfactory changes to labour law might be the only opportunity to promote the survival of the free enterprise system, says a leading labour lawyer.

Mr Charles Nupen, director of Independent Mediation Services, speaking at a conference on laws against trade unions and political organisations at the University of Cape Town, said that such a code would operate within a new dispensation, agreed and asserted outside the statutory arena to govern collective bargaining relationships.

Such a proposal was not just wishful thinking because the policy of subjugation which characterised labour relations in the pre-Wiehahn period was detrimental to the smooth running of their operations, he said.

Employers clearly had a vested interest in negotiating a credible collective bargaining system because it offered them the best, perhaps the only, opportunity of promoting the survival of the free enterprise system and institutionalising the conflict between employer and employees by containing it within agreed processes.

The proposal was made in the face of "a deteriorating political environment" and proposed amendments to the Labour Relations Act (LRA).

Mr Nupen said the LRA was

an inadequate instrument to institutionalise conflict in the industrial arena.

What was needed was a "deliberate and concerted effort to set the arena of labour relations apart from the governing order, to eschew the ideology and laws which sustain that order and to substitute a new social contract", he said.

"This may involve not merely a disavowal of security legislation but also, if changes to labour legislation are forced through, an avoidance of the institutions and processes created by the LRA, including the Industrial Court.

"This social contract would have to be devised and articulated within the constraints imposed by the prevailing political order, but the appropriation by the parties of a collective bargaining process in which they determine their own roles and arrangements could redress, in some cases significantly, the shortcomings inherent within the law."

Such an alternative code would give unions organisational rights, access to employees, in-house facilities after recognition and effective rights to communicate with members.

The right to strike, and to secondary strikes, after exhausting negotiated disputes procedures should be guaranteed and parties should have the right to refer disputes to arbitration.



...ions are not sustained by detailed analysis of the Bill

# employers ready to talk

By Mike Siluma and Adele Baleta

The prospects of negotiated changes to the controversial Labour Relations Amendment Bill — which has sparked countrywide work stoppages — rose yesterday when both the Congress of SA Trade Unions (Cosatu) and employers said they were willing to negotiate proposed amendments.

able to meet Mr du Plessis while unionists were still in detention, the state of emergency was in force, and anti-apartheid bodies were banned.

At a news conference Cosatu said they would convene a special executive committee meeting today "to discuss whether a meeting with the Minister would be worthwhile".

that it should not undermine unions, collective bargaining and the use of legitimate economic sanctions for collective bargaining objectives

If employers agreed to submit to the tribunal, they would be expected to use their influence "to stay the passage of the Bill (through Parliament and) to consider its findings and lobby for their adoption"

Saccola chairman Mr Bobby Godsell welcomed Cosatu's suggestion, saying it would "give us for the first time a basis to discuss the Bill"

"All along, our position has been that we should discuss the Bill (with unions) and see if we have common purpose, so that we can lobby for that common purpose"

● The International Confederation of Free Trade Unions said in Geneva yesterday that it would step up its campaign for sanctions

At the same time Cosatu, the largest labour federation, called on the Government to submit to international jurisdiction to resolve the dispute. This was a first response to Manpower Minister Mr Pietie du Plessis's statement he was prepared to negotiate the matter with unions.

The National Council of Trade Unions (Nactu), the second biggest black worker federation to call for protest action, said it would not be

In a new development Cosatu invited employers represented by the SA Consultative Committee on Labour Affairs (Saccola) to agree to refer the Bill to "an experienced tribunal of standing", headed by Mr L Ackerman, a former judge

Cosatu said it appeared that Saccola and Cosatu agreed on certain principles on the Labour Bill. These included that it should not erode legitimate worker protection against arbitrary and unfair dismissal, and



Mr Godsell



Mr du Plessis

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The final version of the Labour Relations Amendment Bill is certain to evoke wide and conflicting comment

More than 150 employer organisations, trade unions, academics, businesses, lawyer and government bodies forwarded written comments to the Department of Manpower after the draft bill was published in December 1986. During 1987 an amended Bill was published and forwarded to the Standing Committee. The Bar Council, Cosatu the Chamber of Mines and many others urged the committee to effect further amendments.

The final product which is to be dealt with by Parliament includes further amendments, many of them an improvement on previous drafts. That does not detract from the fact that the impact of the Bill as a whole will cause the pendulum to swing towards employers, even if the swing is not as dramatic as initially anticipated.

## Strikes curtailed

To the detriment of trade unions the Bill introduces further curtailments on the right to strike.

● Sympathy strikes or sympathy lockouts and multiple action or so-called grasshopper strikes, if repeated during a period of 12 months, are now defined as unfair labour practices.

● Any person who interferes with the contractual relationship between an employer and employee resulting in the breach of such contract can now be liable in delict. This could give rise to a damages claim against a trade union unless the union can prove that the person responsible was not acting on its behalf or with its authority.

It is widely accepted that strike action has to be regulated — there is no country where the right to strike is absolute. The new provisions do, however, in practice place a heavier damper on the trade unions' ability to exert their bar-

# Beware upsetting system of collective bargaining

Peter Gastrow MP, a member of the Standing Committee on Manpower, discusses the Labour Relations Amendment Bill, tabled this week.

gaining muscle than it does on employers to do so.

Sympathy lockouts by employers, for example, even though now defined as an unfair labour practice, have not been a practice to which employers in South Africa have resorted to apply pressure on unions. The overall effect of the above provisions is therefore a further swing away from the point of equilibrium between capital and labour towards capital.

Some aspects of the Bill constitute a definite improvement on the present Act and are to be welcomed.

The establishment of conciliation boards has been streamlined. A board can now be established by an inspector instead of going through the uncertainty and delays when such applications were channelled to the Minister. Time constraints contained in the previous draft Bill have been eased. The application for a conciliation board now has to be lodged within 21 days of notifying the other parties of the dispute and within 90 days from the date on which the dispute arose. Once an application is lodged, the inspector is obliged to establish a conciliation board.

The restriction in the previous draft Bill which prevented a conciliation board from dealing with an issue covered in a wage agreement if the agreement was less than 15 months old, has been eased. The



Gastrow ... "pendulum will swing towards employers".

period is now 12 months.

The procedures applicable to the settlement of disputes by the Industrial Council are now more closely aligned to those applicable to conciliation boards. The prohibition on an industrial council dealing with a dispute similar to one which existed during the previous 15 months has been dropped.

No longer will section 17(1)(a) of the present Act be repealed. This enables the Industrial Court to act as a court of law and hear urgent applications. The wording changes, but the Industrial Court is still able to grant interim relief pending an order made in terms of section 43(4).

The establishment of a Labour

Appeal Court is a positive development. It will deal with questions of law referred to it by the Industrial Court or one of the parties before an Industrial Court. To prevent any party from using the appeal procedure to drag out disputes or exhaust the other side, the Industrial Court is empowered to make interim orders pending the appeal. It could for example, order reinstatement pending the decision on appeal.

Labour lawyers will be able to make a use of the new extended definition of an unfair labour practice which now extends over two pages of detailed definitions. Instead of providing greater clarity, the new definition is likely to raise numerous questions of interpretation.

There may well be a case for codifying unfair labour practices, but the codification should never have been given binding effect by incorporating it into a definition in the Act. Such a code should have been operated as a guide obliging courts to merely have regard to it rather than being bound to it. A previous provision which gave the Minister the power to amend the definition of unfair labour practice has fortunately been dropped.

In boardrooms and union offices the Bill will now be dissected. It is to be hoped that the new Bill will not unsettle our collective bargaining system, which has become sophisticated and very effective. The warning signs all suggest that a tightening of the reins by the state could cause unions to circumvent the established procedures laid down by the Labour Relations Act.



# What the Labour Relations

## Bill really says

### EMPLOYERS AND THEIR ORGANISATION, SACCOLA, SAY

- The Bill is not an attack on unions
- The Bill preserves worker rights
- The Bill is in line with Western labour standards
- The Bill satisfies most of COSATU's objections

### WORKERS AND COSATU SAY

- The Bill is part of a broader strategy to suppress democratic opposition and worker organisation. COSATU has been severely restricted and 17 democratic organisations have been banned. COSATU's right to meet, speak, publish and organise has been systematically undermined by banning all our rallies, constant police raids on our offices, numerous anonymous bomb attacks on our property, regular confiscation of our media, ongoing detention of our members and so on. The Minister of Manpower has even said that the provisions of the Bill will hang "like a sword over the (unions) heads" — *Star 17/12/87.*
- The Bill makes arbitrary and unfair dismissals legal, restricts the right to strike and encourages minority unions.

*Car Travels 10/10/88*

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The Bill contravenes international labour standards on freedom of association. COSATU has laid a complaint with the International Labour Organisation (ILO) for investigation.

• Not one of COSATU's major objections to the Bill have been met — 20 out of our 27 objections to the parliamentary standing committee were ignored.

This week's protest action demonstrates the opposition of workers to the Bill. There is clear disagreement between workers and employers about the Bill.

### WE CHALLENGE SACCOLA

- To submit this disagreement to the judgement of an independent panel of lawyers under the chairmanship of, for example, a retired judge who is a respected member of the legal profession.
- To call on the government to suspend the Bill pending determination by the independent panel and the ILO.
- To call on the government to submit to the jurisdiction of the ILO.

**COSATU — Congress of South African Trade Unions**



# LABOUR LEGISLATION — 1989

# New Bill 'ambivalent', labour seminar told

By Mike Siluma,  
Labour Reporter

The South African labour relations system, while acting as a pathfinder for the rest of society, could not withstand the pressure placed on it by the failures of the country's political system

This was said yesterday by prominent labour lawyer, Mr Clive Thompson, at a top-level seminar on the Labour Relations Amendment Bill in Johannesburg

## "AMBIVALENT"

The seminar was organised by management consultants, Industrial Relations Consultancy.

Mr Thompson, who is also the director of the University of Cape Town's law unit, said the Amendment Bill was "an ambivalent piece of

work", which "curtails labour rights in a confused, rather than decisive manner"

It aimed at placating constituencies including the State, employers and minority unions

"The State's unease over labour militancy has been addressed through bans on consumer boycotts and secondary strike action, employers have been mollified by provisions which seek to impose financial liabilities upon unions as a result of the actions of their members, and minority unions have been given a lease of life through measures which bolster their position in the face of industry-based trade unionism," said Mr Thompson

"One of the many lessons of the recent past is that it is extraordinarily difficult, if not wholly im-

possible, to arrive at an adequate social compact between labour and management against a backdrop of political discord," added Mr Thompson.

Johannesburg lawyer Mr Roland Sutherland, speaking on the implications of the Bill for management, warned that amendments to the labour legislation were seen by black unions as "concrete evidence of collusion between state and capital"

Such a perception, whether true or not, was "disastrous" for management, he said.

The director-general of Manpower, Dr Piet van der Merwe, who also addressed the seminar, said the Bill would be made law "in the not too distant future", probably within weeks

"The amendments to the Bill emanated very largely from research by the National Manpower Commission on which both employers and trade unions served

"It is, therefore, not done unilaterally by the Government to clamp down on unions or on some sections of the labour movement," he said

## MONITORED

Because the labour scene was in state of flux, it was necessary that practitioners in South Africa closely monitored developments and amended legislation

Regarding the decision by the Congress of SA Trade Unions to refer the matter to the International Labour Organisation (ILO), Dr van der Merwe said because South Africa did not belong to the ILO, it was up to the international body to decide to investigate the matter

● Meanwhile, a Cosatu delegation last week discussed the Labour Bill with the West German labour minister, Mr Norbert Blum

A statement by Cosatu said Mr Blum described the Bill as "an attack on democratic rights"

The Bill was also discussed with the ILO in Switzerland

# Soweto's garbage bags brimming over

166 BLOOM 23/12/88  
BRENT MELVILLE

THE firm recently contracted to collect garbage in Soweto, Wade Refuse, is carting as much refuse as is collected in the whole of Johannesburg, says Wade contract director Richard Nero

About 5 500m<sup>3</sup> of garbage was collected in Soweto daily. This was to be compared with 5 000-6 000m<sup>3</sup> a day in Johannesburg, Nero said

"Last month alone we moved 81 000m<sup>3</sup>, and 90 000m<sup>3</sup> so far this month"

Following the Soweto strikes this year, the Soweto Council awarded a five-year contract to Wade to remove several years of accumulated garbage

A Wade worker, Macalias Ngubo, was murdered and two employees stabbed

in September this year by striking Sowetan workers

"They saw us as scabs, and the situation was very dangerous," said Nero

## Education

He said "The job ahead of us is both challenging and staggering the actual amount of garbage is incalculable

"We have a problem in Soweto, in that people aren't educated not to throw their garbage on the ground"

He said Wade performed an essential service by protecting Sowetans from

the health hazard posed by excess amounts of garbage

Wade director Alistair Maclean said the company was paid by the ton waste removed, which was "escalating in terms of the growth of Soweto"

And Nero added "We are running out of room for garbage. At present we are dumping on three separate sites in Soweto, which one could vaguely call 'sanitary landfills', but the future of these sites is questionable"

The value if Sowetan garbage recycled would be minimal, as it is said to contain a large ash percentage, making it unsuitable for re-processing, said



Stines 4/12/88 (166)

# Drop in strikes jawdaddas as more sophisticated approach by unions

THE year 1988 has been hailed by labour experts as the year in which unions showed signs of maturing, strikes dropped and the scene was set for an even better 1989.

An overview of the past year, however, is much easier than a prediction of the coming one. At the beginning of this year for example, two industrial relations experts were dismally wrong in their forecasts.

Andrew Levy & Associates said increasing and longer strikes in support of wage demands are likely to occur this year and the Institute for Industrial Relations (IIR) noted that industrial conflict is set to increase in 1988.

Apart from these two mis-takes however they did suggest that there would be greater Government intervention in labour matters and that employers would be more willing to make use of the Industrial Court and collective bargaining procedures all of which came true. At a glance 1988 produced some surprises. Possibly the most important was the introduction and promulgation of the amended Labour Relations Act.

### Stayaway

This resulted in extensive meetings between employer organisations under the auspices of the SA Consultative Committee on Labour Affairs (SACCLA) and the two biggest union organisations Cosatu and Nactu - communication on a national basis which had never been seen before.

Out of this came the three-day stayaway in protest at the new Act. Hundreds of thousands of members supported their unions and emptied the streets.

The main reason why many industrial relations practitioners have praised unions for showing signs of great maturity during 1988 is the huge drop in the number of strikes and subsequently the number of man-days lost.

### By ROBYN CHALMERS

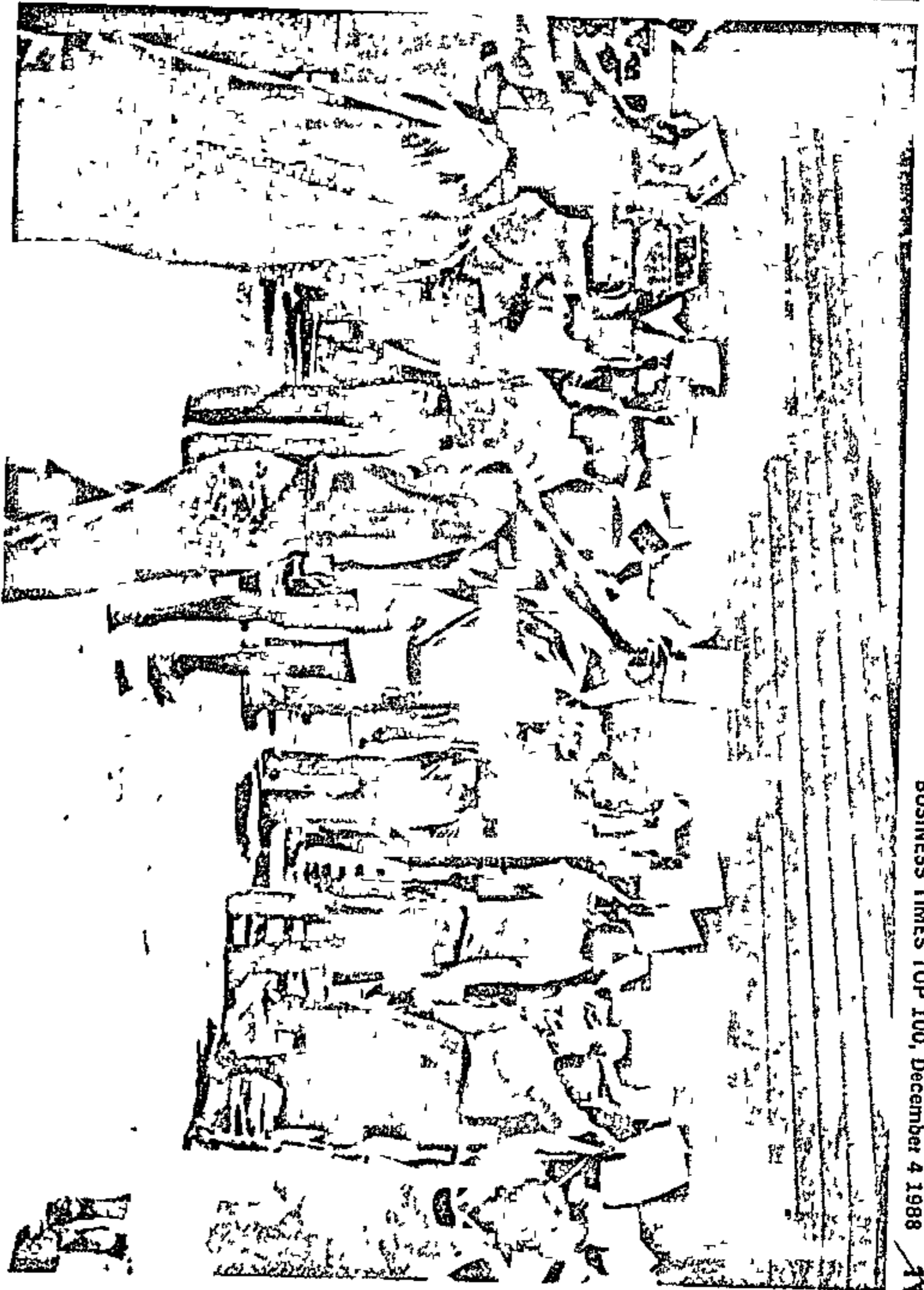
Manpower Director General Piet van der Merwe estimates that in 1987 SA lost 5.8 million man-days to industrial action compared with 11,000 in the first six months of this year.

Chamber of Mines senior general manager of external relations Johann Liebenberg believes this is really the outstanding achievement of the unions this year.

Very reasonable improvements in wages and other conditions of employment were negotiated with out many union members being compelled to participate in strikes which are costly to both employers and employees.

In the steel, manufacturing and engineering industry the negotiations between Saisa, Numsa and others ran counter to this general trend. In August 87% of the union members who voted rejected the employers' offer in a strike ballot and up to 30,000 metalworkers nationwide headed the call for a strike over a two week period.

The drop in strike action,



which in some circles is described as increased maturity or a more sophisticated approach is seen in others as a weakening in the unions.

Andrew Levy director of Gavin Brown traces this phenomenon back to 1987.

"It became increasingly apparent during the course of this year that 1987 represented something of a high water mark in our IR history and that the events of last year did and will continue to influence our IR for some years to come.

### Apathy

It was a year in which the highest-ever levels of strike action coincided with a white general election that called for a course correction to the right and a peaking in the black townships unrest which had commenced in September 1984.

"We also saw a peaking in the degree of cohesion between the labour movement

and various blocs of anti-apartheid organisations, a downward spiral in the value of our currency, the increasing reality of sanctions and of course the stock market crash of October.

The result of all this has been the retreat of Cosatu to the House in Johannesburg at the height of the Saisa strike marked the beginning of a traumatic period for the confederation - major losses in membership and a decrease in apathy from both the rank and file and the sidelining of Cosatu in terms of the emergency regulations earlier this year.

Opinion seems to be that 1988 has resulted in an altered, more sophisticated and politically well considered approach from unions which has less to do with political agendas and more to do with advancing the economic interests of membership.

Looking towards 1989, IR practitioners are cautiously optimistic.

Dr Van der Merwe believes that sound labour relations is one of the biggest challenges to be faced next year.

The Government can and has provided a statutory framework for assisting employers and employees in resolving disputes that inevitably arise in the workplace.

### Decisive

Management and trade unions more than anyone else have a crucial role to play in the maintenance of sound labour relations.

Cosatu publicity secretary Frank Mzimba believes that unions today more than ever are poised to play a decisive role in the transition of a democratic non-racial SA that ensures peace and well-being for all.

He argues that on the broad IR front the initiative remains with the increasingly powerful trade unions and that more mandates have been lost through strikes and stoppages than official status-

ties suggest.

Mr Liebenberg believes the time has arrived for unions to re-think their public support of sanctions.

The intellectual bottom has fallen out of the sanctions bucket and even in the US the campaign is losing its intellectual following although there is still a lot of heat in the debate.

Sanctions are not producing the results the union strategists anticipated and I am led to believe that privately there are a growing number of them that realise this.

Mr Brown believes the legal environment facing SA is one in which the law will play a bigger and bigger role rather than the reverse that is being seen by the exponents of the social contract.

As far as labour relations are concerned the big bang of wage increases averaging 10-15 points above the annualised inflation rate appear to be ending.

"Although the costs of la-

bour may at this stage still only be nudging investors towards a shift to the capital side of the labour/capital mix there is ample evidence of employers adopting alternative strategies to counter the rate of increases in real wages such as sub-contracting.

Mr Brown believes the skills gap in labour relations is disappearing - that labour negotiations in which all the skill lies on the union side are becoming more scarce.

### Crucial

"If management is feeling any greater sense of security in labour relations it is crucial to remember the part played by the State of Emergency. One small turn in the political wheel will generate several revolutions in the IR cog.

The recent interest rate increases hold the possibility of a new round of insolventcies and a wave of retrenchments which cast a shadow over the IR environment."



STimes 4/12/88

# Wiehahn sees fewer strikes

**LABOUR Relations Act architect Nic Wiehahn says IR will continue to be the crucible for race relations**

He made several predictions at the annual IR conference titled, Wiehahn — 10 years on, on what the next decade held for this country

He does not expect the number of politically motivated strikes to increase and believes there will be enormous increases in demand for training

"We can expect a greater degree of sophistication in the application of strike action during the next few years. On the other hand, an expected decline in economic activity and

growth would tend to correspond with a decrease in industrial action

"Trade unions would choose rather to negotiate than to strike during such periods since job security for their members is more important than many issues which they would strike about

"I expect that strikes of a national or even industry level will decrease and that any increase that may come will be more company or undertaking based"

Professor Wiehahn said training would receive more attention as the numbers of black pupils leaving school and wishing to progress were increasing. The skills drain coupled with the low birthrate of whites

meant the only available source of additional skill was the black community

Other predictions included

- The degree of sophistication in trade union structure, collective bargaining, dispute settlement and industrial action would continue to improve

- IR in most of its elements and features would develop in the public sector — the setting up of organisations and structures within which collective bargaining and dispute settlement could take place

- The affiliation of SA trade unions with international trade union federations would increase

- The State would, he hoped, not re-

vert to interventionism in the system

- Employers and management who had thus far shown a remarkable adjustment to the new developments would develop a high degree of skill and knowledge about IR

"All of what I have predicted has one important qualification — the outcome of a general election. Should there be a change in Government after the next election all my predictions would be definitely wrong

"In all probability a new commission would be appointed and I predict accurately that I will not be its chairman"

# Race not reason for refusal

By Mike Siluma,  
Labour Reporter

The Department of Manpower denied yesterday it had turned down an application for registration by the National Union of Metalworkers (Numsa), for racial reasons.

Numsa said this week that it had applied to the department to have its registration extended to cover the motor, engineering and the tyre and rubber sectors.

Although the application had been turned down ostensibly because of the union's lack of sufficient representation, Numsa believed the reason for the Department's decision had been to prevent the union from also registering to represent white workers.

## REJECTED

The Deputy Director-General of Manpower, Mr Joel Fourie, rejected Numsa's allegations of racism. His information was that the process for the requested amendment was still underway.

The department required more information from the union in order to be able to have the application gazetted as required by law, he said.

"We would not refuse registration on the basis of race. How can we do that when it is written in the (Labour Relations) Act that racial discrimination is an unfair practice?", asked Mr Fourie, adding that a further meeting with Numsa was scheduled.

Numsa was formed as a result of a merger between a number of unions which organised workers in the engineering, motor and rubber industries.



# We may take legal action, says Numsa

(Abb) By Mike Siluma, Labour Reporter (R234)

The National Union of Metalworkers (Numsa) yesterday accused the Department of Manpower of racism for refusing to amend the union's registration to cover both the metal and motor sectors. It has threatened legal action. Star 1/12/88

According to a Numsa statement, the union had, after "months of informal discussion" with the department, applied in July for its registration to be amended so that it would be able to represent members in both sectors as one union.

In its reply, the department had rejected the union's request, saying Numsa had failed to prove its representation.

Numsa said that in the light of remarks by department officials, it believed that the department's decision stemmed from its opposition to the union's insistence on non-racial registration.

"The department has made it clear (informally) that it is not prepared to register Numsa for white workers. The absurd decision means that Numsa cannot join the industrial councils in the industries in which it is the majority union.

"In the engineering industry, for instance, Numsa represents 104 000 paid-up members, as compared to a total of 100 000 in all 15 other unions in the industrial council," said the Numsa statement.

Dor... ..

# 'SA cannot afford weak-trade unions'



MILITANT workers on the march during a strike

**E**mployers must be cautious about taking drastic measures such as suing unions for damages, as this could ultimately be financially devastating to their own interests

This warning was given by Mr Mike Miles executive director of the Institute for Industrial Relations (IIR)

He has expressed concern at "the recent attention being given to Section 79 of the Labour Relations Amendment Act particularly with the assumption which employers might now have that they can resolve industrial relations issues simply by suing trade unions for damages

Employers he warns should not believe that "short-term retributive action" is a better solution

The IIR director's

## Bosses warned about suing trade unions

warning comes in the wake of impending multi-million lawsuits instituted by certain employers against three affiliates of the Congress of South African Union. The unions are

- The Transport and General Workers' Union which faces a R2 million

# TREAD WITH CARE

166

damages claim from Ullman Brothers after a work stoppage by 250 union members

- The Food and Allied Workers' Union whose members at Kwela Wholesalers Meat Supply in Benoni embarked on a work stoppage, thereby triggering R17 million claim from management against the union

- The Papi Kganarewing of the Commercial Catering and Allied Workers Union of South Africa which is engaged in a legal battle with Pyramid Distributors, which claims R500 000 in damages from the union. The claim arises from a work stoppage by Ccawusa members

### Unions

The IIR believes that it is not in the interests of sound industrial relations for employers to sue trade unions

"Responsible employ-

## FOCUS

By LEN MASEKO

ers want to deal with strong unions who have the resources to educate and train their members and representatives in responsible industrial relations practices, Mr Miles says

South Africa could not afford weak unions who could not effectively meet the needs and aspirations of their members

Mr Miles points out that Section 79 is not as simple as it might seem

The intention of the new legislation (Labour Relations Amendment

Act) is to shift the onus of proof on to the respondent rather than on the applicant, the IIR director says

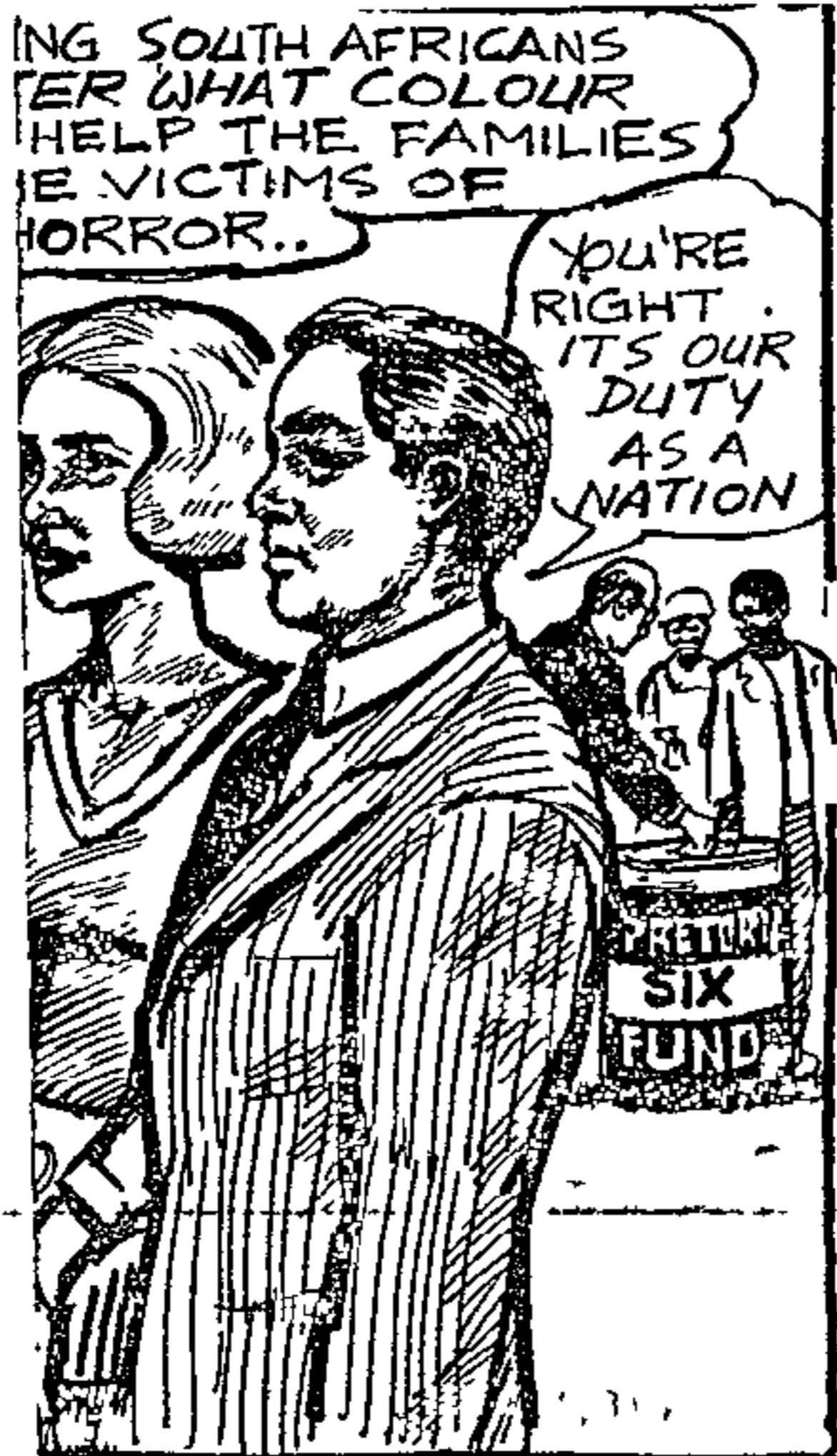
"It is standard legal doctrine for the applicant to discharge that burden. If the respondent succeeds in discharging that onus the applicant will lose the action

Section 79 he says does not only allow for trade unions to be sued for damages. An employer could be sued by those employees who claim to have suffered damages as a result of illegal industrial action instituted by the employer

### Damages

Where an employer terminates the services of employees en masse it might be argued that that employer has committed an illegal lock-out and he would thus not be subject to the indemnity provided in terms of s 79 (1) thus rendering him liable for damages, the IIR director adds

The IIR urged both employers and union to avoid suing the other party for damages in the event of an industrial dispute



Political comment in this issue by Aggrey Klaaste and Sam Mabe. Sub-editing headlines and posters by Sydney Matlhaku. All of 61 Commando Road, Industria West Johannesburg

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W/LEAKERS 19/4/88

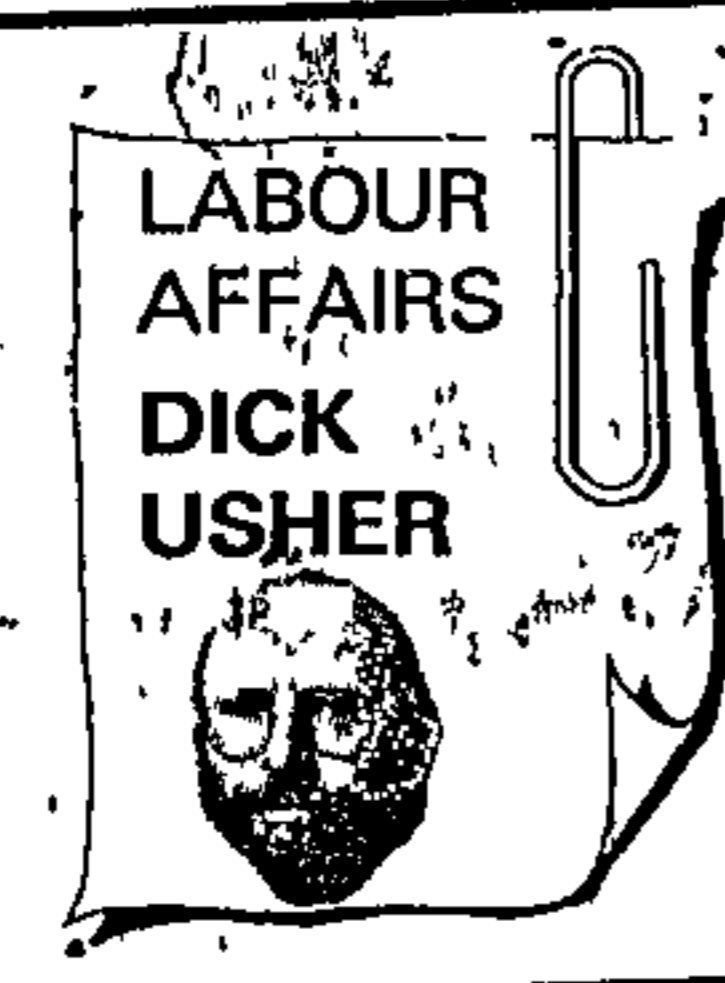
# It is amazing what a little goodwill can do

102  
100  
166

WHEN it takes six days for a company and a union to nail together a recognition agreement and conclude wage negotiations, you have to wonder why

the process becomes so lengthy and troublesome in other cases

The wonder increases because the recognition agreement included an accord that, provided both sides stuck to procedures, neither would use the provisions of the Labour Relations Act, and the wage agreement was struck in spite of a very wide initial gap between what the union demanded and what the employer could offer.



Perhaps it does something to demonstrate what can be accomplished with goodwill and a willingness to negotiate on both sides, rather obstructiveness and "intransigence"

The agreement in question is between Pepsi-Cola and the Food and Allied Workers' Union (Fawu)

Company industrial relations manager Adrian Graham said the starting point was a belief that one had to build a relationship with a trade union rather than trying to "nail them wherever you can".

With this, and with both sides having similar understandings about certain aspects of the Labour Relations Act, an agreement was struck that neither would resort to the Industrial Court — arbitration and mediation would take its place.

At the heart of this was a recognition by the company that once rules had been established, and provided they were adhered to, the workers had the right to redress the balance of power in a dispute by going on strike.

The agreement included disciplinary, grievance and retrenchment procedures and the same definition of an unfair labour practice as the "old" Labour Relations Act

and retrenchment procedures and the same definition of an unfair labour practice as the "old" Labour Relations Act

The agreement also has clauses about intimidation and harassment and there is an understanding that the company would keep authority out of labour relations

"It is our relationship with the workers which has nothing to do with government or the police," said Mr Graham

Developing on this, the wage agreement was concluded on the basis of what the company could afford

"We made a realistic offer of increases and although Fawu started off with much higher demands we didn't have to get into financial disclosure to prove our case, the workers could see we had a bad situation and common sense won," said Mr Graham

A communication structure has been created with eight shop stewards and eight alternates for each department

One representative from each department attends a monthly meeting between the stewards' committee and management

There is also a monthly general meeting for workers at which company and union matters are discussed



# 'Contracting out' of LRA

WITH THE looming passage of the Labour Relations Amendment Act (LRAA) earlier this year, trade unionists and some of their legal representatives began to think creatively about defensive measures.

The most popular which has emerged is the concept of negotiating private agreements with employers which effectively bypass the Act or, at least, its most objectionable features.

More and more people on both sides of the negotiating table are lending their support to the idea. But this process has thrown up many complexities — most particularly on what should take the place of legislation.

THE MOST simple arrangement has occurred at Kellogs in Springs. In that case, management — in response to a proposal from the Food and Allied Workers' Union (Fawu) — merely undertook in writing not to invoke certain clauses of the Act.

The clauses referred to are more far-reaching than those whose promulgation Cosatu, Nactu and Saccola unsuccessfully asked the Manpower Department to delay back in August.

They include the entire unfair labour practice definition, the timescales for applying for conciliation boards, giving parties the right to object to the publication of Industrial Court judgments; the assumption that unions — unless they can prove the contrary — are to be ac-

unfairly. However, there were possibilities for supplementing them through negotiated agreements.

Methods for resolving disputes through private mediation and arbitration had already gained credibility. There was also the possibility of parties negotiating strike rules, including picketing rights.

Piron agreed the clause reversing the onus of proof in cases of unlawful action was of "dubious merit". It could well serve to discourage union leaders from intervening in wildcat actions for fear of incurring the liabilities provided for. And it was often only the arrival of union officials which remedied these situations.

But, he added, although such drastic action should be taken only in extreme cases, the time had come to legally fix the liability of trade unions for illegal acts.

THE MOST comprehensive employer/union agreement aimed at "contracting out" yet made is probably that between Pepsi and Fawu finalised last week.

The agreement provides for compulsory and binding arbitration over any dispute of right. It

thus eliminates the possibility of procedurally acceptable industrial action in disputes over dismissals or any alleged unfair labour practice, for example Arbitrators would base their decisions on the definition of an unfair labour practice in force before the passage of the LRAA.

Deadlocks in negotiations over substantive issues, such as wages, must be referred to mediation Labour Relations Act procedures to refer disputes to conciliation boards are ignored.

If mediation fails, the parties are obliged to meet at least once more. Thereafter, either is — after having given at least 10 days notice — entitled to embark on industrial action.

In the agreement, Pepsi has undertaken not to dismiss strikers provided they have exhausted the procedures and adhere to detailed behavioural standards.

Strikers lose this protection should they commit acts of violence, intimidation or destruction against the company, employees, customers, suppliers or agents of the company. They also may not prevent vehicles entering or leaving company premises. The company may, after having given 12 hours' notice, dismiss strikers acting in breach of the agreement.

The company is entitled to ensure continued production through the hiring of temporary labour. Neither party is entitled to invoke any law — civil or criminal — so long as the agreement has been adhered to.

## REVIEW

'Call for sanctions incomprehensible'

Strikes cost SA 5,8-m man-days

Star 14/11/88

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By Jon Qwelane

South Africa lost 5,8 million man-days due to industrial unrest last year, according to the Director-General of Manpower, Dr PJ van der Merwe

The time was lost in 1148 strikes and work stoppages, and some 591 000 workers were involved in the industrial unrest

But the position seemed to have improved in the first six months of the year, in which 141 000 man-days were lost in 321 strikes which were reported to the department

Dr van der Merwe gave these statistics when he addressed the annual conference of the South African Federated Chamber of Commerce in Maritzburg

He was alarmed by the intimidation of workers to coerce them to participate in illegal strikes, stayaways and boycott actions, the risks to workers' job security, and the loss of income for their personal and family needs

Another alarming feature was

the "myopic reticence of certain trade union leaders" to engage in discussions and consultations at official level on policy, legislative and other manpower issues or to serve on official bodies such as the National Manpower Commission, Dr van der Merwe said

An "incomprehensible development" was the call for sanctions and disinvestment by some South Africans, including "lamentably" trade union leaders. The calls for sanctions were made despite the many positive developments in manpower and other fields, and the opportunities for constructive engagement in policy and other matters

Programmes

A further disturbing development was the "internationalisation" of labour matters in South Africa, and the intensification and broadening of action programmes against the country by international organisations and individual governments

He said "The International Labour Organisation's 'Pro-

gramme of Action against Apartheid' which was updated this year, and the activities of its 'Conference Committee on Action against Apartheid' are of particular concern

"Also of extreme consequence is the Comprehensive Anti-Apartheid Act (1986) in the United States, and the latest proposed amendments to it embodied in the Dellums/Wolpe Bill of 1988"

The growing polarisation of the workforce was a worrisome trend, Dr van der Merwe said, because it put the trade union movement and employers into separate camps

The recently promulgated Labour Relations Amendment Act had been widely criticised in some local and overseas quarters despite the fact that "it is largely based on an exhaustive investigation" and reports by the National Manpower Commission

Dr van der Merwe said he believed it was the labour field, more than any other, which provided opportunities to improve relations



(166) 100

## Civil suits 'the wrong remedy'

By Mike Siluma,  
Labour Reporter

The Institute for Industrial Relations has warned South African employers against relying on civil suits to resolve industrial relations issues, saying this would damage labour-management relations.

He was reacting to threats by a number of companies to sue trade unions for losses allegedly incurred during industrial action. Together, the threatened claims amount to R4 million.

In a statement yesterday, the institute's director, Mr Mike Miles, said it was "concerned at the recent attention being given to Section 79 of the Labour Relations Act, particularly the assumption employers might now have, that they can resolve industrial relations issues simply by suing trade unions for damages".

The institute believes that it is not in the interests of sound industrial relations to sue unions.

"Responsible employers want to deal with strong unions who have the resources to educate and train their members and representatives in responsible industrial relations practices.

"Weak unions who cannot effectively meet the needs and aspirations of their members are not the sort of unions which South Africa can afford," said Mr Miles.



# Big unions

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Weekend Argus Correspondent

JOHANNESBURG — At least two major black industrial unions have turned down a government invitation to the Manpower 2000 conference, to be held in Pretoria in three weeks' time

The meeting has been organised by the Minister of Manpower, Mr Pietie du Plessis, to discuss key issues including privatisation, deregulation and developments in the country's economy

It is expected that South Africa's foreign relations would also come under the spotlight.

The meeting, to be opened by President PW Botha, will also be addressed by the Minister of Finance, Mr Barend du Plessis, the Minister of Administration and Privatisation, Dr Dawie de Villiers, the Minister of Foreign Affairs, Mr Pik Botha, and Mr du Plessis.

## See no point

The National Union of Metalworkers (Numsa), one of the unions invited, said it would not be attending

"We are opposed to National Party government policies and we see no point in going to be lectured by them

"Our experience of (the government's) bona fides is bad because they implemented the Labour Relations Amendment Act in September without notice to either the unions or the employers who had talks with them. We believe the act will have the effect of killing the unions," said a Numsa spokesman

A spokesman for the biggest union in the National Council of Trade Unions (Nactu), the SA Chemical Workers' Union, said the union would not be attending because it did not believe the talks would benefit it. The spokesman, Mr Humphrey Ndaba, said his union was also bound by Nactu's policy of non-collaboration

## Some not invited

National Union of Mineworkers' secretary general Mr Cyril Ramaphosa, another of those invited, said the invitation would be one of the issues discussed at a regular meeting of the union's executive committee. Union sources do not, however, expect the NUM to accept the invitation

However, the general secretary of the white SA Confederation of Labour (Sacol), Mr L Cilliers, said his leadership had been invited to the summit and would be attending

Earlier this week, two of South Africa's biggest labour federations said they had not been invited

The director of the Steel and Engineering Industries Federation, Mr Brian Angua, confirmed that Seifsa had received an invitation to attend the meeting

A spokesman for the Federated Chambers of Industry, Mr G Bezuidenhout, said his organisation had not yet received an invitation, but hoped that one would be forthcoming

Announcing the summit, Mr du Plessis said the meeting would provide an opportunity for the government to hear different points of view and meaningful dialogue

## Claims against trade unions pose dangers

SOME employers have already entered claims against unions for alleged damages arising from industrial actions, one of the elements in the Labour Relations Amendment Act which roused vehement opposition

In one case the amount claimed against a National Council of Trade Unions (Nactu) affiliate was R1,3-million, but a federation spokeswoman said it had been withdrawn. A Cosatu spokes-

man said at least three actions were pending against affiliates

Unfortunately, it seems likely that such actions are going to proliferate

Which seems extremely short-sighted in a country with a staggering economy where industrial peace, productivity and co-operation

would seem to be hugely important

Union busting might be satisfying to employers who've had a difficult time stomaching newfound assertiveness from employees. But, in any scenario where people are learning to live together, destroying one of the bases of people's self-confidence can only be self-defeating

To say that unions are angry about the readiness with which employers have appeared to grasp this weapon would be understating it. And it's also difficult to see what employers think they might gain from winning an action for some massive damages claim

If a court did award an employer a sum anywhere in the region of R1,3-million in damages, the likelihood of collecting would be less than slim and the union itself would be bankrupted, effectively destroying it

A couple of actions for much smaller amounts would have the same effect. Even if the actions were unsuccessful there would still be heavy legal bills to meet

But whatever happens, the workforce will see it as an attack on themselves and an organisation they helped create, at some risk to themselves, and this can only lead to bitterness and aggravation in the workplace. And not having a union to fight cases for them will not render the workers docile and facilitate an easy return to the "dark ages" of industrial relations.

Further, it hasn't been unknown for management to provoke a fight with a union in the hope of destroying its effectiveness in the workplace. The possibility of a crippling damages claim against a union at the end of the line could spur crude "union bashing" actions and undermine the relatively slender degree of sophistication that South African industrial relations have achieved over the past decade

All that one can really see damages actions accomplishing would be a serious deterioration in management/worker relationships. Not to mention possible political repercussions in the wider sphere, where they would reinforce worker and union perceptions of employer/government collusion in repression of worker organisation.



## Builders challenged on unemployment

# Industrial violence is 'all too common'

Stev 25/10/88 (circled) 166 (circled)

By Frank Jeans

CAPE TOWN — Violence and intimidation are assuming alarming proportions in industrial relations, the Building Industries Federation's annual congress was told yesterday

"Brutal physical violence and murder are unfortunately all too common," Mr R H "Robbie" Botha, executive president of the Mine Surface Officials' Association, told delegates

"I doubt whether, given the kind of violent intimidation we have seen, the Wiehahn Commission recommendation that peaceful picketing be legalised can be carried out," he said

The commission recommended that the Industrial Conciliation Act be amended to provide for the legitimate use of peaceful picketing as an instrument of industrial action

The commission also recommended, however, that picketing "accompanied by coercive action of an unlawful nature be prohibited"

Mr Botha had plenty of praise for the former Minister of Labour, Mr Fanie Botha, for his part in averting what he called a "mounting revolutionary onslaught" against South Africa

"He was the one who had to sacrifice popularity with the hardliners in his own party," said Mr Botha

"He was the one who had to cope with the political in-fighting which preceded the appointment of the Wiehahn Commission and if it had not been for Fanie Botha having grasped the conceptual shortcomings in our whole system, an Armageddon would probably have been upon us before reform could cushion the

impact of revolutionary onslaught"

Mr Botha said he had no doubt that the exclusively white trade unions were "relics of the pre-Wiehahn era" and were becoming increasingly irrelevant

The opening speaker, Professor Attie de Vries of Stellenbosch University, challenged the building industry to take the initiative in helping to absorb the massive unemployed workforce into its rank and file

"We must change dramatically and include in our forward planning the 50 percent unemployed instead of just talking about what we have to do

"No political system can afford that number of unemployed," he said

### Anti-South African lobbyists

While acknowledging what had to be done, Natal builder Mr Bob Stevenson, a Bifsa past president, crossed swords with Professor de Vries and pointed out that compared with industries abroad, the local building industry had achieved much in the promotion of blacks

"It should be remembered that elsewhere in the world blacks are not brought into the building industry and this is true in America where anti-South African lobbyists persist in criticising this country," said Mr Stevenson

Mr Stevenson said he had approached the question of bringing a black on to his board but not as a token gesture

"The black board member must elevate himself and contribute something to the board," he said



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WMAIL

# Cosatu, Nactu summit on labour laws

By EDDIE KOCH

TWO major South African labour federations have called for a "workers' summit" before the end of the year to discuss ways of dealing with new labour legislation which they say is designed to shackle the trade union movement.

The 750 000-strong Congress of South African Trade Unions (Cosatu) this week announced it had accepted a suggestion from the smaller National Council of Trade Unions (Nactu), which has 150 000 members, that they jointly host a gathering of trade unions to devise ways of resisting the Labour Relations Amendment Act.

Cosatu's central executive committee issued a midweek statement saying the call for the summit came after three-month-long talks between the two labour federations and the SA Consultative Committee on Labour Affairs (Saccola), which represents all the country's powerful employer organisations, had been aborted.

Ascribing the failure of the talks to Saccola's refusal to urge its members not to implement controversial clauses of the new legislation, Cosatu said

"We regard ourselves as being in dispute with the organisation

"Given Saccola's lack of good faith in their failure to stand by agreed positions (to suspend six clauses of the Act), the summit will consider what action the labour movement should take in support of its legitimate demands."

The statement said unions were already experiencing the "devastating consequences of the new Act", as managements resorted to increasing use of legal interdicts and lock-outs to pre-empt strike action.

Only two companies — SKF in Uitenhage and Kelloggs in Springs — have agreed to discuss the possibility of "contracting out of the offensive clauses".

Cosatu and Nactu are due to meet soon to thrash out an agenda for the summit and draw up a list of independent unions that will be invited. Nactu assistant general secretary Cunningham Ngcukana said details

would be worked out by the federation's national shop stewards' council and central executive committee

Plans for the gathering come in the wake of the banning of an anti-apartheid conference that Cosatu had planned to convene in Cape Town at the end of last month

However, Cosatu does not see the summit as an alternative to the banned rally, and wants it to focus on the new labour Act and the need for one big trade union federation in South Africa

There has been some tension between the federations in the past. Nactu members include a significant number of Black Consciousness supporters, while Cosatu has adopted the Freedom Charter, which stresses non-racialism, as policy

But the two union groupings have increased their levels of co-operation this year in a bid to counter the new law, which labour activists say allows employers to bankrupt unions by suing for damages caused by illegal strike action, and opens the way for racially-based minority unions

# Controversy over company Aids tests

South African Airways and Eskom are just two of the many companies now demanding pre-employment Aids tests. Eskom tests all prospective employees, SAA tests only those applying for key positions.

The airline's public relations officer, Mr Francois Louw, said testing had been instituted in the interests of public safety. He would not elaborate on which job applicants had to undergo testing but it is believed that pilots would fall into this category. Cabin stewards would not.

Eskom's policy of testing all prospective employees has been criticised by Assocom which said it would "certainly not recommend employers do this kind of screening".

Eskom apparently introduced Aids testing in March, mainly to protect its pension fund.

The company will provide counselling and the necessary support if one of its staff members contracts Aids.

## Fear of discrimination

Dr Ruben Sher, head of the Aids Training and Information Centre at the South African Institute for Medical Research, said from his Johannesburg office that pre-employment testing could result in discrimination.

"If a job applicant tests positive, he will probably not be employed. And for what reason? He is no danger to colleagues unless they sleep with him so why stop him from working?" Dr Sher asked.

While health authorities have done much to reassure the public that Aids cannot be contracted through casual contact, people are still frightened to be in the same room with an Aids carrier.

"Don't drink from the same cup or use the same toilet seat or breathe the same air" are just some of the public misconceptions about Aids.

Dr Sher said he believed there were some instances in which pre-employment testing could

A growing number of South African companies are demanding that job applicants undergo pre-employment Aids tests, a move not wholly supported by the medical profession, reports **TONI YOUNGHUSBAND**, The Star's Medical Reporter.

possibly be justified.

"If the infection affects his capability to carry out his job and if he is responsible for public safety — like a bus driver or pilot — then testing is probably necessary. And of course, some employers want to protect their medical aid schemes and their pension funds.

"However, I believe Aids carriers should be treated like any other ill person, like an epileptic or someone who is hard of hearing," said Dr Sher.

While an employer may refuse to employ an applicant who tests positive, he cannot dismiss a salaried employee unless an Aids termination clause is included in his working contract.

According to labour lawyer Mr Rod Harper, misconduct, incapacity and retrenchment are the only three circumstances under which a worker can be dismissed. Very few companies have an Aids termination clause in their contract.

The legal and moral issues of Aids and employment are wide-ranging and confusing. In response to this, Assocom has produced a pamphlet entitled "Aids in employment" which spells out both the rights of employer and employee.

"The provisions of the Labour Relations Act should at all times be taken into consideration and confidentiality observed. Aids sufferers should be treated the same as any other employee with a serious health problem.

"It cannot be sufficiently strongly stressed that normal social and work contact is perfectly safe for both colleagues and the public. Neither can any product at work be contaminated by an affected person," the pamphlet advises.

This year Mr Louis Meyer of the Putco transport company told delegates at an Aids congress that business and industry would be well advised to formulate an Aids policy as soon as possible.

"This illness could have a great impact on productivity and employee relations. You will be challenged by trade unions on what you are doing with regard to Aids.

"You must be prepared for this and will have to establish an Aids policy which must address legal, moral and financial issues. If you have an employee with Aids, can you dismiss him at the request of fellow employees? Should you repatriate him?" Mr Meyer asked.

## Counselling service

He said labour law was a very sensitive area. "In making a decision on Aids you must ensure that your company's policy promotes good industrial relations as well as good business sense."

The Aids Training Centre is running a programme to assist employers in formulating an Aids policy.

"We run a consulting service and a counselling service if employees test positive. Some of the questions employers ask us include whether or not you can ask a job applicant whether he has been tested for Aids and whether you can refuse employment if he is positive," a centre spokesman said.

There are still many grey areas to be cleared up, but in general it appears as though South African employers are taking a responsible attitude towards Aids.



(16b)

## Summit called over new labour law

# UNIONS WILL JOIN FORCES

MAJOR trade union federations have called a summit of workers to discuss what action the labour movement will take following the Government's move enacting a controversial Labour Bill.

"The summit, which could take place

before the end of the year, is a matter of urgency as unions begin to deal with the devastating consequences of the Labour Relations Amendment Act," the Congress of South African Trade Unions said in a statement

The summit has been called jointly with the National Council of Trade Unions, Cosatu said

"Employers have shown that they are eager to use the offensive provisions of the new Act against the unions," the statement said

"Numerous interdicts have been lodged against our affiliates resulting in unjust and provocative lockouts of thousands of workers"

The Government enacted the Bill as workers and employers made a breakthrough over the removal of clauses deemed "offensive" to the workers. The federations failed to win undertakings from the majority of employers that the clauses would not be used against the workers

Talks between the federations and the employer representative body Saccola, have broken-off.

The statement said "Saccola's attitude has directly encouraged a hostile response from employers on the ground. Most of our attempts to discuss the issue at shopfloor or company level have been rebuffed"



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DIACKS FROM AN INDUSTRIAL AREA  
out of an adjoining white suburb  
where they had been buying food  
This month the local NP news

## Conference is a matter of 'urgency'

# Cosatu, Nactu plan a workers' summit

Star 18/10/88

(1988) (1988)

166

By Adele Baleta

South Africa's two largest trade union federations will hold a worker summit to discuss the implementation of the Labour Relations Amendment Act (LRAA)

This was announced in a statement by the Congress of SA Trade Unions (Cosatu) after a central executive meeting at the weekend in Soweto

Cosatu said details of the summit called jointly with the National Council of Trade

Unions (Nactu) would still have to be finalised.

The statement said the conference was a matter of "urgency" as employers had been eager to use offensive provisions of the new Act against the unions

"Numerous interdicts have been lodged against our affiliates, resulting in unjust and provocative lock-outs of thousands of workers."

The summit, the statement said, followed the breakdown of negotiations between Cosatu, Nactu and the SA Consultative Committee on Labour Affairs (Saccola), which had refused to call on its members not to implement six controversial clauses of the LRAA which came into operation on September 1.

"Given Saccola's lack of good faith and their failure to stand by agreed positions, the summit will consider what action the labour movement should take in

support of its legitimate demands," the statement said

● The central executive committee said that most of the thousands of workers dismissed for taking part in the three-day protest against the LRAA in July had been reinstated

● Regarding the municipal elections, Cosatu reiterated its commitment to non-racialism and one person-one vote in a democratic South Africa.

The union said it was aware that employers had been urged to use their powers and resources to "encourage" workers to go to the polls and that "any attempt to carry this through will provoke anger on the shop floor".

● Evaluating the banning of the anti-apartheid conference last month, Cosatu said all democratic organisations had to find ways to carry forward the struggle around the conference's key agenda issues which were one person-one vote, repression, the LRAA and housing

## Is not guilty

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(1988)

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8/10/88

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Cosatu, Nactu summit to be held

(166) (day)

# Labour groupings agree to meet to oppose labour law

18/10/88

COSATU and Nactu have expressed support for a joint summit, the establishment of an international commission of leading labour lawyers, an ILO investigation and, conditionally, more talks with Saccola as tactics to oppose the Labour Relations Amendment Act.

These options were outlined in a Cosatu statement after its weekend central executive committee meeting, and in a letter late last week to the SA Co-ordinating Committee on Labour Affairs

Cosatu said yesterday a joint working group would be established to convene a summit before year-end

In their letter to Saccola, the Nactu and Cosatu general secretaries — Piroshaw Camay and Jay Naidoo — repeated their unwillingness to continue discussions while Saccola affiliates took advantage of the new legislation

They believed Saccola was hamstrung in complying with the spirit of the August 20 accord — where employers and unions jointly asked government to

ALAN FINE

delay the implementation of certain aspects of the legislation — because it could not carry its constituency

They further expressed scepticism that government would agree to any amendments proposed by the parties

The Cosatu statement added it considered a dispute existed with Saccola. However, the letter said, the union federations were prepared to continue negotiations provided Saccola unequivocally called on its affiliates not to take advantage of the clauses singled out in the accord and submitted detailed proposed amendments to the legislation.

But, it said, given previous setbacks in negotiations, Nactu and Cosatu were considering other options, including submission of the issues to a commission and to the ILO.

□ The Cosatu executive warned that should management implement government appeals to encourage employees to vote in the municipal elections this would provoke shop-floor anger.

CODE TEL BD

**LEBOSS**

THE MANAGEMENT SPECIALISTS



# Trade unions call for summit

Opp. Turt S  
18/10/88  
166

JOHANNESBURG

Cosatu and Nactu have expressed support for a joint summit and, conditionally, further talks with the SA Co-ordinating Committee on Labour Affairs (Saccola) to oppose the new Labour Relations Amendment Act

These options were outlined in a Cosatu statement following its weekend central executive committee meeting, and in a letter sent late last week to Saccola

In their letter to Saccola, the Nactu and Cosatu general secretaries — Mr Piroshaw Camay and Mr Jay Naidoo — said the union federations were prepared to continue negotiations provided Saccola called on its affiliates not to take advantage of the clauses singled out in the accord and submitted proposed amendments

Cosatu said the summit was a matter of urgency "as unions begin to deal with the devastating consequences of the new Act".

Employers and unions had jointly asked government to delay the implementation of the legislation

"Numerous interdicts have been lodged against our affiliates resulting in unjust and provocative lockouts of thousands of workers," the statement said — Sapa



He said that at 6 05 pm on April 12 pilot Jacob Kalt called Bloemfontein multiple injuries on impact. — Saps

Orders on wide variety of issues

# Industrial Court powers have led to 'confusion'

NEW powers given to the Industrial Court in its function of handling applications for urgent interdicts has left labour specialists confused as to the criteria being employed by the court in making its decisions.

This has emerged from a spate of applications made since the introduction of the Labour Relations Amendment Act on September 1.

Before its amendment, section 17(11)(a) of the Labour Relations Act empowered the court to perform the functions of a court of law. It was used to interdict parties from conducting unlawful activities.

Now the court may "grant urgent interim relief pending an order made ... in terms of section 43(4)".

Since September 1, the court has defined its powers far more broadly. FSA industrial relations director Mike Beaumont said yesterday it appeared the court's principal test was the prejudice respective parties would suffer if an order was granted or refused. But full judgments were still being awaited.

ALAN FINE

One specialist noted that last Friday's order in the case involving Southern Sun was unprecedented for its "interventionist" nature.

Beaumont said a factor causing more uncertainty was that the court's Johannesburg section seemed far more willing to grant orders than its Pretoria counterpart.

He noted the court had granted orders on a wide variety of issues. Some employers had applied unsuccessfully to prevent the establishment of a conciliation board to deal with a multi-level, as opposed to plant level, dispute. Another failed with an application to outlaw an overtime ban.

One employer was granted an interdict against an unlawful strike, but another was interdicted from applying a unilateral wage increase after negotiations deadlocked. Pending is a union effort to interdict a retrenchment and an employer attempt to interdict a strike on the basis of fairness.

CAPE TOWN 29/5/88

**That day in May**

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PRETORIA. — Three West European embassies yesterday corrected a statement by South Africa's Minister of Manpower, Mr Pietie du Plessis, that they celebrated Workers' Day on the first Monday of May. The French, Italian and West German ambassadors said Workers' Day was celebrated on May 1 in their countries, irrespective of on which day that fell. May 1 fell on a Monday this year. — Sapa

# Too few rights for domestics

W/EM603 7/7/80 (166)  
AN American mother recently went on a 42-day strike to bring four disrespectful children into line and force legal contracts on them

Mrs Gretchen Schulte finally ended up with 11 signed contracts covering nearly all domestic tasks and children's privileges



This forceful woman went on strike on July 18 and stopped cleaning, cooking, driving the children, doing the laundry and all the rest of it

Her actions are presently unlikely to be duplicated by the low-paid mass of women in South Africa who, generally, have to put up with far worse working conditions than (one imagines) the average American housewife.

There are an estimated four million domestic servants in South Africa and, according to a Central Statistical Services report earlier this year, two out of three white households employ a domestic

Average wages range from R156,64 a month in Cape Town to below R105 a month in the Vaal Triangle, Kimberley, Bloemfontein, East London and the Free State Goldfields

Apart from their low wages they have very little legal protection.

Despite vigorous attempts by several organisations, and promises from government, they are still excluded from the provisions of the Labour Relations Act and their only protection is under common law which states that an employee must be given 30 days' notice before being dismissed

But it's very questionable how often this is adhered to and even how many employers are aware that their domestics have this right.

But the South African Domestic Workers' Union (Sadwu), formed in 1986 from several unions and associations around South Africa, is slowly gaining ground

It is affiliated to the Congress of South African Trade Unions (Cosatu) and won its first recognition agreement in January this year after a strike by members at Highland House in Cape Town

Demands, which were adopted at a Cosatu women's congress in April, are for a R200 a month minimum wage, a 40-hour working week, overtime at R2,50 an hour, maternity benefits, 14 days' paid sick leave a year, 21 days' annual leave, UIF benefits and workers' compensation rights

It doesn't seem a lot, but you've got to wonder how many employers have even thought about these basic conditions of service





Gawu workers after a recent meeting to discuss the Labour Amendment Act

**ENGLISH '88**

GILLIAN KATZ STUDIO

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**Gawu opts  
for a living wage**

THE Garment and Allied Workers Union (Gawu) is demanding a R35 a week increase for its members

The demand is part of Gawu's living wage campaign and is in line with a key resolution calling for an industry wide national minimum wage

About 118 000 people are employed in the clothing industry nationally, with Gawu's membership in the Western Cape and Natal numbering 100 000

According to government statistics the average wage of black workers in the clothing industry was R415 09. This was less than a quarter of the average salary of R1 830 earned by whites in the industry

The income of black workers employed in the clothing industry was 70,1 percent of that earned by

workers in the manufacturing sector as a whole and less than half the amount earned by workers in the best-paying rubber sector

"To return to the real buying power of wages earned in 1948, an industry wide increase of R35 a week was needed. Even if such an increase was granted the lowest wage earned in the industry would still be less than three quarters of the standard living level, according to a union spokesperson.

**Sanitation**

When determining a living wage, factors that taken into consideration include the cost of basic needs such as adequate food, shelter and clothing household equipment, adequate sanitation water, transport, health and education facilities

In addition to providing for basic needs a living wage should extend beyond a mere subsistence level to provide for a decent standard of living

This encompassed working and living conditions, including a say in how factories and the economy in general was run

Gawu was demanding a 40-hour working week an additional five days annual leave and increased maternity and paternity benefits including six months paid maternity leave

**Discriminate**

A union shop steward said the demands were particularly important as the vast majority of workers in clothing and related industries were black women who were discriminated against on the basis of class race and gender

"Many of these women are the sole bread winners who shoulder the sole responsibility for housework and childcare. Any reduction in working hours would in addition to providing for increased employment opportunities, enhance not only the workers lives but that of their families with consequent benefits to society as a whole" she said

The project known as Shalom Diaconate (abbreviated as SHADIA), urgently requires a

**FULL-TIME MEDIA OFFICER**

**SHADIA**

This a project of the following Dutch Reform Mission Churches in the Wynberg Presbytery Wynberg, Die Slot (Grassy Park), Lotus River and Acacia Park (Parkwood and Ottery)

The member churches resolved that its involvement in the churches' community work within the existing church structures was no longer meaningful. This work was done on the levels of Synodical and Presbytery level to the exclusion of local church councils who are the actual people working on the grassroots level. We therefore accepted the fact that in order to participate meaningfully in community development where the liberation of the poor and oppressed are fought, we need the iron resolve to liberate the local church from the traditional bureaucratic and bourgeois structures. This project will contribute to the process of democratising the church and realising the confession of Belhar (1986) "Standing where God stands". Media is but one of the many sub projects.

**REQUIREMENTS**

- 1) Should preferably be a member of the Dutch Reform Mission Church and also have an understanding of church structures
- 2) Should preferably be based in the Southern Suburbs
- 3) Media Skills
- 4) Be fluent in English and Afrikaans
- 5) Have working experience in a democratic environment.
- 6) Have the ability to work independently
- 7) Be able to work within the church
- 8) Drivers licence will be to your advantage

Application forms available at above mentioned office, Community House and the tertiary institutions. Contact persons Rev H Russel Botman/Mrs Angela Arendse. Closing date 20th September 1988

# Give up rights, bosses tell unions

South  
1/20  
15-21/9/88

EMPLOYERS are demanding that unions waive certain rights in return for an undertaking by management not to implement controversial clauses in the Labour Relations Amendment Act

The Cape Chamber of Industries in its bulletin last week called on members to demand a "quid pro quo", like a moratorium on stay-aways, a specified period of industrial peace or a renunciation of the call for sanctions.

Several companies have responded in the same way to the demand by the Congress of South African Trade Unions and the National Council of Trade Unions that employers undertake not to implement the six controversial clauses

The trade union federations have condemned the tardiness of employers to give the undertaking.

Within the South African Consultative Committee on Labour Affairs (Saccola) divisions have appeared with some employer bodies reaching agreement while others such as the Motor Industries Employer Association, which pushed for promulgation of the act, adopting a more hardline approach

The Cape Clothing Manufacturers Association and the Cape Knitting Industry Association reached agreement with the Garment and Allied Workers Union on the eve of the bill becoming law. The agreement followed three days of spontaneous industrial action at factories in the Western Cape.

# Cosatu 'betrayed'

8-14/9/88 South

JLB

THE Congress of South African Trade Unions (Cosatu) has brought forward their central executive committee meeting to discuss their next move following the breakdown in discussions with the South African Consultative Committee on Labour Affairs (Saccola)

Talks with the employer body, centering around the Labour Amendment Act, deadlocked when Saccola refused to meet a demand for the body to join Cosatu and Nactu in calling on all employers not to implement controversial clauses contained in the act.

The parties had, prior to the promulgation of the act, agreed to request that the government revise certain controversial clauses contained in the act which became law at the beginning of September.

This followed three days of nationwide protest in June when an estimated

two and a half million workers stayed away from work.

Saccola's failure to issue a statement was termed a "betrayal" by Cosatu information officer, Frank Meintjies, who said it marked a virtual reversion to the stance taken by employers before the June protests

Meintjies warned that demonstrations and protest action taken at individual plants in protest against the act were likely to continue.

He said no meetings with the employer body has been scheduled. Any further meetings hinged upon Saccola meeting their demand

Individual employers have been approached by shop-stewards to undertake that management will not implement the six controversial clauses

Several employers have given such an undertaking.



# Clothing industry agrees on Act

Santu  
8-14/9/88

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AGREEMENT was reached last week between the Cape Clothing Manufacturers Association, the Cape Knitting Industry Association and the Garment and Allied Workers Union over controversial clauses of the Labour Amendment Act

The agreement followed three days of industrial action by Gawu members at factories in the Western Cape. It affects about 56 000 workers who belong to Gawu. The CCMA and CKIA agreed not to depart from the grievance, disciplinary and dismissal procedures in force at plants prior to the act and that all members would abide by a national consensus reached between employers and unions regarding amendments.

Should agreement between Nactu, Cosatu and Saccola not be reached, Gawu will negotiate directly with the



A GAWU member during the protests against the Labour Amendment act

clothing and knitting management. Gawu undertook to discourage its members from illegal industrial action. The agreement followed three days of industrial action by Gawu members at various factories in Cape Town in protest against the act.

# Cosatu says Cape chamber's advice shows 'intransigence'

Labour Reporter

166  
MK 645 13/9/88  
SOUTH Africa's major trade union federation has condemned as "intransigent" advice by the Cape Chamber of Industries about the Labour Relations Amendment Act

Unions have demanded that employers give undertakings to renounce certain rights conferred on them by the Act

In its weekly bulletin the chamber said "The signing of any specific undertaking should be treated with circumspection, particularly in the absence of a quid pro quo

## STATEMENT

"Examples of a quid pro quo could be a moratorium on stayaways until December 1989, or industrial peace for a specified period, or a renunciation of the call for sanctions on the part of unions"

A statement from the Congress of South African Trade Unions (Cosatu)

said the federation was "disturbed that management is responding with intransigence to our call"

Cosatu said the chamber's advice was similar to the stand taken by some employers

It believed that these responses were "short-sighted and reveal that companies are more keen on using their increased powers than establishing a sound labour relations system

"They realised that it is easy for them to fully embrace the new law which has been passed in their favour, but they should also know that they are exposing themselves to increased shop-floor conflict and provoking further international pressure," said the federation

Cosatu is collating management responses to requests from affiliates for non-implementation "Once we have assembled and analysed these responses we will decide what further steps to take" it said

CPCO  
1/19/88  
166

# Saccola's talks with unions flop

By KERRY CULLINAN

THE last minute attempt by the SA Consultative Committee on Labour Affairs to rescue talks between itself and Cosatu and Nactu on the Labour Relations Amendment Act seems doomed to failure

Saccola chairman Bobby Godsell sent a letter to the two federations this week in which he outlined Saccola's attitude towards clauses of the Act identified as problematic and how it would like employers to deal with these clauses

The intention behind the letter was to get Cosatu and Nactu back to the negotiating table to work out amendments to the new labour legislation after talks between the three bodies deadlocked last week

However, both federations have indicated that they will not resume talks with Saccola until it recommends to employers that they do not implement the controversial clauses until suitable amendments can be worked out

The letter falls short of this and, according to Cosatu general secretary Jay Naidoo, Saccola has not kept its previous agreement that the Act will not be implemented



Saccola chairman Bobby Godsell.

until amendments are agreed on  
However, Cosatu and Nactu are studying the document and will reply to Saccola in due course



# No end to ructions over Labour Act

RUCTIONS over the Labour Relations Amendment Act continue, and will probably do so for the foreseeable future

The major federations, Congress of South African Trade Unions (Cosatu) and National Council of Trade Unions (Nactu), now regard the employer organisation South African Co-ordinating Committee on Labour Affairs (Saccola) with some suspicion.

A Cosatu statement said: "Saccola absolutely refused to issue a statement calling on employers not to use the six clauses which the parties had identified as problematic. Cosatu reiterated our position

that talks could not continue unless an atmosphere of negotiation was re-established

"This could only be done if Saccola honoured the spirit of negotiation in which it was decided that labour legislation should not be imposed... but should emerge from agreement."

Meanwhile, a statement by the Cape Chamber of Industries

(CCI) does not ease the situation. Unions in the region called on managements for undertakings that they renounce certain rights conferred on them in the Act

In the CCI's latest weekly bulletin members are warned that "the signing of any specific undertaking should be treated with circumspection, particularly in the absence of a quid pro quo

"Examples of quid pro quo could be a moratorium on stayaways till December 1989, or industrial peace for a specified period or a renunciation of the call for sanctions on the part of unions."

Unionists and labour consultants said the suggested quid pro quos were ill-advised as they were non-negotiable issues for unions

Two of them — stayaways and sanctions — were "political" issues over which, it was pointed out, employers consistently refused to negotiate. And to promise industrial peace for a specified period would simply hamstring a union

"It's a hardline response which leaves no room for flexibility," said an industrial relations consultant.

The Cape Clothing Manufacturer's Association and the Cape Province Textile Manufacturer's Association have made more flexible responses to similar requests from unions in their sectors.

Meanwhile, the Cosatu central executive committee met on Thursday to consider employer responses to requests for undertakings. No word on what decisions were reached was available at the time of writing, but it seems certain that a meeting planned for mid-September to decide on Cosatu's reaction will go ahead.



# Cosatu warns of conflict

BRONWYN ADAMS

COSATU remains dissatisfied with management's response to its call for certain controversial clauses in the Labour Relations Act (LRA) to be renounced, a Cosatu statement said yesterday

It warned that if the responses received from management so far were anything to go by, these could only lead to increased industrial conflict

Cosatu said some employers were taking advantage of government's lack of interest in considering Cosatu's request not to promulgate certain clauses in the Bill

The Cape Chamber of Industries was cited as one employer group suggesting Cosatu should either ac-

cept the LRA on the one hand, or be prepared to guarantee industrial peace for the rest of the year or drop its stance against sanctions in return for the waiving of the controversial clauses

Cosatu described these suggestions as short-sighted and interpreted them as an attempt by companies to use their increased powers provided by the LRA at the expense of the establishment of a sound labour relations system

Cosatu said management had until today to respond to the proposals put forward to Saccola

# Saccola's views on the Labour Amendment Act explained

THE EFFORT this week by the SA Employers' Consultative Committee on Labour Affairs (Saccola) to salvage the talks on the Labour Relations Amendment Act with Cosatu and Nactu has not been met with a great deal of enthusiasm by the unions.

Cosatu information officer Frank Meintjies said before yesterday's executive meeting that while the Saccola letter set out employers' concerns it did not address those of the unions. It did not, he said, explain why Saccola was not prepared to recommend to its members what it proposed to the Minister — that is, non-usage of certain aspects of the legislation

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THE letter, made available by a union source, explains its intention as being to clarify Saccola's views on five of the most important of these

- Dismissals and disciplinary hearings,
- Selective re-employment,
- Sympathy strikes,
- Repeat strikes, and
- Union accountability

Chairman Bobby Godsell has said Saccola hoped employers would act according to these principles

- 

SACCOLA said its members accepted that, in order for justice to be seen

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Ridley  
9/9/85

to be done, disciplinary hearings were desirable wherever a dismissal was contemplated

However, there were circumstances — such as cases of mass dismissals — which made such hearings impossible.

This refers to the clause in the Act which states that a dismissal shall not be regarded as unfair if the Industrial Court finds the employer could not reasonably have been expected to hold a hearing or inquiry, and where the court decides an employee was granted a fair opportunity to state his case and a hearing or enquiry would not have had any effect on his dismissal

- 

EMPLOYERS, said Saccola, believed in the case of mass dismissals that selective re-employment should be an option. However, the fairness of this procedure should be judged by the court in the light of all relevant circumstances.

The Act states selective re-employment is not unfair provided it takes place in accordance with fair criteria and not on the grounds of an employees' union activities.

- 

ON THE question of sympathy strikes, the letter said that Saccola understood the purpose of a strike was to press demands and thus promote the resolution of a dispute.

Strikes "at enterprises quite unrelated to the issue in dispute cannot achieve this purpose. The fairness of strike action should be determined by its relationship to the collective bargaining process," it said.

The Act designates as unfair any industrial action where the affected employer is not directly involved in the dispute which gave rise to the action.

The Act also determines as unfair any industrial action in respect of a

dispute which is "the same or virtually the same" as one which gave rise to a strike or stoppage in the previous 12 months.

Saccola's position is that collective bargaining "should result in agreements on a specified range of subjects for a specified period of time," and a peace obligation must apply to these subjects for that period.

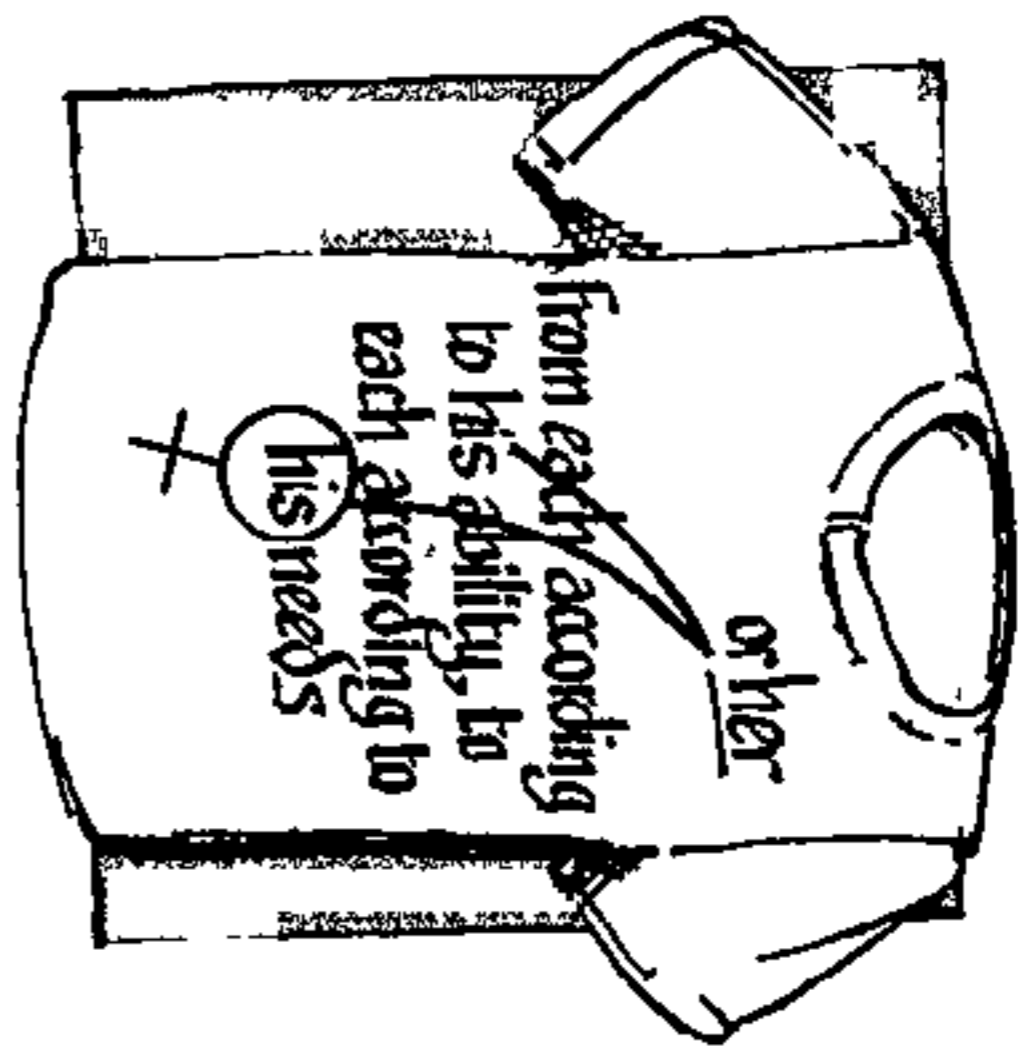
- 

FINALLY, regarding the link between union leadership and the actions of members, Saccola said "The employer concern is that union leadership should take all steps reasonably available to them to prevent breaches of industrial peace."

The controversial Section 79(2) of the LRA, which shifts the burden of proof to the civil respondent, states that any member, office-bearer or official of an organisation who interferes with the contractual relation-

ship between an employer and employee resulting in a breach of that contract shall be liable in delict and, until the contrary is proved, be deemed to have been acting with due authority on behalf of that organisation

- 



IN ITS striving for an egalitarian society, some believe the labour movement has given less than adequate attention to the question of discrimination against women

Karl Marx may or may not accept the amendment above to one of his most well-known slogans, but this is the latest in T-shirts designed by a 'womens' group within one of the unions to make the point



## Union federations move closer in backing sacked city workers

Labour Reporter *Argus 5/1/88*

A FURTHER sign of the increasing closeness of South Africa's two major trade union federations came today when the Western Cape region of Nactu came out in support of members of Cosatu affiliates dismissed during the June stayaway.

The three-day stayaway evolved from combined calls by Cosatu (Congress of South African Trade Unions) and Nactu (National Council of

Trade Unions) for protests against proposed amendments to legislation in the Labour Relations Amendment Bill.

After a shop stewards' council meeting at the weekend Nactu issued a statement strongly condemning the dismissal of employees of Cape Gas and the Town House and Vineyard hotels who stayed away from work and called for their unconditional reinstatement

Those dismissed were members of Cosatu affiliates

# Cosatu: action likely

ALAN FINE

*B/day 5/9/88*

COSATU unions might launch campaigns of industrial action if Saccola failed to reconsider the Cosatu/Nactu demand that it recommend to employers not to use rights conferred by the Labour Relations Amendment Act, Cosatu said on Friday.

Information officer Frank Meintjies said Cosatu had brought forward the next meeting of its executive committee to this week to discuss the breakdown in

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● To Page 2

# Union action likely over Act — Cosatu

the talks after Saccola refused to meet the demand

Unless Saccola reconsidered, shop-floor protests were likely

Commenting on Saccola's proposal for the establishment of a working group to produce detailed proposals for new legislation, he said: "It has merit. But we cannot continue discussions when employers' bona fides are evaporating"

The September 30 deadline for finalising new proposed legislation, as suggested by the Manpower director-general, had become irrelevant, Meintjies said "We must now concentrate on our fight for survival"

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● From Page 1

*B/day 5/9/88*

He said successful talks on the Act could lead to more discussions on a wide range of other issues important to labour and management

Saccola secretary Frieda Dowie denied employers had acted in bad faith.

She remained convinced Saccola, Cosatu and Nactu could reach accord on legislation

In the meanwhile, Dowie said, "no parties should do anything which would hamper this process"

J.D.H.

10th September 1987

JDH/deb

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C. P. P. P.  
G. P. P. P.

By KERRY CULLINAN

# Saccola won't help with new labour laws

THE major employer organisation in South Africa has refused to ask its members not to implement six clauses of the Labour Relations Amendment Act that it and trade unions previously identified as problematic.

This is in spite of massive protests against the legislation, which reached a peak during a three-day stayaway in June and has continued through to this week.

The SA Consultative Committee on Labour Affairs said in a meeting with Cosatu and Nactu this week employers were not prepared to say no to all six

clauses, as aspects of these addressed their needs.

An apparent breakthrough in the talks between Cosatu, Nactu and Saccola was reached a few weeks ago when employers agreed to ask the Minister of Manpower to suspend the Bill pending negotiations between the three parties.

However, that same night the government announced - despite assurances to the contrary to employers - that it was going ahead with the Bill, which became law yesterday.

This means unions have no rights, in terms of the law, to ask employers to suspend aspects of the legisla-

tion. However, Cosatu reiterated its belief that the new legislation would bring about "disaster and increased polarisation between workers and management".

It added that demonstrations and protest action against the act were likely to continue, and that shop stewards were in the process of approaching individual employers in a bid to get them to agree not to implement the six clauses.

"Cosatu members will view Saccola's position as a betrayal," said Cosatu information officer Frank Meintjes.



cap-7/mk 2/9/81  
**Labour Act causes deadlock**

Own Correspondent 166

JOHANNESBURG. — Nactu is keeping its options open, regarding the future of talks with Saccola on the Labour Relations Amendment Act, general secretary Mr Piroshaw Camay said yesterday.

Mr Camay said Saccola's negative response to the Nactu-Cosatu demand that it recommend to employers that they do not make use of certain rights conferred upon them by the Act, and other aspects of Saccola's position, were being discussed within Nactu structures.

"We are at the equivalent of a dispute stage with Saccola. It would not be helpful right now to close all doors to further talks," he said.

## Unions to negotiate on Bill

CAPE TOWN — Three clothing unions have agreed to negotiate on aspects of the Labour Relations Amendment Bill, promulgated yesterday, after three days of "spontaneous industrial action" by workers in the western Cape in protest against the legislation

The Garment and Allied Workers' Union (Gawu) said yesterday it, the Cape Clothing Manufacturers Association (CCMA) and the Cape Knitting Industry Association (CKIA) had reached agreement to negotiate aspects of the Bill

The industrial action, according to Gawu, was aimed at convincing employers not to apply the amended Bill and those clauses in the Bill to which workers objected — Sapa

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Blairy 2/9/88

# Group won't back union on Labour Act

By Adele Baleta

The SA Consultative Committee on Labour Affairs (Saccola) yesterday refused to call on its members not to implement some of the controversial clauses of the Labour Relations Amendment Act. The Act comes into operation today.

The employer body announced this at a meeting with South Africa's two largest trade union federations, the Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu).

Cosatu's publicity officer, Mr Frank Meentjies, said the talks broke down after Saccola "absolutely refused to issue a statement calling on employers not to use the six clauses which the three parties had identified as problematic".

Saccola's chairman, Mr Bobby Godsell, said although talks were "inconclusive", important progress had been made.

He said the main issue for Saccola was not whether employers made use of their rights in terms of the new Act but "how employers handled the area of industrial relations".

● About 200 employees at Alpha-Rose, a clothing factory in Athlone, Cape Town, staged a walk-out yesterday to voice their objections to the Act.



FIM 29/1/88

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# Depoliticise labour relations



Frank Vorhies is a senior lecturer in the Wits Department of Business Economics.

Because of time constraints, the Labour Relations Amendment Bill did not become law in SA last year. With a bit of luck it will not become law this year, either.

The Bill rolls back the growing power of black labour unions and replaces union power with government intervention. At issue is the continuing power of the State — and the continuing politicisation of this society.

Pretoria, though it professes a preference for free enterprise over State control, seems unwilling to relinquish power when it comes to industrial relations. That will have miserable side effects, because strife in SA invariably centres on conflict between people and government.

Pretoria controls the bread price, so increases in the bread price spark protests and

conflict, bread is politicised. The same thing goes for township rents and bus fares. And Pretoria sets rules on parks and beaches — so parks and beaches become political free-for-alls.

Conflict does not generally stem from things that Pretoria ignores, such as the price of shirts.

The labour amendment Bill proposes more regulations and restrictions on the workplace. The State — which exercises its power through the Department of Manpower and the industrial courts — would be able to permanently prevent potential strikes.

Unfair labour practices that would be banned would include sympathy strikes and consumer boycotts, and the State would be able to arbitrarily define other labour practices as unfair. In short, industrial relations becomes even more politicised.

In a strife-torn nation of many races, cultures, languages and competing values, depoliticisation deserves consideration. The costly struggle for political power diminishes if power is dissipated. National agreement is unlikely on many issues. But agreement at local levels, such as communities and workplaces, is more probable.

This means SA needs a Bill to depoliticise

industrial relations. The State should back out of the economic system so people in the private sector can work out their own problems.

It must dismantle restrictions on private initiative and innovation. This includes eliminating licensing, racial zoning of businesses and housing, and the last vestiges of job reservation. Businesses would prosper and workers would have more choice in where to find jobs.

Workers need more responsibility and more rights. A deregulated, deracialised economy would give them more economic strength.

Left alone by the State, management and labour would have the freedom to negotiate and co-operate to build a prosperous society.

They are already trying through employee stock-ownership plans and worker management schemes.

To keep labour peace and promote economic growth, current industrial relations legislation does not need amending. It needs to be scrapped, so labour and management can get on with the task — without suffering from the conflict that meddling by Pretoria inevitably brings.

# Labour Act: Employers under pressure

By DICK USHER  
Labour Reporter

ARCUS  
31/10/88

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ply clauses that are not in workers' interests

EMPLOYERS in two major Cape industries are under pressure not to apply contentious aspects of the new Labour Relations Amendment Act, which comes into effect tomorrow

The garment industry, with about 60 000 employees, is expected to hammer out a response today to a Garment and Allied Workers' Union (Gawu) request that employers not ap-

The request will be considered by the Cape Clothing Manufacturers' Association

The Cape Province Textile Manufacturers' Association met yesterday to consider a similar request from the Amalgamated Clothing and Textile Workers' Union

The association's response is not yet known

A Gawu spokesman said two emergency shop stewards' council meetings were held on Saturday and Monday to consider the union's response to the Act

Workers were urged to make their feelings known to employers at plant level and actions ranging from factory meetings to overtime bans were being considered

Work stoppages had happened at several factories

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# Response of bosses tops agenda UNIONS IN TALKS ON NEW LAW

THE country's two biggest labour federations are scheduled to meet employers tomorrow — only a day before the controversial Labour Relations Amendment Act comes into operation.

Top on the agenda is the response of the employer body, the South African Consultative Committee on Labour Affairs (Saccola), to union demands that

By LEN MASEKO

managements disregard certain clauses in the labour legislation described as "union-bashing"

These demands have been made jointly by the Congress of SA Trade Unions (Cosatu) and National Council of Trade Unions (Nactu) Among clauses the two federations have objected to are

- Introduction of a new unfair labour

practice definition,

- Time limits imposed on the declaration and processing of disputes, and
- A section requiring unions to either claim or dissociate themselves from the actions of their members

A Saccola spokesman yesterday confirmed that the three organisations were scheduled to meet tomorrow to discuss the new labour legislation

Tomorrow's meeting is also likely to discuss Cosatu's and Nactu's demand that individual employers give written undertakings that they will not rely on rights conferred on them by the Act. Cosatu has given employers until September 14 to respond to this demand

### March

Meanwhile about 100 people — believed to be members of Cosatu — marched through Johannesburg city streets at the weekend in protest against the promulgation of the new labour legislation

The march was stopped by police armed with batons and quirts. No arrests were reported



THIS was the sight which greeted Johannesburg city shoppers on Saturday morning — courtesy of about 100 people who staged a march through the city in protest against the Labour Relations Amendment Bill.



## 'Action' taken against group of protesters

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A GROUP of about 100 black people, apparently members of the Congress of South African Trade Unions, were chased by police through the streets of central Johannesburg on Saturday morning after staging a march in protest of the Labour Relations Amendment Bill.

The group were seen jogging down Commissioner Street past the Carlton Centre, distributing pamphlets warning of the "danger" of the Bill and chanting slogans calling for the release of ANC

leader Nelson Mandela and all detainees.

Amazed Saturday morning shoppers stood aside to let the group past and at least one foreign television crew followed.

After stopping to sing for five minutes at the entrance of the plush Carlton Hotel foyer, the group proceeded west down Commissioner Street, turned north into Von Brandis Street and west again into Pritchard Street.

Police took action to disperse the group.

*Sowetan*  
*29/8/88*

## Group protests against labour Bill

A GROUP of about 100 people, apparently Cosatu members, was dispersed by police in Johannesburg on Saturday morning after staging a march in protest against the Labour Relations Amendment Bill. The group was seen jogging

down Commissioner Street past the Carlton Centre, distributing pamphlets.

Police confronted the group after it had turned into Harrison Street. The group then dispersed — Sapa.

29/8/80

B/Day

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# CLASH OVER BILL

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SOUTH African employers, with threatened industrial action hanging ominously over their heads, are expected to respond next week to trade union demands that they disregard certain rights conferred on them by the controversial Labour Relations Amendment Act.

They have, through the South African Consultative Committee on Labour Affairs (Saccola), until now, Thursday, to respond to these demands. The deadline falls on the same day the Act comes into operation.

## Demands

These demands have been made jointly by the Congress of SA Trade Unions (Cosatu) and National Council of Trade Unions (Nactu), two of the country's biggest labour federations.

A Saccola spokesman said this week that the employer body was still consulting its members on the matter.

Controversial sections that employers have been called upon to disregard include clauses that

- Introduce a new unfair labour practice definition.

## Limits

- Impose time limits on the declaration and processing of disputes.
- Require unions to disprove responsibility for the actions of their members.

Cosatu press officer Mr Frank Meintjes said this week that the federation's executive committee had resolved to set a deadline for individual employers to meet the Cosatu/Nactu demands — September 14.



**STILL TALKING**

SA Consultative Committee on Labour (Saccola) chairman Bobby Godsell says talks with the union federations Cosatu and Nactu over the Labour Relations Amendment Act are continuing.

This is despite the Department of Manpower's decision to go ahead with promulgation of the Act on August 12, which comes into effect on September 1. The department says it had not received recommendations for possible technical amendments from the unions and Saccola by the cut-off date of July 21, so government pressed on. It seems the unions and Saccola started their discussions on the issue too late to meet the deadline.

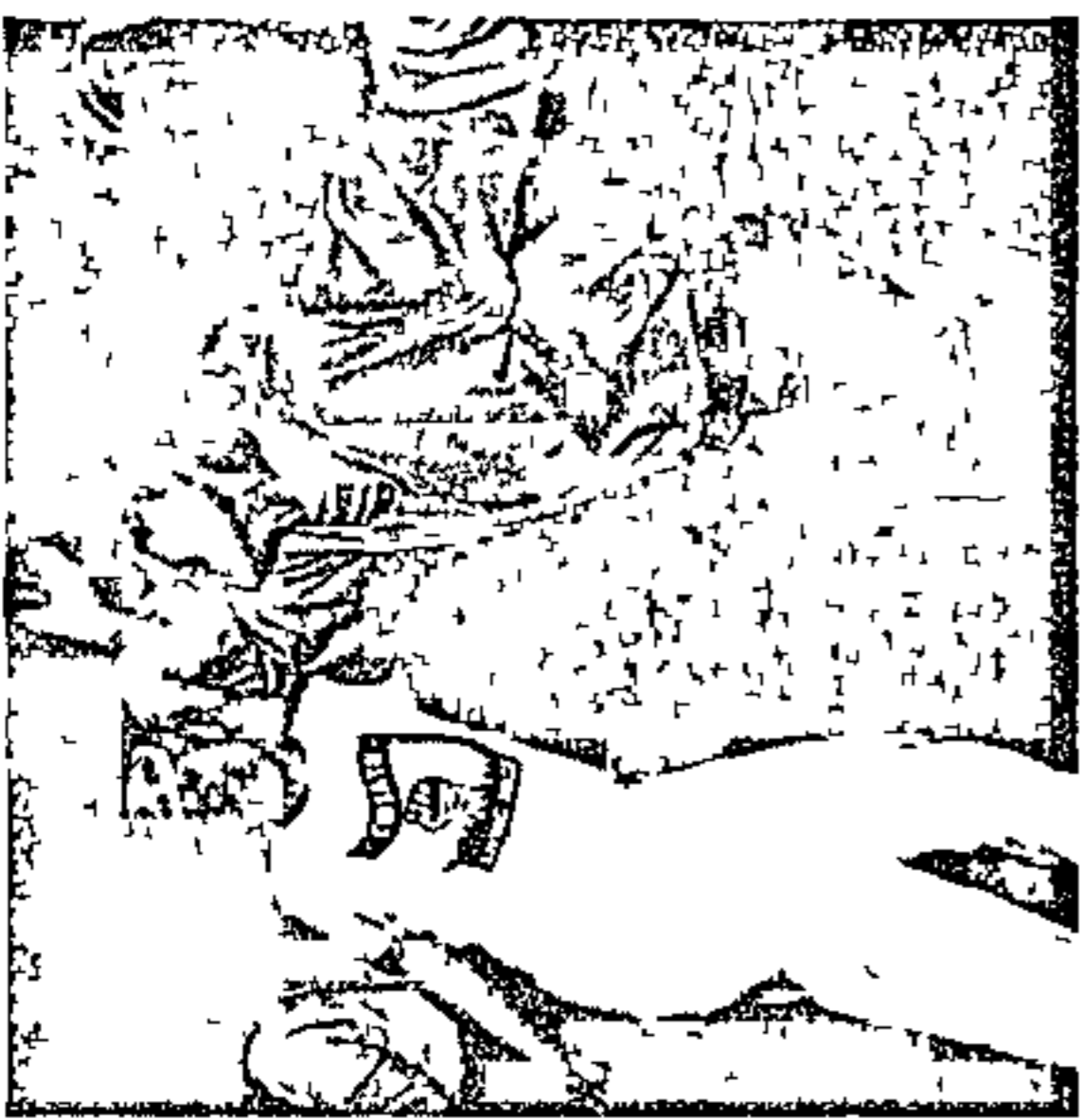
Godsell believes, however, that the distinctly worthwhile second prize — amendments to the Act based on comprehensively supported labour legislation — is still on the cards for next year. Government continues to signal that it is willing to consider changes on aspects over which the unions and employers reach agree-

ment. Saccola representatives will meet next Tuesday to decide on their response to the unions' proposals. Before that, a meeting with the unions is planned to get more clarity on their demands for improving the law.

The unions have identified six clauses in the new Act which Saccola has agreed in principle should be looked at again. These include

- Aspects of the definition of unfair labour practices in section 1 (h),
- The grounds for union registration and objections to it (section 4);
- Dispute resolution procedures, particularly concerning the time period involved before striking and definition of when a dispute is deemed to have occurred (sections 27 and 35);
- The secrecy provisions pertaining to publication of industrial court judgments (section 67), and
- Civil indemnity and the assumed responsibility of the union for its members.

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Workers at the Cosatu rally on Sunday

# Labour Act protests hit industry

INDUSTRIAL action was taken by workers at several factories this week following Cosatu's call for a week of action to protest the Labour Amendment Act due to become law on September 1.

Action varied from lunchtime demonstrations, a ban on overtime and work stoppages.

Workers at five factories in Bellville and Maitland organised by the Amalgamated Clothing and Textile Workers Union of South Africa (ACTWUSA) took go slow action, went on lunchtime marches and refused to work overtime.

There were lunchtime demonstrations at five Atlantis factories. A march through the streets is planned for Thursday.

Lunch-time demonstrations were held at several factories by members of the Food and Allied Workers Union.

These include demonstrations at Premier Milling in Salt River and at Epping, Cape Oil and Epic Oil at Ndabeni and at the Tiger Oats factory.

Workers at the City Tramways depot at the Strand have been on a go slow in protest against the Act.

At RPM in Maitland there was a three and a half hour work stoppage yesterday as well as a ban on overtime.

A meeting is to be held this Friday at UCT by the Transport and General Workers Union. Workers from factories in the area will be attending the meeting.

Meanwhile, Cosatu has sent letters to employers in the Western Cape requesting them not to implement controversial clauses in the Act. Further protest action is likely next week.

# Labour's darkest hour

A WEEK of protest by Cosatu affiliates against the Labour Bill began with a 2 000-strong rally at Cape Town City Hall on Sunday.

Henwood said all workers, whether or not they belonged to Cosatu, should mobilise against the bill.

The bill heralded a return to the 'dark years' when workers went cap in hand to the bosses and called on employers not to implement measures contained in the bill.

"An attack against the

working class is an attack against all the oppressed," he said.

Advocate Dullah Omar called on workers and the trade union movement to play a greater role in what he termed "the broader democratic struggle against apartheid".

He said the workers' struggle to improve working conditions and wages

had to be fought on the political as well as economic front.

### Political issues

The government wanted unions not to be involved in broader political issues, and yet had introduced the political terrain into the labour field.

"If you were in Parliament, there would be no Labour Bill," he said.

Theo Peterson, of the Transport and General Workers' Union, said that if the bill was implemented, sympathy strikes would become illegal.

Determination to oppose the Labour Bill was also expressed in speeches by James Smith of the South African Municipal Workers' Union, Rachel Beukes of the South African Domestic Workers Union, and Lookington Ndongeni of Western Cape regional executive.

Other speakers included representatives from Ccawusa and Chemical Workers' Industrial Union.

There was a large police presence outside the hall. Photographs were taken of people entering and leaving the building.

Police declined to comment on their presence outside the City Hall.



Part of the crowd which attended Sunday's rally



FOR the past 10 years, and particularly since the reforms to South African labour law which followed the Wiehahn Commission report, workers have steadily improved their employment rights and their collective bargaining powers.

Through careful use of the Industrial Court, and particularly by using their collective power, progressive trade unions have succeeded in protecting workers from unfair dismissal from employment and broadening their bargaining rights

This has meant that employers can no longer change terms and conditions of employment without prior negotiation with the representative trade union concerned

Certain employer groups have been unhappy with the advances made by workers. They believe that the law has come to favour workers and that the balance between capital and labour, which is the purpose of labour law in capitalist society, has been disturbed and that labour has too much power relative to capital

Most unionists would disagree with this analysis. Although there has been progress in our labour law since 1979 they would argue that we are still far from a situation where there is relative equality in the bargaining power between

# 'Act rolls back gains of Wiehahn'

**WORKERS** throughout the country this week protested against the Labour Relations Amendment Act which becomes law on September 1

The Act is seen as a "blatant" attempt to roll back the gains of organised labour since the Wiehahn report more than a decade ago.

**CHRIS ALBERTYN** examines key clauses and aspects of the Act and the reasons for the workers' anger and annoyance

capital and labour. For example workers have freedom to strike lawfully (they will not be charged criminally for doing so) but they do not yet have a clear right to strike

Unionists would argue that there can be no equality between capital and labour until the law recognises a right to strike

Workers have seen themselves making advances towards bargaining equality with employers, but they have much to gain still before that situation is reached. On the other hand some employers, having been forced by the Industrial Court to surrender certain of their former prerogatives felt that labour had become too powerful

The amending Act should be seen also in terms of what labour law ought to provide in capitalist

society. Ideally, labour law is there to regulate the relative power of capital and labour to ensure that neither is able to dominate the other. The law should intervene to prevent imbalance between the social power of the two competing classes

Regrettably the amending Act does not help to correct the inequality between employers and unions. On the contrary, the relatively greater power of capital has been extended by the amendments, and the relatively limited power of unions has been curtailed

Notwithstanding these preliminary comments the Amendment Act is not all bad

It corrects some defects in dispute procedures by simplifying those procedures. The Minister of

Manpower no longer has a discretion to refuse the establishment of conciliation boards to consider disputes. The amending Act imposes a duty on a Department of Manpower official to resolve disputes

It gives Industrial Court decisions the force of court judgements which can be executed

Previously, a successful party could enforce Industrial Court orders and determinations only in the criminal courts or by order of the Supreme Court. These and other provisions improve the law

But overall it over legalises the handling of disputes, and it extends the liabilities of unions for the actions of their members. It gives rights and powers to employers, and it protects minority interests but it has little of benefit for the

progressive trade union movement which believes in the principle of majoritarianism

There are many changes to the Labour Relations Act in the amending Act but only certain of them will be considered hereon

The principal amendment to the definitions at the start of the Act is to the notion of an unfair labour practice. In the existing Act there is a broad general definition of unfair labour practice. The precise application of the definition has been left to the Industrial Court, which has, over the years given the definition content and meaning. Generally this method of determining what are unfair labour practices has worked well

The Court has established relatively clear guidelines as to what employers unions and workers may fairly do and not do

The amending Act provides a long list of unfair labour practices which includes many already determined by the Industrial Court, and others which detract from existing rights of workers and trade unions. An unfair labour practice is defined as any act or omissions which in an unfair manner infringes or impairs the labour relations between an employer and employee

Some of the significant changes from the existing law include

- Defining a call for a product boycott as an unfair labour practice,
- Defining secondary strikes — those against employees not directly involved in the primary dispute — as an unfair labour practice,

- Giving employers a discretion as to whether they will recognise the majoritarian or all corners system of collective bargaining against unfair dismissal

Certain categories of employees are not entitled to the protections provided in the Labour Relations Act, civil servants for example

### Appeal Court

A labour appeal court is established by the amending Act. The Judge President of each provincial division of the Supreme Court will appoint a judge (either permanently or occasionally) to sit as the labour appeal court, to hear appeals from decisions of the Industrial Court. It will hear reviews of Industrial Court orders

This is one of the matters that has troubled trade unionists. The right of appeal against determinations of the Industrial Court will delay the finality of dispute proceedings and cause greater reliance on law and legal procedures resulting in greater cost to the parties concerned

While the amending Act has in certain respects attempted to simplify the complex dispute settling procedures, by allowing appeals against unfair labour practice determinations it complicates the judicial processes for the resolution of rights disputes

### Legal costs

Legal costs may be awarded in unfair labour practice determination cases. This is a new provision, and one much opposed by the unions

Unions have also been angered by the amendment to the indemnity provision in the Act

The amending Act alters the basis for registration of trade unions. Up to now representativeness among workers has been a necessary condition for a union's registration

The progressive trade union federations Cosatu and Nactu, have held negotiations with employer groupings to effect changes to the legislation

It is hoped that their joint representations to the Government will result in changes to the amending Act so that our basic labour statute is workable and even handed

(Chris Albertyn is the director of the Centre for Socio Legal Studies at the University of Natal)

## WHAT NEXT

# Why Mandela won't renounce violence

ONE wonders about Kobie Coetsee's sense of humour

The Minister of Justice recently visited Nelson Mandela in hospital and reported that "Mr Mandela is almost back to his old self. He is even starting to enjoy jokes"

Now what could he have said or done that Mandela would find funny?

Perhaps the ANC leader laughed when he walked into the ward, but one prefers to imagine a scenario something like the following

Coetsee: I'm very glad to see you're looking better today, Mr Mandela. I'm sure the state president will be pleased

Mandela: I can't understand all this. I got the distinct impression you chaps didn't like me very much

Coetsee: Hahahahaha. Good one, Nelson. er, I hope you don't mind if I call you that. All this 'mister' stuff sounds better when Stoffel says it. You can call me Kobie

Mandela: Sure, Kobie. Say, you're the minister of justice aren't you?

Coetsee: That's right. Hey, you musn't laugh, man. I was hoping you'd be reasonable. I've got good news for you. The president says he will set you free

Mandela: What's the catch?

Coetsee: Ag, man. don't be difficult. What is all this about a catch, man. Look the president says you're special, man. You should feel honoured, you know

Mandela: What's the catch?

Coetsee: Jislaak, man, it's sommer nothing. I wouldn't even call it a catch. Not regtig a catch. Sommer a ou statement that violence leads to



violence and you won't have nothing to do with it. Ag sommer nothing

Mandela: I've already said I can't do that

Coetsee: But why, man? Look, it's

mos not that blerrie important, Nelson

Mandela: Hahahahaha. Then why must I do it?

Coetsee: Hahaha. Look, between

the two of us. They say the president is in quite a spot, you know. Spoke too much because nobody was clapping hands. Here, I hope you can keep a secret. If it ever gets out I said this

Mandela: You can trust me

Coetsee: Look Nelson, you're an old man. forgive me but none of us are getting any younger and you can't just go back to that blerrie ou cell man. You're special. You're the most bekende prisoner in the world. We're proud of you. Our South African prisoners can be compared to the best in the world!

Mandela (clutching his chest): Ooooooh, I can't breathe. (eyes go wide, then he slumps back)

Coetsee (jumping to his feet): Hey! Duwe!! NURSE!!! NURSE!!! Kom tog gou! Nelson, hey you can't die before we let you out, man

Mandela: Hey Kobie, I didn't know you cared so much, man. Hahahahaha

Coetsee: Ag man Nelson, how can you do that to me, man. My job is difficult enough, man. It was sommer a --@#% joke, man. I almost died myself

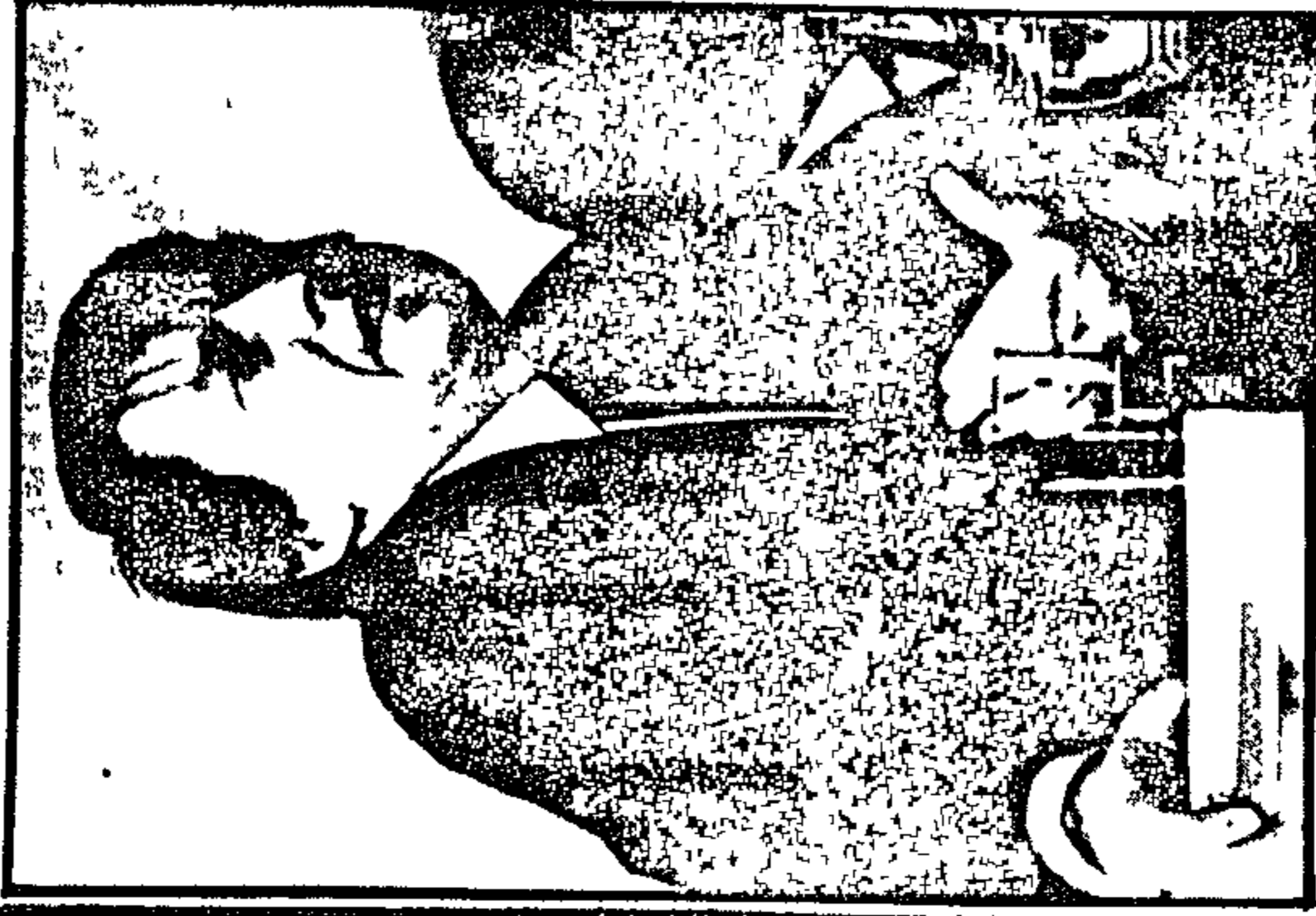
Mandela: You musn't take everything so seriously, Kobie

Coetsee: That's what my doctor says, but it's easy for you. You're in prison and he's got a nice easy job. Not like me. Now I've got to go and tell the old man, ag, the president, that you won't cooperate. Man, I sommer retire, I tell you



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# GOOD, BAD AND CONFUSIN



MR BOBBY Godsell.

## Difficult for unions

IT WOULD be difficult for trade unions to ensure that the strikes they call were legal in terms of the Labour Relations Amendment Act, an advocate told a labour relations seminar in Johannesburg yesterday.

Mr Modise Khoza told the seminar that the Government must realise that a strike was not "a species of deviant behaviour, but an integral part of the process of collective bargaining".

### History

Mr Khoza was addressing a seminar, which theme was "The State versus Trade Unions", organised by the Centre for Enrichment in African Political Affairs (Ceapa).

He said. "Because of the number of inroads the new law makes in the law of strike, it will be very difficult for unions to ensure that the strikes

### By LEN MASEKO

they call are legal. This does not mean that there will be fewer strikes, but simply that more strikes will be illegal."

The Government, he said, must also realise that collective bargaining was the only way that capital and labour could come to terms with each other "in free market economies".

Mr Bobby Godsell, chairman of the South African Consultative Committee on Labour Affairs (Saccola), said there were "good, bad and confusing" aspects in the new labour legislation. He said Saccola, the Congress of SA Trade Unions (Cosatu) and National Council of Trade Unions (Nactu), had identified six contentious clauses in the legislation and made joint representations to the Government in this regard.

He said the employers, Nactu, Cosatu and the Department of Manpower, were "not blameless" for the

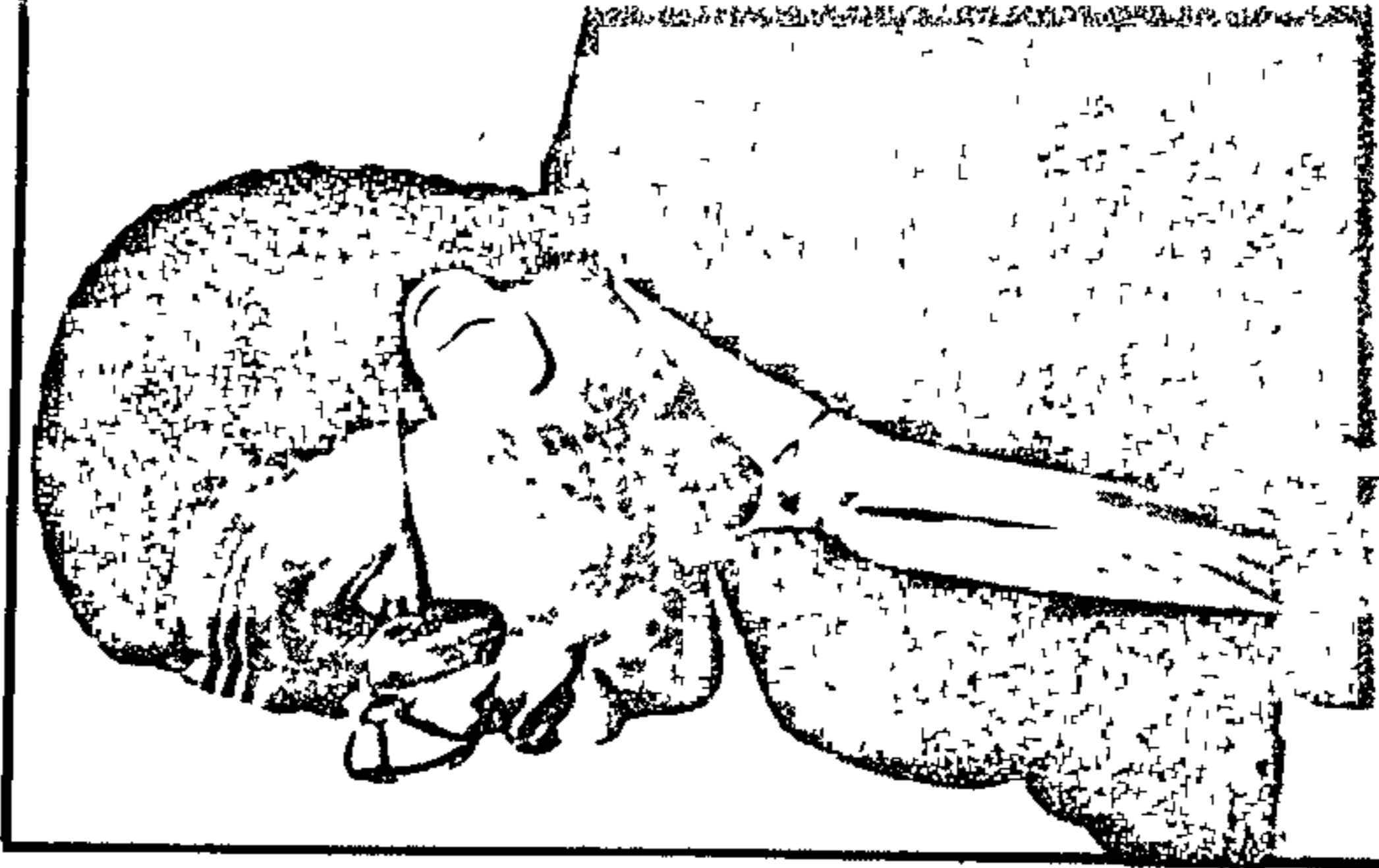
promulgation of the Act while consultations were taking place between these parties.

Mr Godsell said it was misleading that the "parties" should not rely on the rights conferred on them by the new law when it comes into effect on September 1. He pointed to the fact that the Industrial Court would attain new powers next month.

### Theme

Trade unionist, Mr Phandelani Nefolovhodwe, said the history of trade unions was linked to the liberation struggle in this country. He said the formation of Nactu and Cosatu had brought along "alignment of forces".

Nactu official, Mr Cunningham Ngeukana, outlining the development of trade unions in this country, said the history of trade unions went as far back as "the colonial days when certain people lost their land."



MR MODISE Khoza.

## Not defiant behaviour

# Protest planned against Labour Act

18-24/8/86

South

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A WEEK of protest action has been called by the Cosatu Western Cape region against the implementation of the controversial Labour Relations Amendment Act, due to become law on September 1.

The campaign will start on Sunday with a mass rally at Cape Town City Hall, beginning at 12pm

Speakers include Advocate Dullah Omar, spokespersons from Cosatu affiliates, and dismissed workers

Cosatu general-secretary Jay Naidoo, who will be in Cape Town for talks over the weekend, may also address the meeting

Forms of protest for the week include go-slows, lunchtime demonstrations and a demand for a ban on overtime.

At the Cosatu Western Cape Regional congress last weekend, delegates called on the government to abandon the Labour Act and demanded the right to strike and take solidarity action.

They called for a labour law which protected all workers' rights, including a minimum wage, safe and healthy working conditions, minimum hours and the right to join any union

## Dismissed

Congress also called for the reinstatement of workers dismissed during the June protest

A series of strike actions aimed at specific industries rather than a national stayaway is on the cards should individual employers refuse to undertake not to enforce the new Labour Act.

In a joint statement issued at the weekend, Cosatu and the National Council of Trade Unions (Nactu) criticised the government for deciding to implement the Act.

The statement said the government's actions were a clear demonstration of its lack of good faith and inability to be involved in any negotiations to resolve conflict in South Africa "

In a surprise move, the government promulgated the Act in Pretoria on Friday.

The previous day the Director General of Manpower had agreed to meet Cosatu and Nactu delegates to discuss revision of the Labour Bill. This followed discussions between the two labour federations and the South African Consultative Committee on Labour Affairs (Saccola)

## Scrap clauses

Big business and the unions had, after intensive talks, agreed to ask the government to scrap controversial.

"For a while we thought the three-day protest in June had brought the government and employers to their senses," said Cosatu spokesperson, Frank Meentjies.

During the three-day protest more than 2,5-million workers heeded the call for industrial action.

Cosatu and Nactu are now demanding that employers waive the rights conferred on them by the Labour Relations Act.

They want an acceptable undertaking in this regard from employers before September 1 and expect Saccola to have recommended by this Thursday that members of its affiliates give such an undertaking

If such a recommendation has not been made, Cosatu and Nactu will withdraw from further deliberations.

A meeting of the Cosatu executive is being held this Thursday to discuss further action.

# 'Scrap act' call at rally

*Cape Times 22/1/88*  
Staff Reporter

ABOUT 4 000 trade union members yesterday called at a mass rally in the City Hall for the scrapping of the controversial Labour Act.

The gathering, attended by 10 affiliates of the Western Cape branch of the Congress of SA Trade Unions (Cosatu), was closely monitored by police.

Advocate Mr Dullah Omar, calling on the UDF and Azapo to bury their divisions, urged workers on the shopfloor to unite against the newly-promulgated act.

Police photographed people entering the premises, while a water cannon drew up into Darling Street as crowds filed from the meeting at its close.



# LABOUR

Update . . . Update . . . Update . . . Update . . . Update . . .

## Don't rely on new Act rights — federations

### Joint demand reiterated

TWO of the country's biggest labour federations yesterday reiterated their joint demand that employers give undertakings by September 1 that they would not rely on the rights conferred on them by the controversial labour Relations Amendment Act.

The call by the Congress of SA Trade Unions (Cosatu) and National Council of Trade Unions (Nactu) comes two weeks before the labour legislation comes into operation. The Act becomes effective on September 1, the deadline date that has

been set by the two federations

Cosatu and Nactu have warned that they would seek a mandate from their members for a call for industrial action against those employers who fail to give this undertaking by September 1

A Nactu spokesman said his federation had resolved at a meeting to • to mandate employers at plant level with demands for written undertakings,

- pursue negotiations with the employer body, the South African Consultative Committee on Labour Affairs (Saccola), and
- submit drafts detailing their recommendations to the Department of Manpower

An executive meeting of all Cosatu affiliates was scheduled to be held late yesterday, to discuss latest developments on the matter

Meanwhile, in a telex message to Nactu this

week, Saccola said "Saccola will only be able to respond to some of the issues raised in your letter of demands of the August 12 during the course of next week

Until then, we repeat what we have said publicly we are committed to the process of discussions continuing, all our actions will be guided by this commitment

Saccola was responding to a demand by Cosatu and Nactu recommend to the employer body's affiliates that they give the said undertaking by August 17

*19/8/88 Saccola (166) K&G/61*

# Business, unions agree on Bill

●From PAGE 1

run their course and has said his department is open to suggested amendments from all parties.

It will also be difficult for the government to pass a law governing industrial relations that has been rejected by both parties involved in collective bargaining.

But hard-line elements in the cabinet are likely to argue that suspending the Bill will mean surrendering to the demands of the country's militant trade union movement.

The progress statement identified five aspects of the Bill that the unions oppose and that employers agree should be shelved so that they can be amended. These are:

●Clauses which will allow employers to sue unions for damages and losses caused by illegal strike action.

●Sections which unions argue will allow minority unions that recruit from one race group only. These "racial clauses" have formed the basis of Cosatu's complaints to the International Labour Organisation that the Bill contravenes international labour standards.

●"Secrecy" provisions which prohibit the publication of certain industrial court judgements.

●Clauses relating to the definition of unfair labour practices especially when these occur during certain

forms of dismissal as well as "indirect and intermittent strikes".

●Technical problems with clauses relating to the length of time it will take before conciliation procedures are exhausted and a dispute resolved.

Fears that these, and other, parts of the Bill would roll back gains made by unions over the last decade led to a display of collective strength during the three-day protest by up to three million workers in early June.

This was the crucial factor that persuaded employers to enter into negotiations with Cosatu and Nactu and, ultimately, to accept that broad consensus was important for labour legislation to be effective.

Before the stayaway many of Saccola's members had expressed strong support for the Bill.

In the wake of the three-day protest, Cosatu and Nactu patched up some of their differences and agreed to coordinate tactics and demands around the Bill. This display of unity was a reason for their success.

Another key factor was the role played by the Consultative Business Movement (CBM), formed as an anti-apartheid organisation by prominent businessmen at the weekend, in speeding up the negotiation process.

18/8/88

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B Day

(Handwritten initials)

**SACCOLA SAYS IT  
WILL RESPOND  
TO UNIONS SOON**

ALAN FINE

THE SA Co-ordinating Committee on Labour Affairs (Saccola) yesterday told Cosatu and Nactu it would be unable to respond until next week to issues raised by them relating to the implementation of the Labour Relations Amendment Act.

The union federations have demanded Saccola agree to recommend to affiliates' members, as a condition for the continuation of negotiations, not to use the rights conferred on them by clauses they had jointly agreed should be suspended.

Last Friday they asked for a response by August 17.

Saccola chairman Bobby Godsell said a final response would only be determined next week. However, Saccola had told the unions it "remained committed to negotiations, and our actions will be guided by that commitment," he added.

Nactu general secretary Piroshaw Camay expressed disappointment that Saccola was unable to agree to a proposal it had already accepted in principle by proposing the suspension of the clauses.

He said the delay was particularly problematic because the Manpower Department had indicated joint proposals for new amending legislation had to be submitted by September 30.

Nevertheless, he said, Nactu this week reaffirmed its commitment to the process and would be instructing its attorneys to begin work on details of these proposals.

Camay added affiliates had been briefed on the other aspect of union demands — that individual employers would give assurances they would not use those clauses. Employers would be approached in the next few days, he said.

Cosatu, which was due to meet to discuss the issue today, could not be reached for comment.



UDF, big business pow-wow

TOP businessmen who met members of progressive organisations at the weekend have agreed to "take another look" at the controversial Labour Relations Amendment Bill.

The businessmen were urged at the Magaliesberg meeting to stop the Bill becoming law, and not to use its provisions. Also on the agenda were the State of Emergency and the October municipal elections.

About 40 businessmen and academics met about 40 people associated with organisations like the United Democratic Front, Congress of SA Trade Unions and the National Association of Democratic Lawyers.

No mandate

The meeting is believed to have been initiated by business consultant Christo Nel.

Those from organisations had no mandate because the meeting had been hurriedly convened, said one of the participants, who did not want to be named.

"We merely listened and tried to put concrete issues on the agenda.

"We had no illusions about the meeting. We were dealing with businessmen and not progressive organisations.

"These businessmen are not necessarily representative of big business. They are merely a group who called themselves en-

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FROM PAGE 1

UDF

lightened and opposed to apartheid

"It was clear that their interest is to save capitalism, but we wanted to discuss concrete matters, like the state of emergency, labour legislation, conscription and the October elections

"No further meetings have been planned but we will be observing with keen interest the kind of activity they will be engaged in"

No participants were named in a brief statement issued after the two-day meeting, but it is believed they included First National Bank managing director Chris Ball, Gencor chief executive Naas Steenkamp, Tradegro chief executive Mervyn King, Professor Sampie Terrblanche of Stellenbosch University, Dr Frederik van Zyl Slabbert of Idasa, and advocate David de Villiers, a former Nasionale Pers managing director

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# Labour Update

# LABOUR AFFAIRS KEEP MUM

1166

THE South African Consultative Committee on Labour Affairs was yesterday keeping mum on the outcome of their meeting with the Director-General of the Department of Manpower called to

By **LEN MASEKO**

discuss employer and trade union proposals on selective non-promulgation of the Labour Relations Amendment Act. The meeting, which

took place on Monday this week, was boycotted by the Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) in protest against the full

promulgation of the labour legislation last Friday

A Saccola spokesman declined to comment on the outcome of the meeting, saying the matter was still being debated by members of



**WORKERS on strike . . . the controversial Labour Amendment Act has been widely criticised as seeking to erode gains achieved by unions over the past decade by curtailing workers' rights to strike.**

# Unions to discuss action on Act

By Adele Baleta

South Africa's largest trade union federation will discuss this week the action it will take against employers who refuse to give an undertaking by September 1 not to implement the Labour Relations Amendment Act

The Congress of SA Trade Unions (Cosatu) publicity secretary, Mr Frank Meintjies, said the federation would meet its affiliates tomorrow

He said talks would include the direction future negotiations and discussions with employers would take provided they refused to use the rights conferred on them by

the amendments

Cosatu and the National Council of Trade Unions (Nactu) pulled out of a meeting scheduled to take place yesterday with the Manpower director-general Mr Piet van der Merwe and the the SA Consultative Committee on Labour Affairs (Saccola)

Mr Meintjies said the meeting, which was to have discussed the non-promulgation of certain clauses of the Labour Relations Amendment Act, was pointless in view of Friday's full promulgation of the Act

Saccola secretary Mrs Friede

Dowie declined to give details of the meeting with Mr Van der Merwe

She could not say when or if an undertaking would be given to trade unions not to implement the Act as the matter was still being debated

A spokesman for the Manpower Minister said on Monday the promulgation of the Bill could not be withdrawn by the department. This could only be done by Parliament, he said

He added that a new amending Bill could be tabled early next year

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SMC  
17/8/88



# Employers get deadline

THE two black labour federations, the National Council of Trade Unions and the Congress of South African Trade Unions, this weekend gave employers until Wednesday August 17 to give an undertaking not to implement the newly enacted Labour Relations Amendment Act when it comes into effect on September 1.

In a joint statement by the federations released to the *Sowetan* they stated that they would consult their members about the appropriate industrial action to be taken if the employers failed to give the undertaking. The federations also stated that action will be taken against those employers who, having given the undertaking not to implement the Act, continue applying clauses from the Labour Relations Amendment Act.

The Act, which workers and labour relations observers say will change the face of South African Industrial relations radical-

By MOJALEFA MOSEKI

ly, was promulgated in a surprise move in Pretoria on Saturday.

It took the labour federations, who have been negotiating with employers through Saccola by surprise, as Saccola, Cosatu and Nactu were to meet top-ranking officials of the Department of Manpower to discuss specifically the postponement of the promulgation of the Bill from September 1 to a date when an agreement had been reached over the bill by all the parties concerned.

## Reject

The amendment part of the Labour Relations Act which unionists reject out-of-hand is the revised definition of "Unfair Labour Practice". The new definition outlaws sympathy strikes, any strike, lock-out or stoppage where the employer is not directly involved in the dispute which leads to the strike.

It extends the dispute-resolving procedure to be followed by workers for

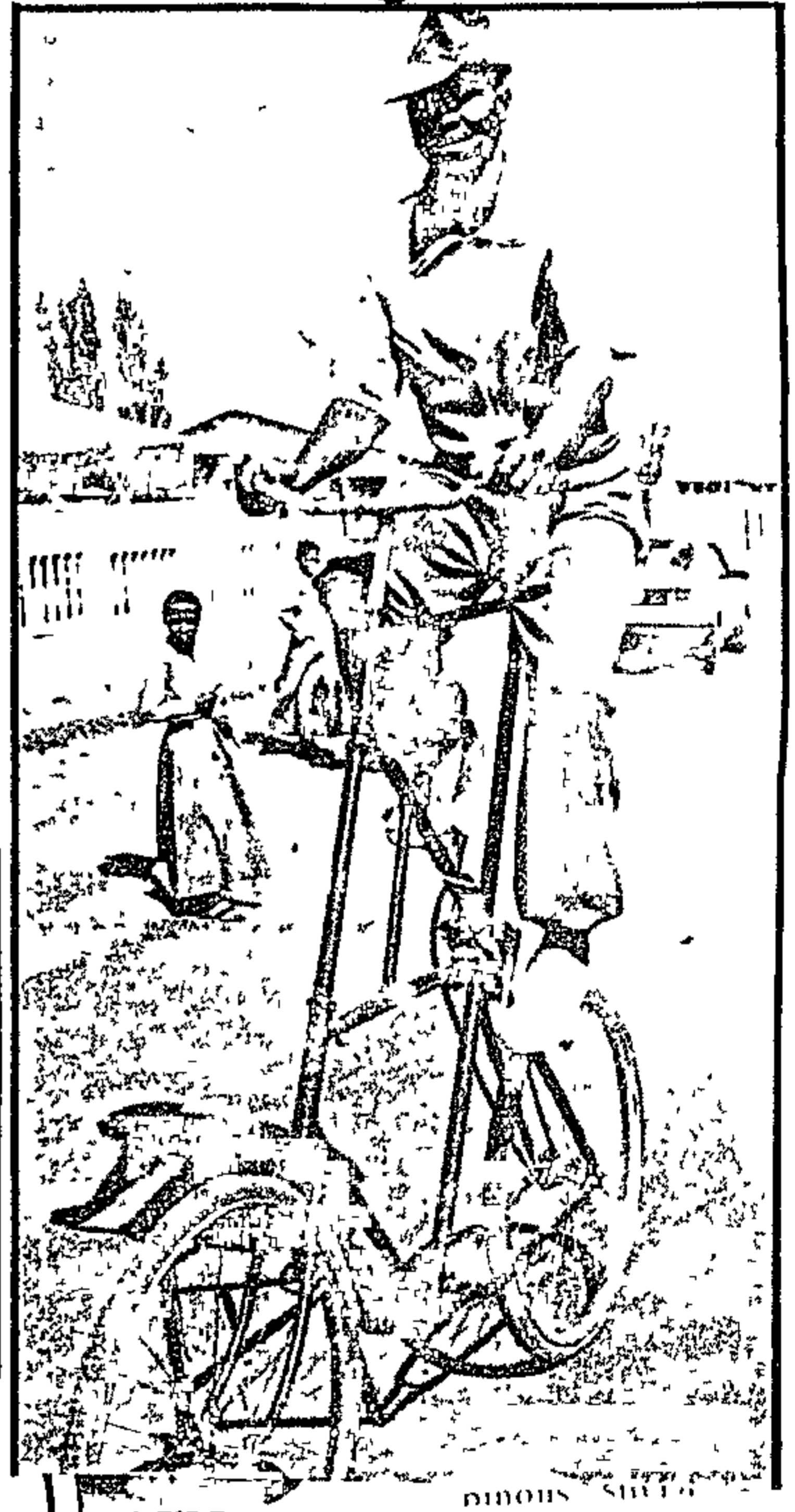
a strike to be legal and makes it applicable to all unions including those not registered with the Government. It also outlaws support or incitement of a boycott or any product or service by a union.

## Statement

The federations' statement said the Government had "clearly shown its lack of good faith and inability to be involved in the process of resolving conflict" in South Africa. It stated that the promulgation of the Bill has jeopardised what could have been a "historic process" between the workers and employees, and blamed this action on the Government's pandering "minority right wing interests".

The new Act led to a three-day joint protest action by members of both Cosatu and Nactu on June 6 to 8 this year. It was only after that protest action that the employers viewed the workers' objections to the bill seriously and agreed to start workers' objections to the Bill seriously and agreed to start negotiations, which were proceeding when the Bill was gazetted this weekend.

## Bicycle made for one



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## Unions to plead with Minister on new labour Act

### Labour Reporter

THE promulgation of the Labour Relations Amendment Act in full with effect from September 1 drew immediate reaction from a leading employer organisation and trade union federation.

The Act was promulgated in the Government Gazette on Friday.

Expectations had been that the Act, which introduces several changes to labour legislation, would not be immediately promulgated in full and the South African Consultative Committee on Labour Affairs (Saccola), which represents employer interests, said it regretted the Minister's decision.

The Congress of South African Trade Unions (Cosatu) said the Act would severely curb the power of unions and generate industrial chaos because of "a lack of forums for negotiation".

Mr Bobby Godsell, chairman of Saccola, said that his organisation, Cosatu and the National Council of Unions agreed at a meeting yesterday to approach the Minister of Manpower, Mr Pietie du Plessis, on the promulgation of six of the Act's 31 clauses.

# Unions blamed for legislation row

Own Correspondent

JOHANNESBURG — The Minister of Manpower and his director-general have blamed the controversy over the implementation of new labour legislation from September 1 on the failure of Cosatu, Nactu and Saccola to keep to pre-arranged deadlines

They also intimated that union federations' refusal to talk to the minister about a possible delay in implementing certain clauses was partly responsible for his unwillingness to consider such representations.

On Friday Cosatu and Nactu telexed the department, accusing it of bad faith in putting the entire Labour Relations Amendment Act into opera-

tion

However, in their first ever joint media conference, the general secretaries of the two organizations, Mr Jay Naidoo and Mr Piroshaw Camay, said the negotiation process with Saccola would be kept going provided Saccola recommended to affiliate members not to use the rights conferred on them by clauses which the parties have agreed should be suspended

Cosatu and Nactu have also demanded that individual employers make such an undertaking by September 1. Mandates would be sought for industrial action against those which refused

A Saccola official said at the weekend the union demands

had not yet been discussed, as they had been received only late on Friday

The clauses in dispute relate to unfair dismissals, indirect and intermittent strikes, certain registration provisions, time limits for the resolution of disputes, secrecy of Industrial Court judgments and the presumption of union "guilt" for unlawful strike action by members

Director-General Mr Piet van der Merwe strongly denied any question of departmental bad faith. That they were not ready to submit proposed amendments to be considered in time for the forthcoming parliamentary session, as they had agreed in June, "is their own fault", he said



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# Unions accuse Govt of bad faith on Bill

By Adele Baleta

South Africa's two major labour federations have criticised the Government for deciding to implement the Labour Relations Amendment Act from September 1.

The Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) in a joint statement at the weekend threatened to take action against employers who refused to give an undertaking by September 1 not to enforce the Act. The unions said they would consult their members on the issue.

The Act was promulgated in Pretoria on Friday and followed a meeting between the two labour federations and the South African Consultative Committee on Labour Affairs (Saccola).

An agreement was reached with Saccola at the meeting on Thursday that certain sections of the Act should not be promulgated, the federations said.

Cosatu and Nactu said that ~~by~~ by promulgating the amendments in full the Department of Manpower was acting in bad faith.

The two federations have however reaffirmed their commitment to the negotiation process provided Saccola recommended to its members not to use the rights conferred on them by the amendments.

# Bosses, unions at odds

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STC  
148/15

THERE appears to be little negotiation between employers and unions on the new Labour Relations Amendment Act (LRAA), due to be promulgated next month

The magazine Work In Progress says Manpower Minister Piet du Plessis postponed the implementation of the legislation to allow unions and employers more time to present a joint position

The Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) say they have completed their joint proposal

Cosatu press officer Frank Meintjies says the employer body, the SA Co-ordinating Committee on Labour Affairs (Saccola) has not worked according to a timetable proposed by Cosatu.

Saccola spokesman Bobby Godsell says he is unaware of a timetable and insists that the employer body is still "100% committed to the process of discussing the law with the unions and working out a solution"

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# Unions cry foul at new labour law

By MANDLA TYALA

LABOUR federations have cried foul at the promulgation of contentious amendments to the Labour Relations Act before a scheduled meeting with the Government to discuss union objections.

The amendments, which the unions see as seeking to reverse gains achieved in years of bargaining with employers, come into force on September 1.

Cosatu and Nactu have angrily withdrawn from a meeting with the Department of Manpower scheduled for tomorrow and are threatening industrial action if the "offensive" provisions are not scrapped.

The two federations say they reached a "historic" agreement on Thursday with the employer body Saccola that certain sections of the Act should not be promulgated. The director-general of Manpower would have been

told of the agreement at tomorrow's meeting

Cosatu's Jay Naidoo said "The director-general agreed to the meeting with Saccola, Cosatu and Nactu to discuss the non-promulgation of the agreed clauses. At no stage did he disclose that the Act would be promulgated on Friday.

Our assumption is that either the Minister was not advised by the Department of Manpower of the steps that had been taken to reach this agreement, or that the department rushed through the gazetting of the promulgation in the middle of the night in a deliberate attempt to subvert the process agreed to in our negotiations with Saccola."

Cosatu and Nactu have demanded that employers undertake not to rely on the rights conferred on them by the amendments

STimes

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# New Labour Bill could draw out legal processes

W. E. Adams 13/8/88  
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CRITICS of the amendments to the Labour Relations Act may have certain of their fears heightened by the history of a dispute in Natal.

Many legal people involved in the industrial relations field have said that one main effect of some of the amendments will be to increase the volume of litigation and extend the time it takes to get disputes settled.

This is mainly because there will be more to argue about and the amendments will create a special labour court which will effectively add another step to the legal ladder.

"A major effect of the Bill will be that lawyers will get rich," was how one expressed it.

According to a report from Bloemfontein, the dispute involved the National Union of Textile Workers (NUTW), Jaguar Shoes and the National Industrial Council for the Leather Industry, footwear section.

The report said that an appeal the industrial council was to have made to the Appeal Court in Bloemfontein, due to be heard on September 1, had been withdrawn.

So, the process has finally reached conclusion.

The point is that it all

started in 1984 which, if my arithmetic is any good, is four years ago.

The NUTW is now the Amalgamated Clothing and Textile Workers' Union and nobody I could contact at the union had been there when it all started so I wasn't able to get complete details of what the dispute was all about.

But, to illustrate the fears about drawn-out legal processes, the report said that the dispute arose over the extent of NUTW's representivity at Jaguar's Pietermaritzburg factory, the imposition of an overtime ban in September 1984 and the retrenchment of some employees in November 1984.

The disputes were referred to the industrial council which was unable to settle them.

They then went to the Industrial Court where in June 1985 Mr M Bulbulia authorised the deduction of union dues by stop order.

Presumably the company was unhappy with this judgment because the matter then went to the Supreme Court in Natal where, in January 1987, Mr Justice Law dismissed an application by the industrial council for an order declaring that it was not compe-

CAPG Times 13/8/88

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988

JOHANNESBURG — A group representing employers on labour affairs has expressed regret over the decision by the Minister of Manpower to promulgate the Labour Relations Amendment Act in full on September 1.

Mr Bob Godsell, chairman of the SA Employers' Consultative Committee on Labour Affairs (Saccola), said his organization, as well as Cosatu and the National Council of Trade Unions (Nactu), had agreed to approach the minister to delay the promulgation of six of the 31 clauses in the act.

He said a joint, written motivation of this proposal was also agreed on on Thursday. This was submitted to the director-general of the Department of Manpower yesterday, Mr Godsell said.

"We hope the minister will be able to reconsider this decision in the light of the joint Saccola, Cosatu and Nactu motivation."

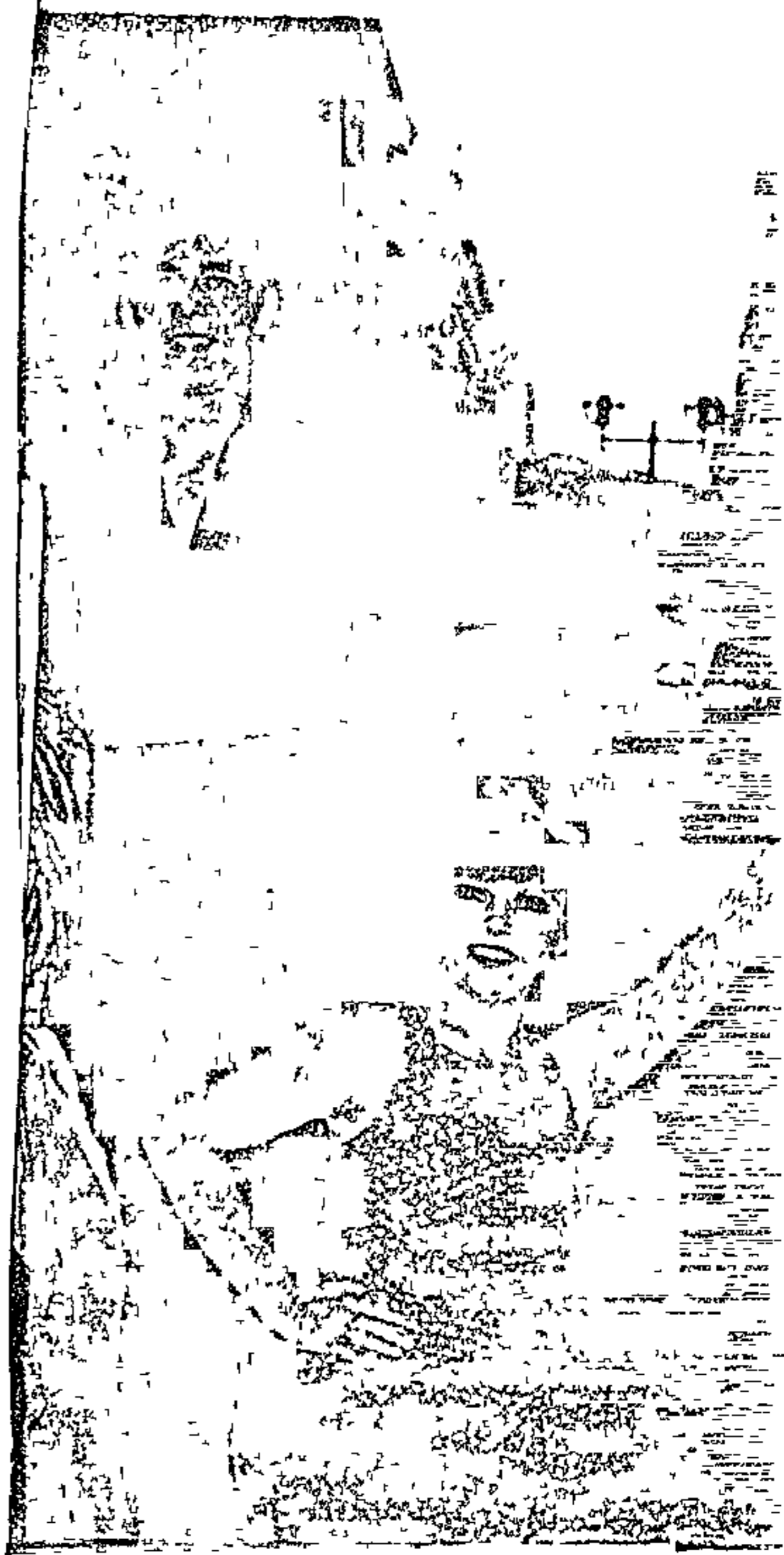
Mr Godsell said the detailed discussions between Saccola and the two trade union federations had so far produced significant areas of agreement in principle, as well as proposals to improve the wording of sections of the amending legislation.

Cosatu spokesman Mr Frank Meintjies said the minister was "painting himself in a corner" and the move would "precipitate conflict on the factory shop floor". He described the decision as "reckless".

The Labour Relations Amendment Act of 1988 will come into operation on September 1, according to a government proclamation gazetted in Pretoria yesterday.

The Bill, among other issues, led to a massive three-day national stayaway action by workers in June — Sapa

## Saccola 'regrets' Labour Bill decision



# Decision on Labour Act 'is regretted'

By Adele Baleta.

The South African Consultative Committee on Labour Affairs, (Saccola) said in statement today that it regretted the decision of Manpower Minister Mr Pietie du Plessis to promulgate the Labour Relations Amendment Act in full on September 1.

Mr du Plessis said notice regarding the promulgation of the Act was appearing in the Government Gazette today.

Saccola chairman, Mr Bobby Godsell, said it was hoped the Minister would reconsider his decision in the light of a joint motivation by Saccola, the National Council of Trade Unions (Nactu) and the Congress of SA Trade Unions (Cosatu) which would reach the Minister today.

Yesterday Saccola and the unions agreed to ask the Minister to postpone the promulgation of some clauses of the Act.

Mr Godsell said Saccola appealed to Nactu and Cosatu not to react to the latest developments in ways which would threaten the process of further negotiations.



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# Labour law may keep courts busy

By Kaizer Nyatumba  
The Labour Relations Amendment Bill, on the way to becoming law soon, could lead to litigation between unions and employers and increase dramatically the number of applications to the industrial court

Labour experts made these predictions at a seminar in Johannesburg yesterday

Industrial relations consultant Mr Graham Poynton told the seminar of employers yesterday that they would have to guard against discriminating against prospect-

ive employees on the basis of race, sex or creed — because this was unfair labour practice

Placing other races in jobs historically done by blacks might also be construed as unfair and discriminatory

"Employers may in future find themselves sued or taken to court people might make allegations against certain companies that they were discriminated against by being denied a job because of their race or sex."

Mr Poynton advised employers to formalise

relationships with unions and to dismiss workers only in accordance with fair procedures

Unfair dismissals were likely to constitute most applications to the industrial court, he said

"Such applications by unions will provide high visibility and credibility in the eyes of the union's members," said

Employers, on the other hand, would be able to obtain quick restraint against unions, or union members who breached agreements and contracts of employment, said Mr Poynton

# Use Labour Act rules <sup>slow</sup> — Sacol

The SA Confederation of Labour (Sacol) has urgently called on the Minister of Manpower to institute all regulations of the Labour Relations Amendment Act of 1956 from September 1 to put labour relations in the country in order

Sacol, which claims to represent 100 000 white and blue collar workers, has stressed that the implementation of all regulations of the Act will contribute greatly to formalising and putting in order labour relations in the country

"Sacol has no sympathy with illegal strikes and is of the opinion that unions who directly or indirectly exert themselves while illegal strikes or stay-away actions are occurring should be liable for damage claims

"The Confederation has no more patience with workers or organisations that through illegal actions disrupt labour relations and wish to disturb labour peace"

Sacol agreed that the right to strike was still in an embryo phase of development

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# NACTU TO FIGHT BILL

THE National Council of Trade Unions (Nactu), has rejected a proposal to meet the Government over the Labour Relations Amendment Bill because of its stand in non-collaboration

The federation now intends launching a joint extra - parliamentary campaign with Cosatu against the Bill

This was said by Mr James Mndaweni,

retained as Nactu president, in his acceptance speech at the Standard Bank Arena at Ellis Park on Sunday night

He said Nactu was to continue its programme started three years ago of uniting all African workers against the Bill

The union also aimed at uniting all forces fighting against apartheid

It was in pursuit of that aim that Nactu was the only organisation in South Africa to have met all three exiled liberation organisations — the PAC, ANC and BCMA last year

Mr Mndaweni said Nactu had established cordial relations based on the principle of worker unity with the Congress of South African Trade Unions

(Cosatu)

*Scwefan*

He said the relation will be seen in increased joint action and co-ordinated action between Nactu and Cosatu, the two largest workers federations in the country

A message of fraternity from Cosatu was read to delegates on the first day on the congress

Mr Mndaweni beat his two opponents for the presidency by 126 votes to 48

His nearest rival was the president of the Food and Allied Workers' Union (Fawu), Mr L Kwelinhini, to which Mr Mndaweni belongs

The new vice-president is Ms Patricia de Lille,

treasurer is Mr Boaz Mashele and Mr Piroshaw Camay was returned unopposed as general secretary

The new first assistant general secretary is Mr Cunningham Ngcukana and Mr Mahlomola Skhosana was returned unopposed as the second assistant general secretary

The congress postponed the adoption of resolutions to August 20, because of time problems

9/8/88

APR



## Regressing to the pre-Wiehahn days?

THE labour legislation amendments, reportedly to be promulgated on September 1, won't usher in a new era but they'll certainly produce some changes to the present one.

Leon Malan, formerly a company industrial relations practitioner and now with University of Cape Town's Graduate School of Business, says that among these changes there will probably be a heavy reliance by unions on the letter of agreements with companies

Malan, writing in *Perspective*, published by local IR consultants Gouws, Woods and Partners, says that union reaction should be seen against the protection of rights they have won for members over the past few years

"It should therefore not be surprising if trade unions react strongly in opposition to those aspects of the Bill that might deny their members previ-



ously established rights," he says

"It's not surprising or inconceivable that, as a result of the unrepresentative nature of the political framework, the opposition of trade unions to the Bill will be aimed at employers"

Many employers who were under the impression that the new definition of an unfair labour practice would allow them to dismiss employees with less than six months' service without hearings will find that clauses in their disciplinary and grievance procedures which could prevent that

"Some of these clauses, if narrowly interpreted, could even prevent the dismissal of striking employees without a hearing," says Malan

This could be carried through to other areas with a greater emphasis on the procedural nature of the relationship between employers and employees

Because various clauses in the Bill would limit access to the Industrial Court — and many potential strikes have been prevented by channelling the dispute into the court — it could be expected that more disputes over disciplinary problems and workers' rights could result in strikes or other industrial action

Malan also warns that if employers have found comfort in the fact that they will be able to claim damages from unions for "illegal" strikes they could find the realities quite disappointing

"Trade union officials are bound to withdraw from the management of strikes and employers will find themselves back in the days of dealing with a striking workforce with no union official to talk to and workers refusing to elect representatives to talk to management," he says

"Overall, the Bill is bound to take industrial relations in South Africa back to those uncontrolled, pre-Wiehahn days

"The difference is that this time employers will have to deal with a strong, well-organised, sophisticated and cohesive trade union movement"

● The Labour Research Service has pointed out that the figure of "nearly 30 percent" in last week's column about wage increases, and the headline based on the article, was incorrect. The figure should have read 22,9 percent

# Reaction to Labour Act

3/18/88 (166) Saweta

THE huge Cape garment industry is facing widespread protests against the Labour Relations Amendment Act, due to come into effect tomorrow.

Employers in the region's largest industry were given till lunchtime yesterday to respond to demands for assurances that they would not apply the Act where it was not in workers' interests.

According to spokesmen for the Garment and Allied Workers' Union (Gawu), which has about 60 000 members in the region, strikes in protest against the Act happened at several factories on Monday.

Further protests were planned at factory level.

The spokesmen said that the campaign against the Act, which led to a three-day stayaway by affiliates of the Congress of South African Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) in June, had become more serious as the date for its inception approached.

Urgent shop stewards council meetings had been held on Saturday and Monday out of which the decision came for plant-level action in protest against the Act.

Several employers had already signed undertakings that they would not use the Act, others had given verbal assurances, but the "vast majority" were waiting to take their cue from the Cape Clothing Manufacturers' Association (CCMA).

Gawu has asked employers nationally and regionally not to apply the Act.

The CCMA is understood to be meeting soon to consider its response to the union's request.

The spokesmen said that further action would depend on the CCMA's decision.

# Reason given for halting murder trial

WINDHOEK — National interests superceded the interests of individual wrongdoers and for that reason SA State President P W Botha had decided to halt the murder trial of six soldiers of the SA Defence Force, the Windhoek Supreme Court heard yesterday

J Swart, SC, was submitting argument on Botha's behalf in an application challenging the validity of a certificate issued in terms of section 103 of the Defence Act to stop court proceedings

The application concerns veteran Swapo member Immanuel Shifidi's death at a political rally in Katutura township outside Windhoek on November 30, 1986

Respondents are the Administrator-General, the State President, the Namibian Attorney-General, the SA Defence Minister, Colonel Johannes Vorster, Colonel Willem Welgemoed, Commandant Antonie Botes, Lieutenant Nicolaas Prinsloo, Corporal Eusebius Kashumbi and Rifleman Steven Festus

Shifidi was killed when members of Ovamboland's 101 Battalion infiltrated the Swapo public meeting

An inquest court later found Shifidi had died in action aimed at disrupting the meeting and that criminal liability was involved

Swart said in argument the Defence Act indemnified from prosecution SADF members who acted in good faith in combating terrorism in an operational area if it was in the national interest not to proceed with court action — Sapa

# Vital late talks on labour Bill

TALKS focusing on controversial aspects of the Labour Relations Amendment Bill will continue today in Johannesburg between top employers and the country's two largest labour groups

National Council of Trade Unions' general secretary Piroshaw Samay said yesterday the two union groups (the other is Cosatu) would ask employers to disregard five provisions in labour legislation which the three parties had earlier agreed would not be promulgated

It is expected employers will reserve the rights given to them by the law which comes into effect tomorrow

Camay hoped certain "offensive" clauses could be reworded and the Act amended next year

He said a South African Consultative Committee on Labour Affairs delegation had met Manpower Minister Pietie du Plessis to suggest alternative wording

Among contentious clauses is introduction of a new definition of unfair labour practice. — Sapa

Political comment in this issue by Ken Owen Newsbills by Kevin Davis Headlines and sub-editing by Michael Moon All of Times Media Ltd 11 Diagonal Street Johannesburg

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## THE ECONOMY

# Out to sea means out of court 166 for oil men

The industrial court rules that workers on an oil rig off-shore are not protected by the Labour Relations Act because they are outside South Africa. CARMEL RICKARD reports

SOUTH AFRICAN riggers off the coast of the Republic have no right to the protection basic labour legislation

The vulnerable position of workers on oil rigs drilling for gas has been shown in an industrial court judgement which ruled that the riggers were beyond the protection of the court

In terms of the ruling the court has no jurisdiction to intervene in a dispute between riggers and employers. The Labour Relations Act doesn't apply to workers on rigs which all technically operate outside the country

The court was asked to intervege following a dispute between workers and Sopclog, the company which manages the rigs drilling for gas off Mossel Bay and the west coast

The workers, who are members of the Chemical Workers Industrial Union, were objecting to the company's attempts to introduce new conditions of employment some months ago

During the case, Sopclog lawyers conceded that the workers were employed in Cape Town where the company was based, that they were paid in rands and that the staff — who work two weeks on and two weeks off — were taken back to Cape Town during their off duty periods as most live in or near the city

However despite these concessions, the lawyers argued that the oil rigs operated outside South Africa's territorial waters" which extend 12 nautical miles off shore

They said that since the rigs operated outside South Africa, the Labour Relations Act did not apply to the workers and the industrial court thus had no jurisdiction over them

In their ruling on the case, handed down last week the presiding officers, Pierre Roux SC and Professor Klaus Schwietering, accepted this argument and dismissed the application by the workers, saying "the dispute is one concerning conditions of employment outside South Africa

"In the absence of any provision in the Labour Relations Act giving (the Act) extra-territorial operation, (it) consequently does not enjoy such extra territorial operation"

Cape Town labour lawyer John Sandler, who acted for the CWIU in the case, said the effect of the court's judgement was to deprive the workers on the rigs of the rights and protection of the Act

Chris Albertyn, director of the Centre for Socio-Legal Studies at Natal University, Durban, said, "The law should apply an even hand between capital and labour

"Capital is able to operate within the economic zone of South Africa — 200 nautical miles off-shore — and yet take advantage of and operate within South Africa's company and other laws

Labour lawyers said the judgement was important as it had implications far beyond this particular case

"There are many people who enter into a contract in South Africa, but who are then taken by the employer to work in a 'homeland'

"The implication of this judgement is that when people are recruited and employed in this country and then relocated to a 'homeland' to work, they lose the protection of the Labour Relations Act."

# Guidelines in black and white

Blog (166)

without setting preconditions," he said

THE STAGE is being set for an Industrial Court case which could set most profound guidelines for the future of uni-racial unionism in SA, as well as pronounce on an important aspect of the obligation to bargain.

HOWEVER, the case will — if Ergo has its way — revolve around a more basic question — that of the MWU's whites-only character and its refusal to participate in joint bargaining with the predominantly-black National Union of Mineworkers.

The case arises from the refusal of the East Rand Gold and Uranium Company (Ergo) to negotiate wages and other substantive issues with the Fighting Mineworkers' Union (MWU) prior to the conclusion of a recognition agreement

The MWU represents the majority of Ergo employees in the C band — a category occupied by people at the top levels of what is considered semi-skilled work.

Anglo American spokesman Michael Spicer said it appeared the MWU had withdrawn from the case when it asked that the matter be struck from the court role this week.

There are now some, although not many, black employees in that category. And Ergo, said Spicer, favours the majoritarian approach to recognition — namely, recognising the union which represents the majority in a particular grade as representative of all in that grade.

However, MWU general secretary Peet Ungerer said this was merely because the original date set clashed with the union's monthly executive meeting.

The question for Ergo is whether it would be proper to recognise as the representative union one which, in

A new date was being sought, and he was confident of the MWU winning a section 46(9) unfair labour practice action which would order Ergo to negotiate

"They are obliged to negotiate

## LABOUR LETTER

Alan Fine

terms of its constitution, bars people from membership on racial grounds, thus leaving them with no possibility of recognised representation at all.

THE ISSUE goes far further than the Ergo dispute.

The entire mining industry, or at least that major portion falling under the Chamber of Mines, works on the basis of majoritarianism.

Thus far the problem of uni-racial unions has not arisen because those representing desegregated job categories — such as artisans and officials — have removed racial barriers to membership.

Now, with the publication a few weeks ago of new regulations to the Mines and Works Act, blacks have

become eligible for blasting certificates and other certificates of competency.

Many of the successful candidates would enter positions which, until now, have been occupied only by people racially eligible for membership of the MWU and a couple of smaller whites-only unions.

Ungerer recognises this "attack on our constitution". But, he added: "We have the right to protect an interest-group." Such are the delicate questions which may hinge on this case.

A SIMILAR issue, that of minority union rights, is an important item on the agenda in the talks and exchange of proposals between Nactu/Cosatu and the SA Co-ordinating Committee on Labour Affairs.

(As reported earlier this week, there appears to be some union optimism of progress, although details

have been kept under wraps. The one possible problem, according to Cosatu, is that the process is falling behind schedule. Thus the question of extending the date on which the legislation is scheduled to come into operation, most likely around September 1, may become an issue).

A major union objection to the Labour Relations Amendment Act is that clause which, they say, effectively protects racial unions by designating majoritarianism an unfair labour practice.

The relevant clause protects freedom of association or disassociation. It defines a contravention of this principle as including "the prevention of an employer by a trade union... to liaise or negotiate with employees employed by that employer who are not represented by such trade union"

This is most applicable to the manufacturing industry, where the mainly black unions have in recent years gained majorities over the unions which represent mostly artisans. These, therefore, represent relatively few blacks and are less powerful numerically.

# Employers, unions agree on changes

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Own Correspondent

JOHANNESBURG — Trade unions and employers would definitely reach agreement on proposed changes to labour legislation, including some in key areas, Cosatu information officer Mr Frank Meintjes said yesterday

He said Cosatu had informally been told of this by employer representatives, although no formal agreement had yet been signed

The SA Co-ordinating Committee on Labour Affairs (Saccola) is presently studying a 22-page joint Nactu/Cosatu memorandum on proposed amendments to the Labour Relations Amendment Act.

He expected a written Saccola response and then a formal meeting between the parties next week. He declined to specify the areas of probable agreement.



# Unions, employers 'near agreement on labour law'

IT appeared trade unions and employers would definitely reach agreement on proposed changes to labour legislation, including in some key areas, Cosatu information officer Frank Meintjies said yesterday.

He said Cosatu had informally been told this by employer representatives, although no formal agreement had yet been signed.

The SA Co-ordinating Committee on Labour Affairs (Saccola) is presently studying a 22-page joint Nactu/Cosatu memorandum on proposed amendments to the Labour Relations Amendment Act.

Meintjies expected a written Saccola response and then a formal

28/7/88  
ALAN FINE (166)

meeting of the parties within the next week. He declined to specify the areas of probable agreement.

He said thereafter joint union/employer recommendations would be made to the Manpower Department. This would be followed by talks on how to settle those areas where disagreement remained.

Saccola delays had put the process behind schedule, and the question of extending the promulgation of the Act may become an issue, he said. Government apparently plans to put the legislation into operation on September 1.

A Saccola spokesman declined to comment at this stage.

# Labour Update

## Re-think on Bill - Nactu

*South African 27/11/54*  
THERE were indications that the three-day protest against the Labour Relations Amendment Bill had led to a re-think in Government circles, the National Council of Trade Unions said in a statement yesterday.

Nactu was reacting to the Government's decision to allow further debate on the proposed amendments before they become law.

Nactu said the three-day protest organised by itself and the Congress of South African Trade Unions had led to revised thinking in Pretoria.

Nactu, however, would still press ahead with its resistance against the Bill "as agreed by various structures of the federation in the past eight months".

Meanwhile, consultations on the proposed amendments are still between the employer body, the SA Consultative Committee on Labour Affairs, and the country's two biggest labour federations.

# Labour Bill continues to draw flak

By Mike Siluma, Labour Reporter

The National Council of Trade Unions (Nactu) planned to continue its opposition to the Labour Relations Amendment Bill, which becomes law on September 1, the federation said yesterday.

At the same time, Nactu expressed satisfaction with the Bill's provision that aspects of the proposed legislation be put into effect at different dates.

Describing the provision as "a historic and significant victory", Nactu said the fact that it had now become possible for aspects of the Bill to be effected at different times was "a clear indication that the three-day protest action (in June) has revised some of the thinking in Pretoria"

This development "also gives Nactu the opportunity to negotiate with the

representatives of Saccola (the SA Employers' Consultative Committee on Labour Affairs) on the various provisions of the Bill"

"The way in which (the amendments) are enacted creates some opportunity for further debate," said Nactu

It added, however, that "Nactu will press ahead on the resistance to the Labour Bill as agreed by various structures of the federation in the past eight months"

Following preliminary discussions over the past two months, Nactu, Saccola and the Congress of SA Trade Unions (Cosatu), agreed to meet and discuss points of difference regarding the Bill

The public position held by employers and the Government has been that the Bill is in keeping with labour legislation in Western countries



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9/dec

## Labour Act signed and published in July

ALAN FINE

THE Labour Relations Amendment Act has been signed by President P W Botha and published for information in the Government Gazette. The Act was published in a Gazette dated July 13, although its existence was not publicly noted until yesterday.

No date has yet been fixed for the Act to come into operation and Clause 31 (2) states that different dates may be fixed in respect of different provisions.

Nactu yesterday expressed satisfaction at this provision, saying it gave the organisation time to negotiate with the SA Consultative Committee on Labour Affairs on various provisions

### Regulations

However, Manpower Deputy Director-General Joel Fourie said although the clause may give the parties a "breather", this was not the original intention of the clause.

Pointing out the clause appeared in the September draft, before the talks began, Fourie said it was designed to allow for the formulation of regulations regarding the new conciliation procedures and Industrial Court and Labour Appeal Court rules.

He said these would be ready by September 1, the expected promulgation date of the Act.

# Cosatu, Nactu join hands for talks

By MOJALEFA MOSEKI

THE two largest labour federations in South Africa, the Congress of South African Trade Unions and the National Council of Trade Unions are to make joint representations against the proposed labour legislation to the South African Employers Consultative Committee on Labour Affairs soon.

This was said by Cosatu's information officer, Mr Frank Meintjies, last week after a two-day Central Executive Committee (CEC) special congress in Soweto. The date for representations was not released, but it is expected to be soon because both union federations have been compiling their objections to the proposed labour legislation

## Law

The momentum for making early representations was fuelled by an announcement by the director-general of manpower, Dr Piet van der Merwe, that the Government would be making the Labour Amendment Bill into law as from September 1 this year

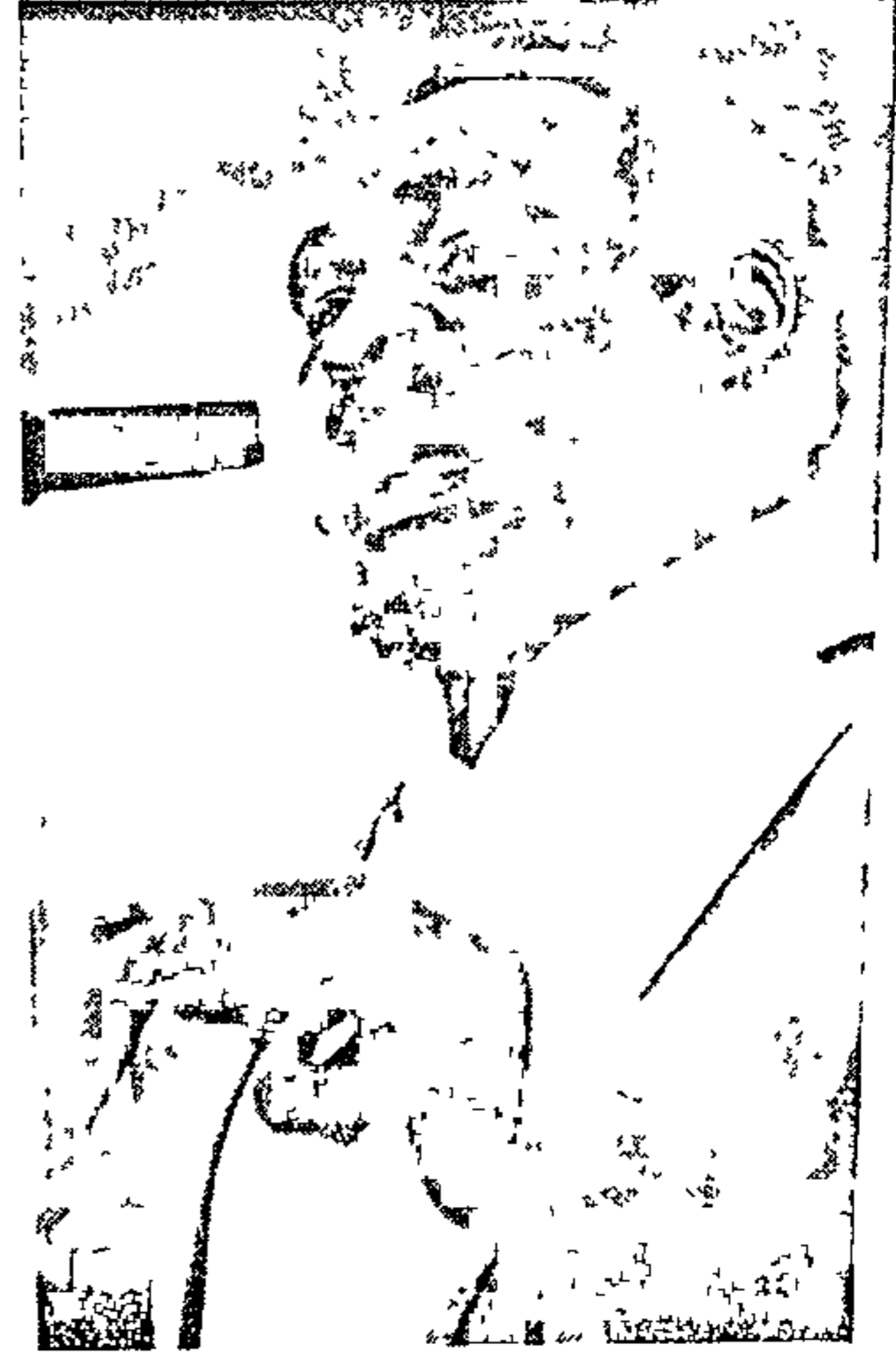
CEC also resolved to

- Call for the release of veteran trade unionist and UDF president Mr Oscar Mphetha (78), who is serving a five-year prison term,

- To revive Cosatu's Living Wage Structures and to focus on racial and sexual inequality as



NACTU president . . . Mr James Mndaweni.



COSATU president . . . Mr Elijah Bano

well as discrepancies between rural and urban, skilled and unskilled workers;

- Take up the struggle against the wage freeze, deregulation, privatisation and decentralisation which constitute a major attack on wages and working conditions of hundreds of workers who have been discharged in punitive management action,

## Campaign

Cosatu also resolved to launch a campaign demanding the reinstatement of all workers dismissed during the three-day protest action, and the scrapping of all warning notices given to workers by management

The federation will circulate names of all companies which victimised its members to all affiliates. Affiliate unions will then meet at Cosatu's national level structures to decide on the course of action

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# Talks to continue over Labour Bill

By KERRY CULLINAN

COSATU and employers are to continue negotiating over the Labour Relations Amendment Bill, despite the fact that the Bill has already been passed by all three houses of Parliament.

This decision follows a meeting over the weekend of Cosatu's central executive committee in which the process for the negotiations were set down

Central to the process is the identification of objections to the Bill that are common to unions and employers. Once these have been established, they are to be referred to the Department of Manpower.

Cosatu said it would refer the objections that employers "who are organised in the SA Co-ordinating Committee on Labour Affairs" and itself did not agree to arbitration.

The CEC also decided to work with Nactu in submitting proposals to Saccola.

This comes in the wake of a communique released by Nactu and the Black Consciousness Movement, calling for unity in the labour movement

The CEC also passed a resolution to revive Cosatu's living wage structures to address wage discrepancies based on race, gender, skills and geographical location, as well as deregulation, privatisation and the wage freeze

It also called for the release of 78-year-old veteran trade unionist Oscar Mpetha, currently serving a five-year prison sentence.

Cosatu affiliates urged officials to implement a special congress resolution to set in motion the process of establishing a broad anti-apartheid conference

1166

17/7/88 C/1/1/1



## BUSINESS

# UCT academic explores new labour code

A NEW social contract, an alternative labour code grounded in contract rather than statute, is being explored by UCT academic and head of the labour law unit Clive Thompson

He argues that this could contribute towards a negotiated future for South Africa

The social contract idea has been floating around in various (mostly disjointed) forms since the impact of proposed changes to labour law through the Labour Relations Amendment Bill started to permeate consciousness, but Thompson has developed a form and context for the idea

He starts from the point that, for the foreseeable future, the burden of a minority government will remain with the South African industrial relations system, carrying with it at least two consequences

- While elsewhere it is the state that is in the forefront of endeavours to entrench political, civil and socio-economic rights, here it is other societal actors that will have to take the lead, and

- Whatever is done can only produce a second-best solution because of the pervasive effects of an unjust political order

But within these restraints there is a largely untested opportunity for labour and management to construct an area of autonomy premised on social justice

The primary topic addressed by the alternative concerns planned bargaining, Thompson argues

The expectation would be that on core bargaining matters the parties would negotiate according to the "proposal and counter-proposal" formula

If disputes over interest (as opposed to rights) emerged, voluntary mediation and arbitration would be available, but if these could not produce a resolution either party could resort to industrial action to support its stance

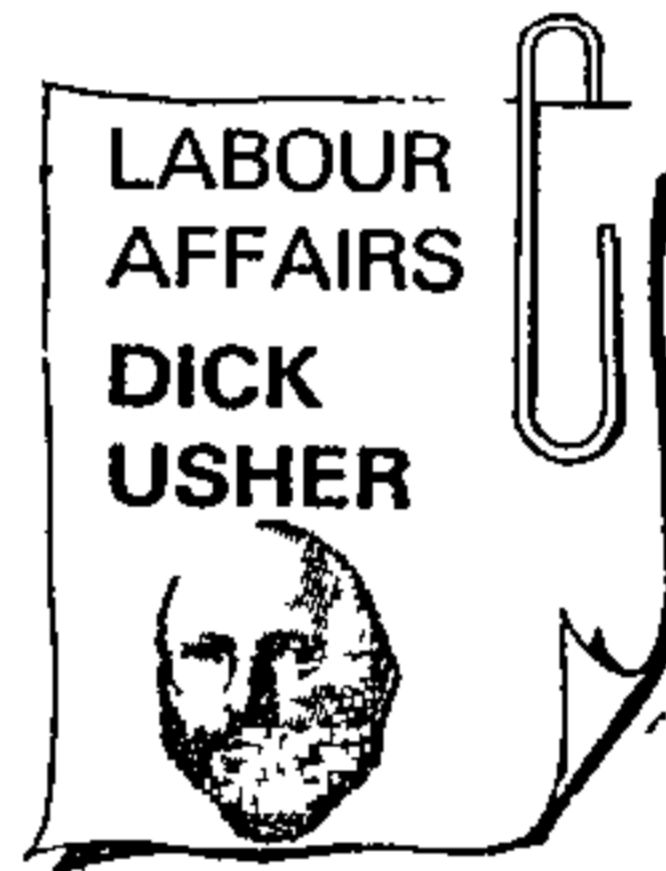
Thompson lays out a form of agreement which would take the contemplated action outside the statutory definitions of strike and lock-out and proposes that the disputes procedure should contain an explicit waiver that the parties would agree not to invoke the provisions of any other law in a matter regulated by their own contract

The bottom line is that these provisions would give, among other things, employees an effective right to strike through extensive protection against dismissal

He also makes provision for disputes arising under unplanned circumstances, such as wildcat strikes, in which the agreement would impose a positive duty on both sides to take all reasonable steps to end such unprocedural behaviour speedily

A third part of procedure would involve private adjudication to deal with disputes involving interpretation or application of the procedures, disputes arising from alleged unfair dismissals or from unfair labour practices

"One is attempting both to anticipate and contribute towards a future society which is both more pluralistic and democratic than the present order," said Thompson



Whole page (166)

# Why the unions are so little perturbed by Piet's scolding

THE Labour Relations Amendment Bill appears to have been put on the shelf, at least for the time being, so that employers and black trade unions have time to negotiate an end to the impasse over the controversial law.

South Africa's two big trade union federations this week announced they were pinning their hopes on top-level talks with major employer organisations as a means of changing contentious clauses of the Bill.

And although the Department of Manpower has announced the Bill will be promulgated soon, it appears this is being delayed to allow negotiations a chance to run their course.

Bitter conflict over the Bill, which black unions say will roll back the gains made by organised labour over the past 10 years, last month sparked the biggest general strike in South Africa's history.

The Congress of South African Trade Unions (Cosatu), which has about one million members, this week said it saw talks with the SA Consultative Committee on Labour Affairs (Saccola), which represents the major employer organisations, as the key to changing the controversial aspects of the Bill.

At the weekend Cosatu's central executive committee, the organisation's top decision-making body, endorsed the idea of negotiations with Saccola and decided to join ranks with the 400 000-strong National Council of Trade Unions (Nactu).

Cosatu press officer Frank Meintjies said the two federations would jointly draw up their objections to the Bill and submit these to Saccola. After receiving Saccola's submissions, the a union team will meet the employer body to identify common objections to the Bill.

Before the end of July, these joint a union team will meet the employer body to identify common objections.

Cosatu and Nactu then hope to persuade the employers to refer outstanding differences to an independent body of arbitrators.

In public, minister Piet Du Plessis is playing tough on the labour Bill. In private, believe unionists, he's still open to negotiations. **EDDIE KOCH reports**

confirmed that never before had there been such high level contact between the militant labour organisation and the government.

Since that meeting the department has been in no hurry to promulgate the Bill and it is clear that this is why Cosatu and Nactu are prepared to proceed with the negotiation process rather than interpret the minister's speech as a slap in the face.

Asked about the implications of Du Plessis' speech, Meintjies would only say that his organisation saw the talks with Saccola as a crucial "test of whether negotiation can impact on the proposed labour legislation".

Last week the director general of manpower, Piet van der Merwe, said the Bill could only become law after amendments had been made to technical



Cosatu's Frank Meintjies

procedures concerning the operation of conciliation boards and the industrial court.

Speaking at a labour relations seminar in Johannesburg, he said the Bill would be promulgated in "a few weeks time". It is significant that he did not commit himself to a date and left open the possibility that technical

ities could delay its promulgation.

Van der Merwe presented a strong defence of the Bill at the seminar. "It was widely published and made available to employer and trade union parties for comment," he said. "And it was debated in parliament perhaps more thoroughly than any other piece of legislation in recent years."

He said union criticisms of the Bill were exaggerated and clauses singled out for attack were similar to labour relations legislation in countries like the United Kingdom and West Germany. Positive aspects of the Bill had not been highlighted, he added.

But while expressing faith in the Bill, Van der Merwe stressed his department was willing to consider the position of all unions and amend the law if it felt this was justified.

Labour relations cannot be static. It cannot be formal. It must be constantly revised in the light of what happens in practice," he said.

"We are prepared to discuss amendments with all trade unions whether they are new or old, whether they are conservative or whether they are en-

lightened, whether they are radical on the left or the right."

After the seminar Van der Merwe told the *Weekly Mail* his department welcomed the talks between the union federations and Saccola.

"It is in fact the department's policy to consult employers and employees on matters affecting their interests in general. Any proposals from employers or employees on amendments to labour legislation will receive due consideration by the department."

These developments do not add up to a deal being struck between Cosatu, Nactu, Saccola and the Department of Manpower. But they do suggest that all parties involved are committed to an intense and urgent process of negotiation in an attempt to resolve the conflict around the Bill.

The Department of Manpower has already committed itself to early amendments to the Bill next year, Meintjies points out that the state president also has the power to suspend certain clauses of the law when it is eventually promulgated.

The outcome of the union/employer talks and the exact way these will influence the government is difficult to predict. But it is clear that the delay in promulgating the Bill, even if this is officially said to be for "technical reasons", has given impetus to the unique negotiations between black labour and big business.

## UN may intervene

COSATU'S request that the International Labour Organisation investigate whether the labour Bill conforms to international codes has been referred to the United Nations.

As South Africa is not a member of the ILO, the organisation referred Cosatu's request to the UN. The UN's Economic and Social Committee is likely to ask South Africa to accept an ILO probe into the dispute. If South Africa accepts the Bill will become subject to international arbitration, if it refuses it runs the risk of undermining government claims that the Bill is consistent with world standards.

Asked if the Department of Manpower would accept ILO intervention, minister Van der Merwe said the matter would only be considered when a formal request had been made.

• South Africa has allowed similar investigations in the past.

The leadership of both labour organisations have strong reservations about any form of negotiation with the government and it is unlikely they would put so much effort into the process unless they had some indication that it will result in modifications to the Bill.

Organised labour's commitment to the idea of negotiations has been boosted despite the criticism handed out to radical trade unions by manpower minister Piet du Plessis in the House of Assembly early this month.

Observers believed the vehemence of Du Plessis' attack on unions opposed to the Bill had ended the possibility of some kind of deal.

"These are the trade unions which use intimidation. These are the trade unions who want to make the country ungovernable," he said.

But it is more likely that the minister's tough stance was designed to appease the Conservative Party — as well as right-wing elements in the cabinet — and that the unusual rancour in his speech was designed precisely to throw a smokescreen around the support his department had given to the negotiation process.

Du Plessis' speech in parliament was preceded by an unprecedented meeting between lawyers for Cosatu, delegates from Saccola and officials of the department of manpower. A senior manpower department official

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(166) (166)

NACTU takes exception to journalism which smacks of sectarian overtones. The Worm's Eye View column by Steven Friedman (June 17-23) analyses the recent three-day protest action. He assesses the scope and capability of the labour movement and community organisations to organise such a protest.

Friedman reviews Cosatu's post protest action in what seems to be an evaluation of the labour movement's gains. *W Mail*

The disturbing factor is the *Weekly Mail* and Friedman ignore the fact that the protest action against the Bill was a result of united worker action made possible through discussions between the country's largest trade union federations, Nactu and Cosatu. 15-21/7/88

The article undermines the significance of joint action between Nactu and Cosatu. This leads us to the conclusion that this article is part of a concerted campaign of media hostility and bias against Nactu.

Any analysis or review of the post protest action should reflect the true actors and respect the fact that the gains made cannot be assessed in sectarian manner.

If the *Weekly Mail* pursues this blatant bias which fosters disunity within the labour movement then it should abandon sloganeering about how alternative it is. — Connie Molusi, Nactu



Unions, employers to talk

# New hopes of changes to Labour Bill

Star 14/7/85 (166)

The Labour Amendment Bill becomes law on September 1, but major trade unions believe there will be a total freeze on enforcement of controversial clauses while talks are held to iron out disputed areas.

Manpower Director-General Dr Piet van der Merwe made it clear today that the Bill will be promulgated as planned on September 1. He was reacting to speculation that the Bill would be put on ice pending negotiations between major trade unions and employers.

Dr van der Merwe indicated that amendments to the Bill were not ruled out. However, the normal channels would have to be followed to amend the Bill.

He said, however, that his department was always willing to discuss the Bill with the various interest groups. "Our doors are always open to anyone who experiences problems with the Bill."

Dr van der Merwe clarified the position today

Mike Siluma and Esmare van der Merwe

following a statement by the Steel and Engineering Industries Federation (Seifsa) that the Government would hold back the Bill until current negotiations between the SA Employers Consultative Committee on Labour Affairs (Saccola), the Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) had been completed.

The Bill had sparked a three-day national stayaway by black workers in June.

Seifsa made its statement in response to a demand by metal unions that it publicly endorse the suspension of the Bill and to discuss a proposal for an internal dispute procedure for the industry. The unions made their demand during their present wage negotiations with Seifsa.

In a statement on the wage talks yesterday, Seifsa said it "supports the decision of the Minister (of Manpower) to promulgate the Bill on September 1 1988 to allow more time for the discussions currently taking place between the SA Employers' Consultative Committee on Labour

Affairs (Saccola), the Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) on the Bill."

Saccola chairman Mr Bobby Godsell said that having met the Minister, employers had been "encouraged to pursue our talks with Cosatu and Nactu as a matter of urgency."

The belief was that "if our talks resulted in agreement between the three organisations, that agreement would have an impact on the Bill's fate."

Dr van der Merwe said that before the Bill was promulgated certain administrative regulations had to be implemented, such as the "handling of conciliation boards on district office level."

## 'Good and bad'

"We are going through with plans to train and prepare district office officials to gear them thoroughly to be able to implement the Bill," Dr van der Merwe said.

Mr Peter Soal, Progressive Federal Party spokesman on manpower, said "his nose tells him" the Bill will be promulgated, but the Department would consider future amendments.

"This bill is controversial and in many regards misunderstood. It contains good and bad. I welcome the Department's attitude that they are prepared to discuss the bill and they are willing to negotiate."

1166

# Grinaker assures unions on Bill

By Adele Baleta

Grinaker Construction Limited (GCL) says it has reassured unions that existing agreements will be honoured irrespective of what appears in the eventually amended Labour Relations Act

The company has 12 000 employees

Group manpower consultant, Mr S van Wyk, said GCL companies had been consulting elected shop stewards on the draft Bill

The group had reaffirmed its commitment to the process of collective bargaining

Congress of South African Trade Unions publicity secretary, Mr Frank Meintjies, said businesses should speak out against the Bill and apply pressure for its withdrawal

Several companies had already condemned the proposed legislation

Former Premier Group chairman, Mr Tony Bloom, said in his company's 1988 report that proposed amendments should be resisted by employers and employee alike.

"The message must be conveyed to the Government that the potential for reasonable industrial peace is being severely jeopardised by legislative activities and security police involvement in industrial relations"

Shell executive chairman, Mr J R Wilson, said in his company's 1987 report that the Bill was aimed at undermining the strength of the union movement

It was up to companies to make known their criticism and grave disquiet

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put on hold

## Seifsa

Own Correspondent

JOHANNESBURG. — The Minister of Manpower, Mr Pietie du Plessis, has undertaken not to promulgate the Labour Relations Amendment Bill until September 1, according to a section of the Seifsa press release on the metal industry wage dispute.

However, neither the government nor the SA Co-ordinating Committee on Labour Affairs (Saccola) would confirm this last night.

The Seifsa statement, in dealing with union demands that employers support the suspension of the Bill, said the purpose was to allow Saccola, Cosatu and Nactu more time for their discussions, now under way, on the Bill

Saccola chairman Mr. Bobby Godsell would say only that Mr Du Plessis had encouraged them to pursue discussions This could affect the legislative process.

Manpower Director-General Mr Piet van der Merwe said the final promulgation date had not been decided



# Labour Bill 'delayed for discussions'

14/7/88

ALAN FINE

(166) 5/10/88

MANPOWER Minister Pietie du Plessis has undertaken not to promulgate the Labour Relations Amendment Bill until September 1, according to a section of the Seifsa Press release on the metal industry wage dispute.

However, neither government nor the SA Co-ordinating Committee on Labour Affairs (Saccola) would confirm this last night

The Seifsa statement, in dealing with union demands that employers support the suspension of the Bill, said the purpose of the delay was to allow Saccola, Cosatu and Nactu more time for their present discussions on the Bill

Saccola chairman Bobby Godsell would say only that Du Plessis had encouraged them to pursue discussions in that, if agreement was reached, this could affect the legislative process

Manpower director-general Piet van der Merwe said the final promulgation date had not been decided, although September 1 was a possibility. The timing depended on the progress of various administrative issues. New Industrial Court rules had to be drafted and local departmental offices prepared for their new responsibilities regarding the appointment of conciliation boards, he said

"Our door is always open for discussion on proposed improvements to labour legislation," he concluded.

166

The Argus, Thursday July 14 1988 3

## Unions hope for freeze on new Bill

**The Argus Correspondent**

JOHANNESBURG — The Labour Amendment Bill becomes law on September 1, but major trade unions believe there will be a freeze on enforcement of controversial clauses while talks are held to iron out disputes.

Manpower Director-General Dr Piet van der Merwe made it clear today that the Bill would be promulgated as planned on September 1. He was reacting to speculation that the Bill would be put on ice pending negotiations between major trade unions and employers.

Dr van der Merwe indicated that amendments to the Bill were not ruled out. However, the normal channels would have to be followed to amend the Bill.

### DOORS OPEN

He said that his department was always willing to discuss the Bill with interest groups. "Our doors are open to anyone who has problems with it."

Dr van der Merwe clarified the position today after a statement by the Steel and Engineering Industries Federation (Seifsa) that the Government would hold back the Bill until

current negotiations between the SA Employers Consultative Committee on Labour Affairs (Saccola), the Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) had been completed.

The Bill sparked a three-day national stayaway by black workers in June.

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The belief was that "if our talks resulted in agreement between the three organisations, that agreement would have an impact" on the Bill's fate.

Mr Peter Soal, Progressive Federal Party spokesman on manpower, said "This Bill is controversial and in many regards misunderstood. It contains good and bad. I welcome the department's attitude that they are prepared to discuss it."

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3/day  
12/7/88

THE new Mines and Works Act regulations, which mark the end of mining job reservation, have been criticised by labour representatives and employers

A Chamber of Mines spokesman said the chamber could not support the provision that the Government Mining Engineer should take into account the views of advisory committees on the mines' "proven labour needs" before admitting a candidate for the relevant certificate of competency

# New mining regulations slammed

ALAN FINE

This, he said, infringed on management prerogative and could be seen as indirectly retaining racial discrimination. He said the industry intended to make the regulations work so as to achieve their desired result.

National Union of

Mineworkers (NUM) assistant general secretary Marcel Golding said his union would comment later. But previous NUM objections still stood.

The union objected to provisions which made proficiency in one of the official languages, and a formal educational qualification, a prerequisite for eligibility

for acquiring certificates of competency. It saw these as a hidden form of racial discrimination, particularly since they had not previously applied.

A spokesman for the whites-only Mineworkers' Union (MWU) — which has vigorously resisted the removal of job reservation — said it was "disgusted" at the regulations.



# Saccola and unions to meet

NEGOTIATIONS between SA's two largest trade union federations and the SA Co-ordinating Committee on Labour Affairs (Saccola) on SA's labour legislation are set to begin this week, after Cosatu's central executive committee (CEC) approved the procedures for this process at the weekend.

Cosatu information officer Frank Meintjies said the weekend meeting had confirmed the plan to participate jointly with Nactu in the talks.

The meeting had also approved detailed written submissions to Saccola on the Labour Relations Amendment Bill and existing legislation. Saccola was to

ALAN FINE

detail its own views in writing, after which the parties would meet to reach agreement on as many aspects as possible, he said.

Thereafter, the agreed points would be submitted to the Manpower Department. Meintjies said Cosatu and the employers were hopeful the process would impact on future labour legislation.

He said it was expected areas of non-agreement would be referred to arbitra-

166  
To Page 2  
6/12/88

# Saccola and unions to meet this week

tion, although Saccola secretary Frieda Dowie said finality on how to deal with disputed points would be resolved later.

Nactu general secretary Piroshaw Camay said Cosatu's and Nactu's views on the detail of the Bill largely coincided, and their submissions had been drafted by the same legal team.

Meintjies said the CEC meeting had also begun implementing Cosatu's congress decision in May to convene a meeting of a broad range of anti-apartheid organisations.

← From Page 1

It had also adopted three resolutions held over from the congress, including a call for the release from prison of veteran unionist Oscar Mpetha, 78, who is serving a five-year prison sentence, the revival of the living wage campaign, a campaign for the reinstatement of workers dismissed during the June 6-8 protest, and the establishment of Cosatu committees for each industrial area.

# Saccola and unions to talk on labour laws

166  
12/7/88

Own Correspondent

JOHANNESBURG. — Negotiations between South Africa's two largest trade union federations and the SA Co-ordinating Committee on Labour Affairs (Saccola) on labour legislation are set to begin this week after Cosatu's central executive committee approved the procedures for this process.

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Vol. 278

PRETORIA, 12 AUGUSTUS 1988  
AUGUST

No. 11463

## PROKLAMASIE

*van die*

*Staatspresident van die Republiek van Suid-Afrika*

**No. R. 128, 1988**

DATUM VAN INWERKINGTREDING VAN DIE WYSIGINGSWET OP ARBEIDSVERHOUDINGE, 1988 (WET 83 VAN 1988)

Kragtens die bevoegdheid my verleen by artikel 31 van die Wysigingswet op Arbeidsverhoudinge, 1988 (Wet 83 van 1988), bepaal ek die eerste dag van September 1988 as die datum waarop genoemde Wet in werking tree

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria, op hede die Vierde dag van Augustus, Eenduisend Negehonderd Agt-en-tagtig

P. W. BOTHA,  
Staatspresident

Op las van die Staatspresident-in-Kabinet

P. T. C. DU PLESSIS,  
Minister van die Kabinet

## PROCLAMATION

*by the*

*State President of the Republic of South Africa*

**No. R. 128, 1988**

DATE OF COMING INTO OPERATION OF THE LABOUR RELATIONS AMENDMENT ACT, 1988 (ACT 83 OF 1988)

Under the powers vested in me by section 41 of the Labour Relations Amendment Act, 1988 (Act 83 of 1988), I fix the first day of September 1988 as the date on which the said Act shall come into operation

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this Fourth day of August, One thousand Nine hundred and Eighty-eight

P. W. BOTHA,  
State President

By Order of the State President-in-Cabinet

P. T. C. DU PLESSIS,  
Minister of the Cabinet

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# Labour Bill <sup>11/6/88</sup> <sup>Stewart</sup> <sup>10/7/88</sup> row far from settled

THE widely differing reactions to the Labour Relations Amendment Bill are due in part to the legislation itself being so confusing, say lawyers.

Department of Manpower Director-General Piet van der Merwe acknowledged this at a seminar, saying "The Bill has been hailed as the most brilliant piece of legislation in labour relations and condemned as biased and union-bashing

"Never before has there been so much misunderstanding or debate about a piece of legislation. There is

no consensus between the various bodies — trade unions, employers and Government"

Labour lawyer Clive Thompson said at the seminar "The Bill is an ambivalent piece of work. It does curtail labour's rights, but the manner in which it does so is confused rather than decisive

## Equal

"In many respects the Bill does equal disservice to both labour and management through the unwieldy structures and processes that it spawns, and through almost uniformly clumsy draftmanship"

In defence of the Bill, Dr van der Merwe said it in no way changed the basic principles underlying the labour scene and was not a deviation from the principles laid down by the Wiehahn Commission

His main thrust was that the amendments emanated directly from the recommendations of the National Manpower Commission (NMC) in 1984

"The Bill is not a clamp-down on unions, but a reflection of the NMC report which involved the participation of both unions and employers. When the Bill was put up for comment in 1986, out of 154 comments received, almost all were favourable"

The Bill has been approved by all three Houses of Parliament and will become law within about three weeks. But there still seems to be no consensus on it.

Legal practitioner Roland Sutherland believes another reason for this is that at no relevant stage were the black trade unions included in any input

## Concrete

"As a result, the black labour movement believes that the Bill is concrete evidence of collusion between the State and capital. It does not matter whether this is true or not, social attitudes are built on beliefs and not on facts"

He believes ammunition will be provided to those who say that the interests of capital are intertwined with apartheid

The spotlight on the Bill has been extended abroad with Cosatu's plea to the International Labour Organisation (ILO), which has referred it to the UN

Mr Thompson says this places SA in a quandary "If SA does afford jurisdiction to the ILO, it will subject the new law to the harsh glare of international scrutiny

"It does not, any further claims that the labour dispensation in SA is on a par with internationally accepted principles will sound hollow"

# Labour Amendment Bill an 'attack on democracy'

By KERRY CULLINAN

**W**EST German Labour and Social Affairs Minister Norbert Blum told a delegation of top Cosatu officials visiting his country that the Labour Relations Amendment Bill - passed by all three houses of Parliament last week - was a fundamental attack on democratic rights.

And the International Labour Organisation, who met the delegation in Switzerland, has referred Cosatu's complaints against the bill to the United Nations.

"This bill is a fundamental attack I am opposed to it as you are," said Blum.

Blum also told Cosatu president Elijah Barayi, first vice-president Chris Dhlamini, information officer Frank Meintjies and general secretary Jay Naidoo - whose confiscated passport was returned in time for the trip - that West Germany had not "totally ruled out" imposing sanctions against South Africa.

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## West German has not ruled out imposing sanctions on SA

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The West German foreign minister Hans Genscher - who postponed a visit to Canada to meet the Cosatu delegation - added that his government believed that prerequisites for dialogue between all groups in South Africa were the stopping of persecution, unbanning of organisations and the release of

Nelson Mandela

"There is an increase in violence and the white minority must take responsibility for it," Genscher added.

Blum and Genscher also told the delegation they would regard the hanging of the Sharpeville Six as provocative. That same afternoon the West German parliament passed a unanimous resolution condemning the

Six's sentence and calling for their release.

When the Cosatu delegation met the ILO at its head quarters in Geneva, Switzerland over the weekend, it discussed what procedures were necessary in the light of Cosatu's complaint laid with the ILO against the SA government over the introduction of the labour Bill.

Cosatu had asked the ILO earlier in the year to

set up a commission into the bill which it has described as an infringement of freedom of association in South Africa.

After the meeting with Cosatu, the ILO referred Cosatu's complaint to the United Nations Economic and Social Council.

The UN will now ask the SA government to consent to an ILO commission to examine the matter.

This is standard procedure for dealing with countries that are UN members but not ILO members. South Africa withdrew from the ILO in 1966.

Should the SA government refuse to allow the ILO's Fact-Finding and Conciliation Commission on Freedom of Association to examine the complaint, the matter will then be in the hands of the UN.

Other organisations that Cosatu met with were the German Federation of Trade Unions, which organised their German trip, the Swiss Trade Union Federation and the West German Social Democratic Party.

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C/Pres 10/7/88

# Labour Amendment Bill an 'attack on democracy'

By KERRY CULLINAN

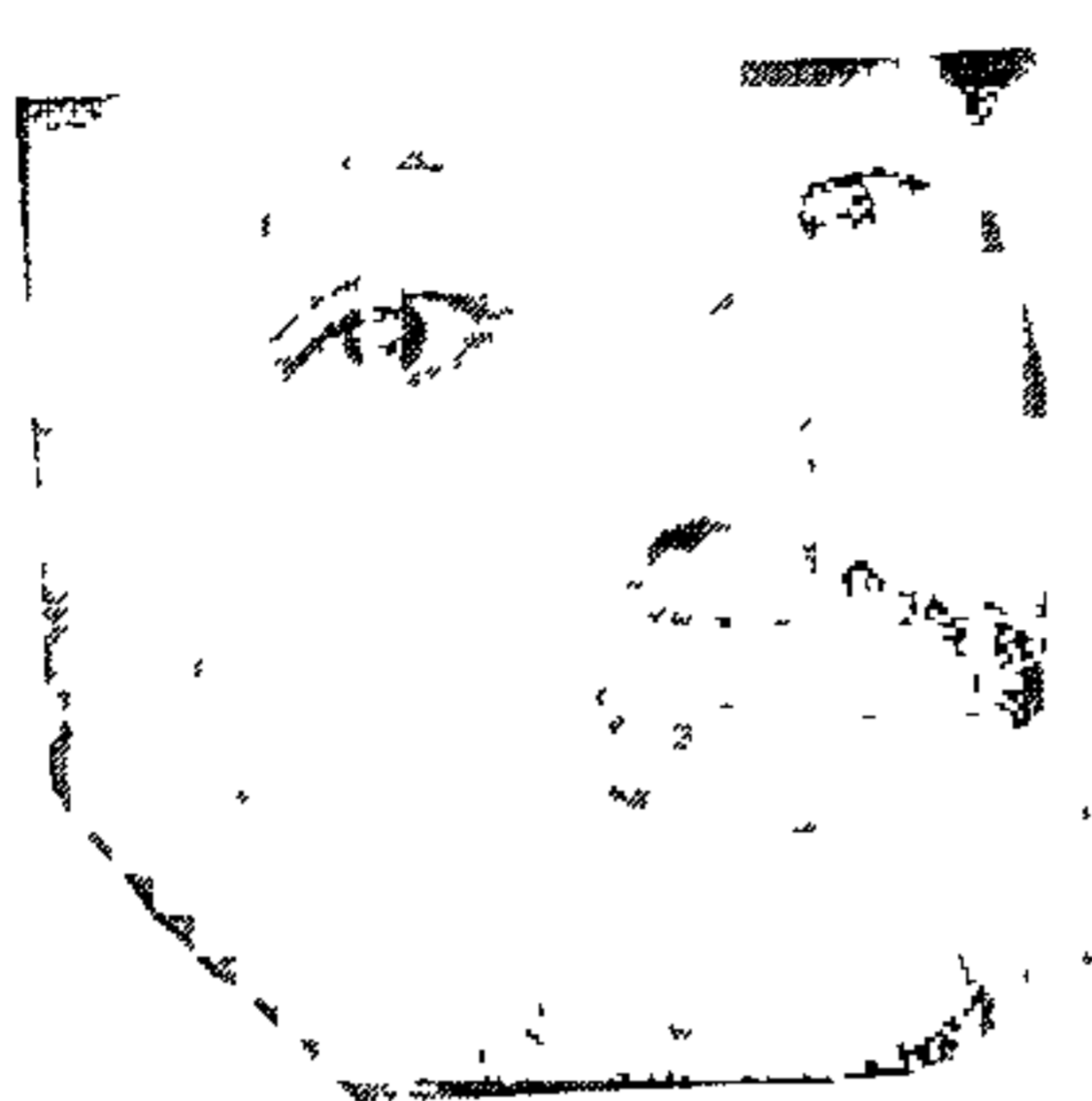
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C/Pres 10/7/88



UN to hear  
Cosatu claim

LONDON. — The International Labour Organization (ILO) has referred to the United Nations a complaint from Cosatu against the South African government, alleging infringement of freedom of association.

Cosatu maintains that the Labour Relations Amendment Bill seeks to give preference to racially constituted unions at the expense of non-racial ones and fundamentally curtails the right to strike.

**M**RS Anna Mamatlala Magaga is 25 years old and a mother of two. She lives at a village in Moletj near Pietersburg and travels by bus daily to work. Her weekly ticket costs R5.90. Her wages are R23 a week.

Mrs Joyce Tsiri (Mokobana) is a mother of three and stays at Gaphago. Her weekly ticket is R8.80. She started working for her present employer in 1984 and earns R45 a week.

These women are among 60 workers employed at Saddle Tree in Seshago near Pietersburg who went on strike last Monday. They are demanding R30-a-week across-the-board increases and the recognition of their union, the Textile Workers Union.

### Management

Saddle Tree management not only refused to discuss grievances and recognition with the union, it also refused to comment on the matter to this newspaper.

Legally, the company is not obliged to negotiate with the union because it is situated in the Lebowa homeland. The Labour Relations Act and its amendment does not apply in the homelands.

Thus workers in these areas have no recourse to the law. Unions claim that numerous attempts to discuss wages with management have failed.

The Textile Workers Union's files also reveal that attempts to set up meetings with Saddle Tree were rebuffed. Letters from the union were referred to an attorney. In one such letter, the attorney asked the union to state "in terms of which Acts you

# Workers who have no recourse to the law



By MATHATHA TSEDU



WORKERS at a rally their homeland counterparts have no protection under the law

intend operating in Lebowa".

Union officials said this was the standard response to its approaches to management in the area.

The striking Saddle Tree workers earn a minimum of R23 and R36 a week for women and men respectively.

Union organiser Mr Theo Ramalamula, who recently spent over 500 days in detention and was later discharged on charges of subversion arising from a strike at a homeland-based factory summed up the situation facing unions in homelands.

### Co-operated

Of all the companies we have organised in Seshago, only one, Lebowa Bakery, has co-operated. The rest, where we have up to between 80 and 90 percent representation, just tell us they will negotiate with us when the Labour Relations Act is extended to Lebowa. They simply ignore our letters," he said.

In terms of the Homeland Constitution Act, Lebowa and indeed all the other homelands, can pass legislation to regulate industrial relations. If no such legislation is specifically passed, South African laws that were in force at the time of the attainment of "self governing" status apply.

In the case of Lebowa which attained self-governing status in 1975, the applicable acts are the Black Labour Relations Act 48 of 1953 and the Wage Act No 5 of 1957. The post-Wichahn amendments do not apply.

Two years ago Lebowa government officials pointed out that the homeland was busy with its own labour legislation. Nothing has come out of these pronouncements.

The dilemma facing

homeland governments is twofold. On the one hand, in order to attract industrialists to the impoverished areas, they promise low taxes, no minimum wages and no trade unions. On the other, they rely on the votes of exploited workers to stay in power.

### Interests

Up to now the interests of the industrialists have been well looked after. But as Mr Ramalamula said, the chickens are coming home to roost for Lebowa.

On the surface the strike at Saddle Tree may "look ordinary," its implications are however wide. A victory for Saddle Tree workers could affect the position of many workers in similar situations countrywide.

Last year, the Transport and Allied Workers Union had a strike in the same area over almost similar issues. Management at first refused to meet union officials but eventually succumbed. Whether Saddle Tree will follow suit is another matter.

What is clear is that presently both Mrs Magaga and Mrs Tsiri, and indeed the entire striking force, are determined to see their union recognised.



Political comment in this issue by Aggrey Klaaste and Joe Thlolo. Sub-editing headlines and posters by Sydney Mathaku. All of 61 Commando Road, Industria West, Johannesburg.

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Saturday 11/7/88

# Anglo joins debate on Bill

THE current debate over the Labour Relations Amendment Bill reflected the conflict in South Africa, directors of the Anglo American Corporation said in their annual report this week.

Commenting on the Bill in their review for the year ended March 31, 1988, they said although the amendments had little attention focused on its content.

They said: "In essence, the Bill enhances the status of the Industrial Court, entrenches protection of employees against unfair dismissals, discourages sympathy and repeat strikes and strengthened dispute-resolution through conciliation boards."

The proposed labour legislation, the directors said, was consistent with labour relations practice in "industrialised democracies" such as the United States and United Kingdom.

## Debate

The directors went on: "The current debate concerning the Bill reflected both the limited degree of political representation and the extent to which South Africa was riddled with conflict."

"It was understandable that unions representing black workers were suspicious of legislation emanating from a Parliament in which they had no representation," they said.

Of the Mines and Works Amendment Act (passed in 1987 but still to come into force), the directors said it contained provisions which negated many improvements made to the Act and did not reflect the intentions of the legislature.

The corporation hoped the proposed regulations would be revised in the near future following the Chamber of Mines' objections to certain provisions contained in the legislation.



# No deals on the Labour Bill

Weekly Mail Reporter

SPECULATION that a deal is on the cards between the government and predominantly black unions over the controversial Labour Relations Amendment Bill appeared to have been shattered in parliament this week.

Not only was the Bill passed by all three Houses of Parliament with no changes to the most contentious clauses, but Manpower Minister Pietie du Plessis also launched a heavy attack on the "radical unions" who were against the legislation.

Unions affiliated to both the Congress of South African Trade Unions and the National Council of Trade Unions are bitterly opposed to the Bill.

Du Plessis was warned by the Progressive Federal Party's Jan van Gend that parliament was about to enact legislation which would "disrupt labour relations, frustrate the process of collective bargaining and lead to increased uncertainty and consequent legislation".

The minister responded by asking "Who are the people objecting to these curbs being placed on illegal

## Media strike hurts the Citizen

By MZIMKULU MALUNGA

THE Johannesburg morning newspaper, *The Citizen*, is worst-hit by the strike involving over 3 000 members of the Media Workers' Association of South Africa.

According to Mwasa's general secretary, Sithembele Khala, "they (*The Citizen*) have subcontracted a portion of their work to *Beeld*".

He said Perskor offered a R16 across the board wage increase, with R109 a week offered to factory aids and R118 offered to drivers and clerks.

Mwasa reduced its wage demand from R180 a week to R130.

Khala said Perskor gave workers

a 6pm deadline to return to work on Wednesday this week or face dismissal. The ultimatum was not met and a number of employees were fired.

Plants in Johannesburg, Pretoria, Krugersdorp, Vereeniging, Witbank, Bosmont and Nelspruit have been affected by the strike. The four-day-old strike was joined by workers in Durban, the union said.

Both *The Citizen* and Perskor could not comment. Negotiations were continuing at the time of going to press.

strikes? The radical trade unions which do not want to obey any rules or any law in this country.

"These are the trade unions which use intimidation. These are the trade unions who want to make the country ungovernable. These are the people who want to politicise the whole labour terrain."

Du Plessis was speaking in the cloistered atmosphere of the white House

of Assembly, which is far removed from the realities of the factory floor.

However, after such a vitriolic attack, it seems unlikely that a meaningful compromise can be reached on the legislation.

Du Plessis did not name any of the "radical unions".

But he did say that "the moderate trade unions of this country and many of the mixed trade unions in this country support this legislation wholeheartedly".

He also said it was the express aim of African National Congress president Oliver Tambo that the ANC should this year gain advantage in the field of labour.

Du Plessis did, however, say that the Bill was not the "last word" on labour legislation.

"We will see how it works out in practice. We will look to see if this legislation puts us in a position to accommodate new challenges, new problem situations and new tendencies," he said.

## Rhodes res strike will hit festival

Weekly Mail Reporter

RESIDENCE workers at Rhodes University in Grahamstown have voted not to work during the Standard Bank National Arts Festival in protest against the low wages they say they receive.

Rhodes offers accommodation to people attending the festival, and the workers are asked to work during this period. The money they receive is in addition to their monthly wages.

The chairman of the Transport and General Workers Union (TGWU) in Grahamstown, Elijah Ntente, said workers had also

demanding that they be paid immediately after the festival, rather than waiting until they receive their monthly pay.

At a meeting last week between TGWU officials and university representatives, the parties agreed to appoint a mediator, Port Elizabeth lawyer Fikile Bam, to help resolve the dispute.

Negotiations between the university and the union were broken off two months ago after deadlock was reached. - ANA







# LABOUR BILL IS READY

THE controversial Labour Relations Amendment Bill, which prompted last week's three-day stayaway, has reached its final stages.

The Bill went back to the standing committee for further discussion on amendments which were completed on Monday.

Chairman Mr James Cunningham said the committee had "fairly long" discussions and the Bill would probably be placed on the order paper of all three Houses later this week.

## Unfair

Meanwhile, a leading union in the commercial distributive trade has rejected several key aspects of the Bill.

The National Union of Distributive and Allied Workers (Nudaw) said the Bill restricted workers' rights in many ways and "with all the important matters in this

## Union rejects key aspects

action they could take to right wrongs

It also defined what would not be unfair labour practices. "The definition makes it not unfair to terminate the employment of an employee on grounds other than disciplinary

action during the first six months employment with a particular employer — this despite another provision which requires dismissal during the first six months to be in compliance with a fair procedure," said Nudaw.

"Most other countries with similar laws have totalitarian governments," said Nudaw.

The union said an accused was usually innocent until proved guilty — the Bill sought to reverse that principle in respect of breach of contract.

**Two very fine birds**

POPULAR singer Desiree Baird (right) look time off recently to enjoy herself at Shareworld Entertainment Centre in Crown Mines, Johannesburg. Her companion was Pinkie Masebola of Diepkloof.





# What the Labour Relations Bill really says.

## EMPLOYERS AND THEIR ORGANISATION, SACCOLA, SAY

- The Bill is not an attack on unions
- The Bill preserves worker rights
- The Bill is in line with Western labour standards
- The Bill satisfies most of COSATU's objections

## WORKERS AND COSATU SAY

- The Bill is part of a broader strategy to suppress democratic opposition and worker organisation. COSATU has been severely restricted and 17 democratic organisations have been banned. COSATU's right to meet, speak, publish and organise has been systematically undermined by banning all our rallies, constant police raids on our offices, numerous anonymous bomb attacks on our property, regular confiscation of our media, ongoing detention of our members and so on. The Minister of Manpower has even said that the provisions of the Bill will hang "like a sword over the (unions) heads" — Star 17/12/87
- The Bill makes arbitrary and unfair dismissals legal, restricts the right to strike and encourages minority unions

- The Bill contravenes international labour standards on freedom of association. COSATU has laid a complaint with the International Labour Organisation (ILO) for investigation
- Not one of COSATU's major objections to the Bill have been met — 20 out of our 27 objections to the parliamentary standing committee were ignored

This week's protest action demonstrates the opposition of millions of workers to the Bill. There is clear disagreement between workers and employers about the Bill.

## WE CHALLENGE SACCOLA

- To submit this disagreement to the judgement of an independent panel of lawyers under the chairmanship of, for example, a retired judge who is a respected member of the legal profession
- To call on the government to suspend the Bill pending determination by the independent panel and the ILO
- To call on the government to submit to the jurisdiction of the ILO

COSATU — Congress of South African Trade Unions

W. Meir 10-16/88

Workers begin drifting back

# Protests on Bill: Cosatu in new move

166  
B/day  
8/6/88

AS WORKERS in most major industrial areas started drifting back to work yesterday, Cosatu appealed to employers to submit the Labour Relations Amendment Bill to an independent tribunal for scrutiny on whether it met Western standards. And general secretary Jay Naidoo also announced Cosatu had called a special executive meeting for today to decide whether or not to accept Manpower Minister Pietie du Plessis's invitation to discuss the proposed legislation.

In a letter delivered to the SA Coordinating Committee on Labour Affairs (Saccola), Cosatu proposed the Bill be referred to a panel chaired by former judge L Ackerman, now chair of the Stellenbosch University law faculty. The inquiry should be held soon and employers should meanwhile use their influence to stay the passage of the Bill, said Cosatu.

Naidoo said Cosatu's lawyers had already contacted Ackerman.

ALAN FINE

The letter said that, judging from previous meetings and the Saccola advertisement in the Press last Thursday, Cosatu and Saccola shared certain beliefs on the desired objectives of legislation. What was in dispute was whether the Bill would achieve them.

Cosatu said the principles about which Cosatu and Saccola were in agreement

● See Page 4, Comment: Page 8

were that amendments should not erode legitimate protection against unfair dismissal; not erode union bargaining power; be consistent with international standards; provide for simple, inexpensive and quick conciliation procedures; and be coherent and clear.

Saccola chairman Bobby Godsell said he was pleased to receive a specific

● To Page 2

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B/day  
8/6/88

## Cosatu to discuss govt invitation on Bill

proposal from Cosatu, and would now urgently consult members on it

Naidoo disputed various points made by Du Plessis in Parliament on Monday. He said Cosatu had informed government of its views on the Bill through its submissions to the standing committee. He invited Du Plessis to allow the International Labour Organisation to determine the Bill's merits.

He said despite the Minister's derogatory comments about Cosatu, a special meeting would be convened to discuss the invitation.

The Labour Monitoring Group reported stayaway figures in the PWV down from 81% to 78% in manufacturing compared with Monday, from 66% to 52% in commerce, and from 24% to 11% in the public sector. Figures for other areas were unavailable.

The Chamber of Mines said most of

← ● From Page 1

the 9 000 miners who did not report for work on Monday returned yesterday.

The FCI said absenteeism rates were down by up to 20% in the Transvaal, Durban and Cape Town, and substantially down in the eastern Cape. Sats and Putco figures followed similar trends.

BRONWYN ADAMS reports Seifsa and Assocom said absenteeism in their sectors remained largely unchanged.

ROGER SMITH reports there was a marked increase in unrest incidents on Monday, according to the police unrest report. Seven people, including three children, were reported killed.

Five of the seven deaths were in the Durban/Maritzburg area. Most of the unrest incidents recorded were in Natal (five) and the Transvaal (seven), with the remainder in the Cape (three).



166  
9/10/84 8/6/88

**T**HE QUESTION arising out of this week's stayaways is what longer-term effect it is going to have on relationships between — and within the ranks of — organised labour, business and government.

On the first day the "protest" was widespread in commerce and manufacturing industry, but not on the mines.

Whether it will continue at these levels for the full period remains to be seen — Wits University professor Eddie Webster points out a nationwide stayaway in SA has never before lasted that long.

Also apparent is the anger of employers at three more days of lost productivity after March 21, immemorable official public holidays in April and May, and June 16 just around the corner.

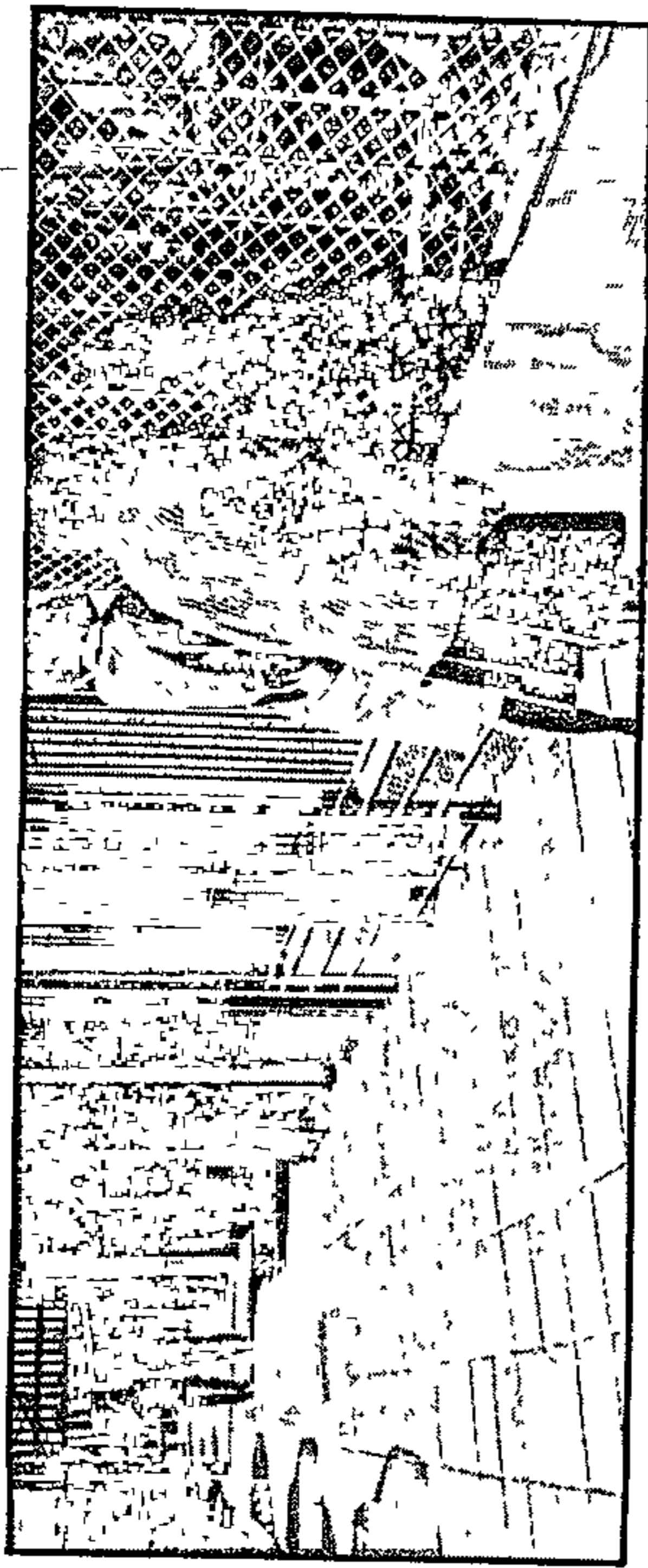
Some mass dismissals will undoubtedly result from the event. Labour relations consultant Gavin Brown warns that, while none have come to light yet, they can be expected once employees start returning to work.

**B**ut he also points out that only a limited proportion of employer anger can be translated into dismissals. Businessmen who employ significant numbers of semi-skilled and skilled stayaway participants will face constraints in that they are not easily replaced.

Government, at this stage, appears to be reacting with restraint. There have been no confirmed reports of direct police involvement and detentions. Unionists feared have not materialised.

In addition, Manpower Minister Piethe du Plessis has, if not altogether graciously, said he is still open to amending the Labour Relations Amendment Bill — one of the targets of the protest — and has called on the labour movement to talk to him about it.

And despite anger among employers at the stayaway, the leaders of employer organisations still seem prepared to continue the debate over



□ CLOSED ON ACCOUNT OF THE STAYAWAY frustrated window-shoppers in Johannesburg yesterday

# Counting the cost of union protest

ALAN FINE

the Bill, if not exactly on the terms demanded by Cosatu.

Specifically, they are not prepared to call for the suspension of the passage of the Bill pending discussions. But it seems Du Plessis is prepared to allow a delay.

The House of Delegates is likely to effect this in any event, through its decision that the Bill should be referred back to the standing committee for further investigation.

Something that has been lost in the smoke of this week's events and the days leading up to it is that the Bill was not supposed to be the main focus of the protest action — the restrictions on Cosatu and 17 other organisations in February was.

The idea, apparently, was to show that government cannot impose po-

litically repressive measures without cost.

Be that as it may, this week's events have not closed down the possibility of a move from confrontation to real talking about SA's labour relations system, and the economy itself.

**T**he line now emanating from government and employers is that the Bill is not retrogressive for unions. Serious talking will mean they have to acknowledge that some of the labour movement's expressed fears are real even if in many respects (say, in the case of sympathy

strikes) employers firmly believe their own view is valid.

More employers may have to also begin acknowledging that, despite their distaste for politics, these matters do impact on them. They may, therefore, feel obliged to take a stronger stand on civil liberties.

Du Plessis also will have to demonstrate he is genuinely prepared to address union concerns.

But the labour movement has its own credibility crisis to overcome. There is a more than sneaking suspicion among even the most liberal employers that unions are more interested in demonstrating their undoubted muscle for confrontational purposes than actually using it as a weapon in working towards what is, after all, reformist change.

So any talking will have to include discussion on basic detail rather than, particularly as far as Cosatu is concerned, the perceived "political posturing at last week's pre-protest discussions."

This is one of the preconditions for productive bilateral discussion. Another is that organised labour seriously begin to discuss the question of economic development.

As FCI manpower committee chairman Bokkie Botha puts it, "Cosatu doesn't seem to understand what this kind of action (stayaways) does to business, growth and unemployment." Similar sentiments have been expressed over Cosatu and Nactu's positions on sanctions.

This will not be last time labour uses the shopfloor to raise political grievances. But the industrial pattern of this week's stayaway suggests Cosatu approaches these events more cautiously.

**A**s has been reported, the failure of the miners to participate has been noted by some Cosatu sources with cynicism, as the National Union of Mineworkers was the strongest proponent of the view that the event should last as long as three days.

Webster notes black miners have never participated in large numbers in a political stayaway. He attributes this to the large proportion of foreign-born and migrants among them who have never been "integrated into urban political issues." Thus their militancy is largely limited to workplace-related issues.

Whatever the reasons, those unions which would have preferred to opt for a more modest type of action — and who take a more pragmatic view of most issues but whose members have "delivered" on this one — will emerge from this week stronger as far as their standing within Cosatu is concerned.

Whether this week leads to greater polarisation in the labour field or, once emotions have dissipated, better communication on matters of mutual concern, will depend on a reassessment all round of the lessons to be learned.



# Cosatu submissions released

COSATU yesterday released copies of its submissions to the parliamentary standing committee on manpower, which contain its detailed objections to the Labour Relations Amendment Bill published in September.

General secretary Jay Naidoo said the version of the Bill published last month and tabled in Parliament showed three of Cosatu's 27 objections had been fully met and four partially met. The other 20 objections remained. The submissions referred also to aspects of existing legislation.

Cosatu objected in principle to the codification of unfair labour practices (ULPs), arguing the de-

ALAN FINE

velopment of such law should be left to an industrial court with flexible powers. It also believed the appeal process would cause delays of up to three years in the settlement of disputes.

Cosatu argued that strikes should be decriminalised. On the ULPs, it said the definition of sympathy strikes was even more drastic than UK legislation, and argued present law already restricts lawful action to that which would effect pressure on the employer to settle the primary strike.

Cosatu said the clause designating a strike on a "similar" issue within 12 months as an ULP would stop strikers resuming work pend-

ing negotiations. It objected to the inclusion of boycotts as an ULP.

Cosatu objected to several aspects of rules relating to unfair dismissals, including the partial negation of the need for procedural fairness and contradictions related to selective re-employment.

Cosatu acknowledged that a clause which effectively allowed an employer to interdict any strike — described by government officials at the time as a drafting error — had been corrected.

Cosatu opposed the system of registration which, it believed, serves no purpose, and the differential treatment of registered and unregistered unions. It objected to the introduction in the Bill of an amendment which, it believed, in-

roduces racial criteria into questions of union representation.

The submissions welcomed the simplified procedure for the establishment of conciliation boards. But it criticised two restrictions on the referral of disputes to boards if wage-regulating machinery exists and has operated for less than a year; and narrowly-defined timing for the lodging of a board application. The latter objection was partially met in the new version.

A positive change, from Cosatu's viewpoint, was that the period of operation of a board may now be extended only by mutual consent, rather than by the inspector at the request of one party. Cosatu had feared this would be used to prevent lawful strike action.

# LABOUR LEGISLATION

1988

1. The Employment Protection Act 1988 (EPA) was introduced to amend the provisions of the Employment Protection Act 1978 (EPA 1978) and the Employment Protection (Consolidation) Act 1978 (EPA 1978 (C)). The EPA 1988 was designed to address the concerns of employers and employees regarding the stability of employment and the process of dismissal.

2. The EPA 1988 introduced several key changes to the law of employment, including the introduction of a new system of unfair dismissal. Under the new system, an employee who has been employed for a continuous period of two years is entitled to a written statement of reasons for dismissal. This statement must be provided to the employee within 14 days of the date of dismissal. The employee then has the right to request a written statement of reasons for dismissal from the employer. If the employer fails to provide such a statement, the employee may be entitled to a remedy of reinstatement or compensation.

Unions slam draft law as a . . .

# Bitter Bill to swallow

(166) SPM  
23/1/88

CAPE TOWN — Major labour legislation due to go before Parliament this year will virtually kill many of the advances made by the Wiehahn labour reforms of 1979 and may lead to intense industrial strife.

If the Labour Relations Amendment Bill is enacted, it will

- Severely limit the right to strike
- Make a wide range of strikes illegal
- Introduce the possibility of unions being sued for damages resulting from industrial action.
- Undermine the principle of the majority union at a workplace having the right to negotiate for the whole workforce
- Restrict the powers of the Industrial Court to make law
- Legalise unfair dismissals and retrenchment in some cases

The Bill has been criticised as a recipe for chaos by the labour movement, management and union labour law specialists and industrial relations experts.

## Curtail union activity

It was first introduced in 1986 and republished in a slightly amended form in September last year in what some observers see as a Government response to conservative demands for curbs on unions, especially after last year's public sector strikes in the Post Office and South African Transport Services.

Spokesmen for both major union federations, the Congress of South African Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) this week criticised the Bill as reversing the achievements of the Wiehahn reforms.

Nactu said the Bill aimed to curtail union activity, support employers and control the use of legal provisions which unions had used to their advantage.

Cosatu said there did not appear to be many benefits for those who followed the provisions of the Bill, currently with the Standing Committee of Manpower, and stayed within the system.

A Cosatu spokesman said the amendments were "all stick and no carrot".

"This will make it even more difficult for unions to channel worker militancy within the framework of the requirements of the Act than it is at present," he said.

Provisions which are considered most harmful are limitations on the right to strike, the dilution of the limited protec-

## SATURDAY STAR CORRESPONDENT

tion against dismissal for legal strikers that Industrial Court judgments have established and the removal of unions' indemnity against damages claims.

Several amendments to the procedures required for a legal strike make it more difficult to call one, but no provisions to protect strikers from dismissals are included in the amendments.

An amendment to Section 65 of the Act bans strikes or lock-outs "if the employer or employee is not directly involved" in a dispute, thus outlawing sympathy strikes.

If a dispute is "virtually the same" as one which had led to industrial action during the previous 12 months, a strike would be illegal.

"Grasshopper" strikes, where employees return to work and go out again during the same dispute, would also be barred.

A new Section 79 provides for union liability for damages caused by many forms of industrial action and requires the union to prove it was not involved.

A Cosatu memorandum on the Bill calls this "the most threatening provision".

Strikes that fulfill all the legal requirements can be curtailed by an interdict.

## Increase litigation

A new Schedule I extends the definition of an unfair labour practice. It withdraws protection from people with less than 12 months' service and undermines the principles for a fair dismissal developed by the Industrial Court.

A special labour court, proposed in clauses added to section 17, would remove the Industrial Court's right to sit as a court of law and sets up appeal processes which lawyers say will substantially increase litigation and therefore costs.

They could also lead to lengthy delays in obtaining relief.

Critics also fault the Bill for several provisions which bolster the position of minority unions and for permitting racial unions to register without non racial unions being allowed to object.

But a leading labour lawyer said "It would be more accurate to describe it as subversive of a coherent and effective collective bargaining system."



A SPECIAL labour court of appeal — chaired by Supreme Court judges — would be a retrogressive step, going against a fundamental rationale behind the reforms initiated by the Wiehahn Commission

This is the view of lawyers approached for comment on a recommendation for the special labour court in the Labour Relations Amendment Bill.

Those spoken to felt the step would restore the resolution of labour disputes at appeal level to the more conservative lawyers and take it away from specialised labour experts.

The existing industrial court system effectively recognised an international trend to deal with labour disputes in a specialised way.

A labour attorney said. "Common law courts are generally 'hostile' to the developments in labour law jurisprudence

"For this reason, in the rest of the world, these cases have been removed from the ordinary courts

# Lawyers sceptical of proposed special labour court of appeal

1966 9 May, 26/2/88

and placed in the hands of specialists accustomed to notions peculiar to labour law, such as 'equity' and 'collectiveness'.

"The labour law jurisprudence — or legal philosophy — which has developed over the last five or six years in SA would be eroded by the appointment of Supreme Court judges to the special labour court"

## Sympathetic

The expert added that there was a possibility of the judges being sympathetic to "conventional" labour law and allowing it to develop. But the expectation was that this would not happen and judges would be randomly allocated by the Judge President

## HELEN CHAPPEL

Another attorney said that it would be unwise to restrict representation before the special court to advocates because this would increase litigation costs. On a more optimistic note, the special court would offer the opportunity for appeal from industrial court decisions which were formerly final.

The advantage of having judges preside in a special labour court was that they would lend it a status not enjoyed by the industrial court — though it would be best to select the presiding officers for both levels of court from a single "bench". Assocom manpower secretary

Vincent Brett commented. "Assocom has been calling for a long time for the industrial court to be given Supreme Court status. The concept of bringing Supreme Court judges into the special labour court is something we welcome — albeit only for appeals.

## Expertise

"It can be assumed there won't be different judges at every sitting of the special labour court, and the selected judges may be given time to develop an expertise in the labour field"

A criticism of the planned introduction of a special labour court to hear appeals from the industrial court is that the two courts fall

under different government departments

Institute for Industrial Relations executive director Mike Miles said "Although the industrial court still falls under the control of the Department of Manpower, its decisions will be enforceable through procedures executed under the Department of Justice"

The registrar of the industrial court — employed by Manpower — would also be registrar of the special labour court, under Justice Miles said the Bill improved on earlier drafts because, "under the earlier draft, an unresolved dispute could be referred to either the industrial or special labour court, which would also hear appeals

"The new Bill restricts the function of the special labour court to appeals only, so there will be less 'grasshopping' between the labour courts"

The backlog of cases before the industrial court would not be eased by the special labour court. The delay in getting a case before the industrial court four to six months

# Only one way to defuse the rent boycott issue

Star 5/02/88  
By Sam Mabe

South Africa is probably the only country where rent payment is one of the most controversial political issues

There has been a rent boycott in about 50 black townships since June 1986. Political demands have been made as a condition for ending it. They include the lifting the state of emergency, withdrawal of security forces from the townships, resignation of councillors and the release of all political prisoners

But the main reason for the boycott stems from Government policy on the influx and housing of blacks in urban areas

## FLOW CONTROLLED

The Government's mistake was to have appointed itself the sole landlord for blacks in urban areas. White municipalities were given the responsibility of building, allocating and maintaining houses in the townships

They also decided who could live and work in the urban areas — a strategy of controlling the flow to urban areas.

Other than the fear of sharing urban "citizenship" with blacks, some Government officials thought housing was a luxury for blacks

In 1950, the Minister of Native Affairs, Dr E G Jansen, said in Parliament "It is a wrong notion that the native, who has barely left his primitive conditions, should be

provided with a house which to him resembles a palace and with conveniences which he cannot appreciate and which he will not require for many years to come"

The first houses in Soweto were built in 1930 in Orlando East by the Johannesburg City Council which subsidised rent to the tune of R1 million a year. Despite this, many people still could not afford to pay

On many occasions, white councils in various parts of the country had to write off huge rent arrears. But rent evictions were rarely carried out

It was only in the early 1970s that rent became controversial. This followed the Government's introduction of administration boards to replace white city councils in running black townships

Rent subsidies were withdrawn and the Urban Bantu Councils (UBCs) which relied on rental money as one of its major source of income, started increasing rent sharply.

This happened when the economy was bad and many people were unemployed. Pass arrests also increased when the administration boards intensified the implementation of the influx control laws

Many unemployed and homeless people were forcefully removed to various bantustans and this created a lot of resentment among resi-

dents.

The rent issue was also one of the reasons why members of the UBC — dubbed by the youth the "Useless Boys Club" — were forced to resign during the 1976 unrest

In the Vaal Triangle townships, the boycott started in September 1984 after unrest broke out following a march to protest against rent increases. On June 1 1986, Soweto and other parts of the Transvaal followed suit

## FIVE CATEGORIES

There are five distinct categories of people not paying rent

- Those refusing to pay as a sign of protest

- Those who believe there is no justification for continuing to pay rent since they have already paid off the houses.

- Those who could not afford to pay even if there was no boycott

- Those who are too scared to pay for fear of reprisals by the "comrades"

- Those prepared to do whatever seems to be done by most people

It would therefore appear that the only way to depoliticise housing would be for the Government to give away all houses more than 15 years old and to sell all others at greatly reduced prices

LABOUR LEGISLATION - 1989

~~CON.~~ ————— ~~CON.~~



# Workers unite against the LRA!

The Labour Relations Amendment Act is an attack on all workers by the bosses and the government. It undermines the basic rights of all workers - whether organised and unorganised, whether in independent unions or in NACTU or in COSATU.

Our most urgent task is to unite to defend ourselves against the new law. By uniting against the Labour Relations Act workers will also be laying a basis for overcoming the differences between unions. Unity is a trade union principle.

The Labour Relations Act is being used to try and crush worker solidarity and worker struggle for a Living Wage. Already many unions have faced interdicts and lockouts. Several have been threatened with claims of hundreds of thousands of rands for loss of production due to industrial action.

All unions from NACTU and COSATU, as well as all independent unions, are invited to attend.

Please contact either Jay Naidoo or Sydney Mufamadi to find out more details at 492 1440. Some of the unions which will be attending include National Union of Brick & Allied



SACCOLA, the employers organisation, has refused to call on employers to "contract out" of clauses which they have agreed to be controversial.

Workers, University & Allied Workers Union, Health & Allied Workers Union, SA Boilermakers Union, Zakheni Transport & Allied

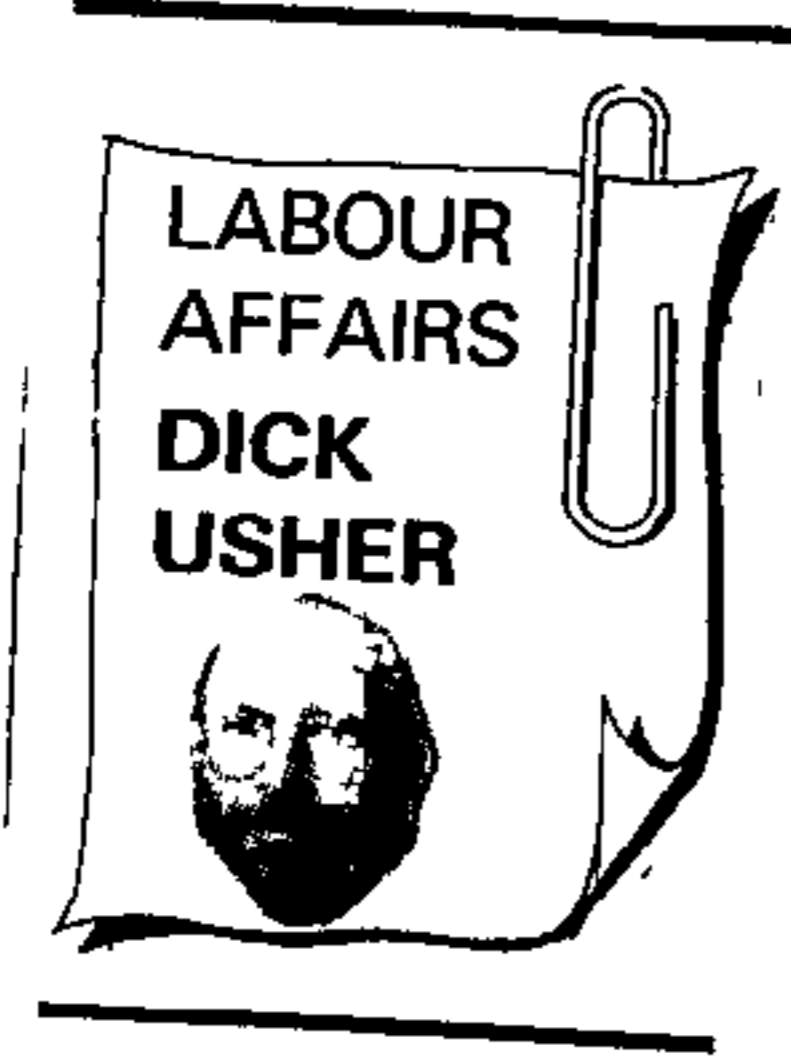
The Workers Summit is being called for all workers to meet to discuss our re-

Workers Union, Garment & Allied Workers Union, SA Woodworkers Union, Orange Vaal General Workers Union, Electricity Workers Union, Teammates Workers.

## Forward to the Workers Summit!

Issued by: Amalgamated Clothing and Textile Workers Union of South Africa (ACTWUSA); Construction and Allied Workers Union (CAWU); Commercial Clothing and Textile Workers Union of South Africa (CCAWUSA); Chemical Workers Industrial Union (CWIU), Food and Allied Workers Union (FAWU), National Education and Health Workers Union (NEHAWU), National Union of Mineworkers (NUM), National Union of Metal Workers Union (NUMSA), National Unemployed Workers Co-ordinating Committee (NUWCC); Postal and Telecommunications Workers Association (POTWA), Paper Printing Wood and Allied Workers Union (PPWAWU); South African Domestic Workers Union (SADWU); SA Municipal Workers Union (SAMWU), South African Railway and Harbour Workers Union (SARHWU), Transport and General Workers Union (T&GWU) P O Box 1019, Johannesburg, 2000

# 'Indispensible' books on labour relations



THE developing importance of labour relations to South African Industry and Commerce is reflected in the lengthening list of local books dealing with the subject

Two recent publications from Juta are, each in their own way, indispensable for the practitioner of industrial relations, managers and unionists

Sonia Bendix's *Industrial Relations in South Africa* is a bold attempt at a basic manual which combines both practical and academic considerations in a lengthy and comprehensive work

She is eminently qualified to produce such a work, having background as an advisor and negotiator as well as teaching the subject and has produced a well organised book which places South African industrial relations in their social, historical and legal frameworks

It also has the advantage of being clearly written with a comprehensive content list and index and therefore an accessible reference work to both the experienced practitioner and relative newcomers

Each chapter starts with an overview of the material covered and ends with some thought provoking questions to ponder which refer one back to the material and provide fascinating topics for debate which reach to the heart of industrial relations concerned

### Most timeously

It arrives most timeously because, as Mrs Bendix says "Following a period of relative stagnation South African industrial relations, particularly in the sphere of collective bargaining, is at a stage of dynamic development and readjustment

Unions of all persuasions are in search of the most effective bargaining system. In addition, there is an increasing demand for more effective participation in decision making

"In the light of these circumstances, developments in the next few years should prove extremely interesting"

They should indeed, but with the spread of basic information and understanding provided by such works they could prove to be interesting in the sense of challenging — as the parties involved work out solutions based on mutual respect — rather than in the sense of problematic and troublesome.

A related book by labour lawyers Ewain Cameron, Halton Cheadle and Clive Thompson is *The New Labour Relations Act*

This deals with the law after the 1988 amendments in the context of the values the law seeks to promote — collective bargaining for industrial peace. It is divided into roughly equal parts, the first of which in six chapters deals with the Act and the systems for dispute resolution and protection of interest which it set up, and the second provides a consolidated statute with a running commentary.

The commentary, in providing detailed discussion on what the Act has changed, is an invaluable guide to how the changes have effected the industrial relations



# Nactu withdraws - but summit goes on

A WORKER summit aimed at bridging the gap between South Africa's divided trade unions will go ahead next weekend despite calls from the National Council of Trade Unions (Nactu) for the rally to be shelved.

The Congress of South African Trade Unions (Cosatu) announced the summit would proceed without Nactu on March 4 and 5. Cosatu delegates will meet a number of independent trade unions to explore closer ties as well as joint action against the country's new labour laws.

But Nactu's non-attendance at the gathering is seen as a major blow to the growing rapport that has developed between the rival labour federations in response to the Labour Relations Amendment Act, which the unions say undermines their strength.

The summit was due to be attended by 500 rank-and-file members from each federation. Union officials were excluded in a bid to prevent leadership disputes from stalling the unity process. And, in a symbol of solidarity, Cosatu president Elijah Barayi and his counterpart in Nactu, James Mndaweni, were to have jointly chaired the meeting.

Nactu's about-turn has perplexed labour observers — especially because it was this federation that in September last year initiated the idea

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By EDDIE KOCH

of the summit.

Mndaweni told the *Weekly Mail* the decision not to participate was based on the need for Nactu affiliates to spend more time discussing the exact form that unity between the two union bodies could take.

However, sources in both federations believe deep political differences between the federations underlie Nactu's decision. Cosatu has adopted the Freedom Charter as policy, while many Nactu members are Africanists and black consciousness supporters.

Sources close to the federation say a group of Africanists within some of Nactu's biggest unions played a key role in withdrawing the federation from the summit.

Unions that pushed for delaying talks with Cosatu include the SA Chemical Workers' Union, the Food and Beverage Workers' Union and the Building and Construction Workers' Union — three unions that make up the bulk of Nactu's membership. A smaller but vocal proponent of non-attendance was the Media Workers Association of South Africa (Mwasa).

Sources say these unions — which

have the most to lose if a merger takes place — fear being swamped by more militant Cosatu unions operating in their sectors of the economy.

All four unions are dominated by a leadership which is keen to retain Nactu as the main base for a revival of Africanism in the country.

Nactu may also have dragged its feet because it wants to incorporate a number of independent unions into its ranks, thereby boosting its organisational strength, before entering unity talks. Cosatu has a membership of at least 800 000 while Nactu's current official membership is 150 000.

Mndaweni said an application for the 6 000-strong Black University Workers' Association for membership of the federation had been approved and that a number of other independents had asked for affiliation.

Cosatu will now meet a number of independent unions and has issued an open invitation to all unions — except "white racist unions" and those with links to the "homelands" — to attend.

Those going to the rally include the South African Boilermakers' Society, Garment and Allied Workers' Union, National Union of Leatherworkers, Health and Allied Workers' Union, Orange-Vaal General Workers' Union and Electricity Workers' Union.



# 40 trade unions to attend workers' summit

A BROAD spectrum of at least 40 trade unions representing well over a million organised employees will attend the workers' summit scheduled for this weekend at Wits University

A media conference was told yesterday 700 delegates representing the 15 Cosatu affiliates, the 11 "rebel" Nactu unions and at least 14 unaffiliated organisations had confirmed their attendance. Another nine independents were still to clarify their positions, Cosatu vice-president Chris Dlamini said.

ALAN FINE

Of the larger independents to accept are the 100 000-strong Garment and Allied Workers' Union and the 45 000-member SA Boilermakers' Society

The summit is to discuss the Labour Relations Act, union unity and state repression against unions

Meanwhile, Nactu assistant general secretary Cunningham Ngcukana yesterday expressed regret at the decision "by the general secretaries" of some

affiliates to go against the grain of the Nactu general council decision

He said Nactu was not opposed to unity. However, "the question of unity is a political issue in the variegated national political spectrum" and the decision to request a postponement of the summit had not been taken lightly.

Division over the summit also emerged yesterday in a Cosatu affiliate, the Food and Allied Workers' Union (Fawu). Fawu's eastern Cape branch issued a statement opposing the summit and the head office repudiated it

# Workers' summit will take place on schedule

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C.M. 10  
5/3/89.

By **CONNIE MOLUSI**

THE workers' summit will go ahead as scheduled this weekend

Despite Nactu's official pull-out, 40 unions from Cosatu, Nactu and some independent unions will participate

The summit, to be held at Wits University, will be attended by 700 worker delegates

The summit was called jointly by Nactu and Cosatu to discuss the Labour Relations Act, increasing State repression of unions and the need to build unity

It has been dubbed a watershed in the history of trade unions in the country and has important implications for the resistance of labour to what is seen as closer co-operation between the State and big business to crush organised labour

Despite Nactu's official pull-out, 11 unions affiliated to the federation have decided to attend the summit because of their commitment to working-class unity

Spokesperson for the Nactu unions attending the summit, Mbulelo Rakwena, said "The decision to attend the summit should not be interpreted as a breakaway from Nactu, but rather it is based on the founding principles of the

## 11 Nactu unions defy pull-out to be at unity talks with Cosatu

federation of worker control, non-affiliation to political organisations, and independent actions of unions within Nactu"

Among the 11 unions attending the summit are the Food and Beverage Workers' Union, Black Electronics and Electrical Workers' Union, Brushers and Cleaners Workers' Union, Banking, Insurance, Finance, and the Assurance Workers' Union

At a Press conference this week the unions declared "We unashamedly proclaim our steadfast belief in the maximum unity of the black workers and we are prepared to do all in our collective power to protect the interests of black workers from any counter-revolutionary actions

"The State and capital have gone into their laager and we see this period as demanding the same from us

"The failure to rise to expectations of our struggle will render us irrelevant to the historical struggles of our people and may be interpreted negatively"

The unions stressed that they still owed total allegiance to Nactu, and their position on the summit was not to be viewed as divisive, but as pursuing the interests of workers

Cosatu vice-president Chris Dlamini said "The summit draws together the broadest range of unions from different political traditions

"We have chosen to join forces to address the attacks facing organised workers. We believe the principle of working class unity is more important than our differences"

The June 6-8 protest and the talks with Saccola last year saw an unprecedented level of unity between Cosatu and Nactu and were

the basis for discussion of broader unity in the struggle to oppose the Labour Relations Act

The summit is regarded as important because employers are using the new law to roll back worker rights and to undermine demands for a living wage

"The State and big business have embarked on a series of economic measures such as privatisation, deregulation, wage freeze and relocation of factories to bantustans, which undermine the gains of trade unions and increase the burden on the working class

"Thousands of workers have been dismissed, victimised and locked out and many unions have been threatened with damages claims on the basis of the new clauses of the Labour Relations Act

"Millions of workers in the public sector, farm-workers and domestic workers are still denied the right to union recognition"

Meanwhile, the Eastern Cape region of the Food and Allied Workers' Union has criticised the decision to go on with the summit without the participation of all Nactu affiliates"

Also, some workers from Nactu unions distanced themselves from the summit, saying they need more time to discuss it



MONDAY, MARCH 6, 1989

MORNING FINAL

RSA 40c (36c + 4c GST)

OUTSIDE 40C



OFFICIALS of Cosatu and Nactu affiliates join in the singing of the National Anthem at the summit.

# STILL MAY FOLLOW talks

Soweian 6/3/89

By LEN MASEKO

THE two-day workers' summit, which drew about 700 delegates representing more than 40 trade unions, ended yesterday with indications that strike action against the controversial Labour Relations Amendment Act could be on the cards.

Delegates to the summit, which was closed to the Press except the opening session,

the public sector and farms.

Details of fresh action against the labour law — perceived by unions as seeking to curtail workers' rights to strike — are expected to be announced today by the Congress of South African Trade Unions (Cosatu), 11 affiliates of the National Council of Trade Unions (Nactu)

This manifesto, the *Soweian* learnt, would also cover all those workers who did not enjoy the protection of the LRA such as those in

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## Union talks

From Page 1

and independent unions which participated in the summit

The summit — rocked by the 11th hour pull-out by Nactu and some independent unions which criticised the manner in which it was organised — was called to discuss the LRA, State repression and worker unity. It is understood, however, it focused only on the labour law during the two days of the meeting while the two other issues were shelved for another summit to be held in the near future.

Opening the summit at the University of Witwatersrand, Cosatu president Mr Elijah Barayi said "Today the demand from workers for joint responses and joint action is getting stronger all the time. As unions, we cannot deny the fact that the actions by management affect all workers."

He said it was this drive for unity among rank-and-file workers that precipitated the summit "which represents an important consolidation of the labour movement."

"This summit has the potential to end the unnecessary division and lays the basis for greater cohesion within the democratic labour movement," Mr Barayi said.

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Soweian 6/3/89



## Summit tackles the Labour Act

166 ALAN FINE and SIPHO NGCOBO

A JOINT committee representing Cosatu, 11 Nactu and about a dozen independent unions has been established to carry on the work of the weekend workers' summit in Johannesburg

Cosatu president Elijah Barayi said the Wits University meeting had gone well but he and other leaders declined to divulge further information until a Press conference today

Sources said the meeting had planned no immediate action to oppose disputed sections of the Labour Relations Act. Discussion of other agenda items — building unity and state repression — was apparently not completed.

They said certain proposals were made on the Act and the committee would discuss these after participating unions had reported back to members. It is understood these do not include

● To Page 2



## Worker summit scrutiny on Labour Act

immediate plans for work stoppages like those of last June

The summit of more than 700 delegates was seen by many as a step towards labour movement unity

It has, however, caused tension in the labour movement and most Nactu unions did not attend

Nactu has postponed indefinitely an indaba between the two federations

In defiance of the Nactu leadership, 11 affiliates attended after arguing a postponement was not necessary

Nactu sources said the rebellious attitude was a result of long-standing dis-

agreements between the Africanists, who hold sway at Nactu, and the Black Consciousness movement

At last year's congress the movement's leadership lost control of Nactu.

Barayi told the summit Nactu and Cosatu differences were nothing compared to the federations' commitment to the principle of working class unity

"Issues facing all sectors demonstrate clearly the need for workers to act jointly to defend our interests," he said

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● From Page 1

# Store seeks R40 000 damages from union

By Mike Siluma,  
Labour Reporter

In the fourth known attempt by management to use the "damages clause" in the new Labour Relations Amendment Act, the country's largest retail industry trade union, the Commercial, Catering and Allied Workers' Union (Ccawusa), has been served with a R40 000 letter of demand by an East Rand supermarket

According to a Ccawusa spokesman, the demand was made by Benoni Spar Food Hyper after the dismissal of more than 50 workers in a retrenchment dispute last December. Ccawusa has until today to respond

## LOST PROFITS

The claim was being made in respect of profits lost during an alleged illegal strike on December 23 1988

The union said management was accusing members of going on strike when, in fact, most of the day had been taken up by a worker-management meeting called after an approach by shop stewards in connection

with a decision to retrench 10 workers

Workers had rejected the decision, saying management had not explored any alternatives to retrenchment

No attempt was made to place retrenched staff at the company's new store in Pretoria, the union alleged

The entire workforce had been dismissed after leaving the store in the face of "intimidation" by police and security guards on December 24

Management allegedly reneged on an undertaking, made in meetings between union and company lawyers, to reinstate all workers it had accused of violence and intimidation

The Ccawusa spokesman said the union would be bankrupted if the company went ahead with its claim

"(The company) will just have to attach all our assets and liquidate us," said the spokesman, adding the union would contest company action

At the time of going to press, comment from company lawyers and the police was still pending



# Pitfalls in new labour law

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The Labour Relations Amendment Act of September 1988 generated a great deal of controversy over changes in labour law, and its implications for regulating the balance of power between employers and labour. Its overall impact on industrial relations is cause for concern, says Prof Frank Horwitz of UCT's Graduate School of Business.

The Act as a whole seems to reflect a hardening of attitudes by the State and some employer sectors towards organised labour. For example, there has been a spate of Section 17 (11)(a) urgent interim relief applications since September 1 last year. This new provision of the Act seems to have had the immediate effect of facilitating the interdicting process.

Other changes, such as the codification of unfair labour practices and the creation of a Labour Appeal Court to be presided over by a Supreme Court judge, create greater complexity in interpreting the law. So labour law has been catapulted into the forefront of industrial relations (IR), and there has been a marked legalistic trend on the part of both employers and unions. IR seminars and conferences in 1987 focused predominantly on labour law, and applications to the Industrial Court reached an unprecedented level.

Claims against unions for alleged damages arising from industrial action are increasing. Recently a claim of R1,3m against a National Council of Trade Unions (Nactu) affiliate was made. The possible proliferation of legal action reflects a short-term view — it will not foster a sound and productive employment environment.

Many of the matters which Industrial Court protective remedies deal with are exceptions — anomalies. These include unfair dismissals, retrenchments and strikes. "IR cracks" can be plastered over by the law but a sound industrial relationship is an internal organisational responsibility.

While legal remedies to IR ailments have increased in recent years, the law cannot regulate the process of shop-floor relations where the parties spend most of their time interacting in the work situation, negotiating through representatives, and reaching formal and informal agreements.

The business of labour law is to create rights and a framework for regulating social power — for example, by creating minimum

conditions of employment. The law also tries to protect employees or employers in the event of a breach in the employment relationship through unfair treatment or inequity. The Industrial Court should continue to act as a deterrent to unacceptable behaviour, not as a means to break the relationship. The court should also serve to facilitate a relationship between two healthy parties.

Almost everyone involved in IR is finding it increasingly difficult to make sense of labour legislation, especially that dealing with dispute-settling procedures and the Industrial Court. Labour law has begun to assume highly legalistic and technocratic proportions. Its institutions have become inaccessible to individuals without specialist legal representation. I don't think this is what Nic Wiehahn intended.

The legal fraternity has a vitally important role to play in advising and representing the IR parties. But this should essentially remain a service role with the parties taking the final decisions regarding a particular course of action. Some legal practitioners seem to see themselves as actors of equal prominence in IR to employers, employees and their unions. This is arguable. Certain law firms have also begun to act as IR consultants.

It is my concern that IR in SA seems, in the latter part of the Eighties, to have shifted away from the idea of building relationships and acknowledging negotiated compromises based on the collective balance of power between employers and labour.

State intervention in IR may expand or reduce the power of the parties. The new Act, in conjunction with restrictions on unions in terms of emergency regulations, is seen by union federations such as Cosatu and Nactu as an attempt to undermine the power of unions. The law also creates or sometimes tries to erode rights — it is not neutral.

There is a vital role for the law in the regulation of social power. However, we are in danger of developing a framework of IR which considers use of the law as an automatic and unquestioned method of addressing conflict in the employment relationship. In short, I fear that the relationship process in IR is being replaced by a legalistic technocracy — which overemphasises formal procedures and agreements at the expense of building shop-floor relationships.

This could lead to an entrenchment of positional bargaining and an almost automatic expectation of going into dispute. Basic principles of sound management may be forgotten, and creativity and innovation in ne-

gotiations could be sacrificed as a result.

The motive of the Act reflects a greater polarisation of our society and the drift towards a siege political economy. This detracts from one of the few arenas where "democracy from below" had tentatively begun in the early and mid-Eighties to receive attention — the IR arena.

This does not imply that all the changes to the Labour Relations Act are inappropriate. Important procedural improvements in dispute resolution, through streamlining Conciliation Board access and other procedural refinements, are most welcome. But contemporary labour legislation in SA seems bedevilled (as are so many other fields) with quick-fix, short-term solutions. This is understandable given the immense uncertainty and ambiguity of the socio-political scene in SA — it is not, however, acceptable.

Although neither employers nor labour would wish to recuse themselves from use of those aspects of the Act which provide potential gains, a possible consequence of the "new labour law" is pressure on employers to negotiate an expanded recognition agreement, which includes dispute resolution and strike procedures, which circumvent certain aspects of the Act. This "privatisation" and possible "deregulation" of IR dispute-settling machinery may be a positive unintended consequence of the legislation. A devolved form of regulation at plant or enterprise level may facilitate a voluntary formalisation of IR, which seeks to lessen the role of the State.

While these developments may have positive implications as a form of voluntary social regulation between interest groups in our society, they should not be confused with the notion of a social contract as applied in the UK in the Seventies and in Israel in the Eighties. In these countries the term relates to bilateral or tripartite agreements between employer, union federations and the State. These represent a joint accord on macro socio-economic strategies dealing with inflation and unemployment.

Frequent changes to the Labour Relations Act since 1979 have not given enough opportunity to allow our jurisprudence to evolve and mature. Labour relations systems and institutions take decades and longer to develop. We seem to be seeking in less than one decade to emulate the labour law which has been built up over centuries in advanced industrial countries. Our impatient tinkering with the substance of labour law is creating more rather than less uncertainty in industrial relations.

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(166) (166)  
 FMMU  
 10/3/89

**Act of unity**

By May 2, employers are promised they will receive for consideration a union-drafted alternative to the contentious Labour Relations Act (LRA). It will be framed by a committee appointed at last weekend's Workers' Summit of 700 union delegates, held at Wits University and convened by Cosatu.

Employers will then have 30 days in which to respond positively to the union demands. Failing this, declaration of a national dispute is threatened, followed by a strike ballot among all of Cosatu's 15 affiliates, the 11 Nactu and 17 independent unions represented at the summit.

Among the demands to be addressed in the worker-drafted LRA are the six clauses in the official Act over which the unions and the employer body, Saccola, were unable to reach consensus prior to the amended Act being gazetted last September. Among these were employers' power to sue unions for illegal strikes, making solidarity strikes illegal, the right to strike, and certain definitions of what constitutes unfair labour practice. Other demands include negotiation over retrenchments, recognition of majority unions, and no dismissals without a proper hearing.

If union-employer consensus over a new labour code is indeed clinched, the idea would then be jointly to approach government to enact it in place of the LRA. Saccola has cautiously welcomed the move only insofar as it signals union willingness to resume discussion on labour legislation.

Farm, domestic and public sector workers will also be covered by the alternative labour code (See "Report on ice.") The summit further recommended that the unions "find

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ways of not using the Industrial Court, revise our recognition agreements to circumvent offensive clauses of the LRA, and submit our demands around the LRA to Saccola and other employment organisations including individual employers."

The unions intend to isolate employers who use the provisions of the LRA against them, to link the LRA campaign to the Living Wage Campaign, mobilise workers and the community around these issues, and to conduct ballots over these demands in all industries. Going further, it is recommended that "future summits involve all forces that are fighting for the liberation of all in SA."

The value of this exercise, explains a union source, "is to educate people about what our needs and rights are." It is also seen as a tool for negotiating with Saccola and employers, bearing in mind government's earlier undertaking to consider a new code that is agreed to between labour and management.

Aside from rejoining the fray over labour law, last week's summit marks a significant step towards a single union federation — even if this now looks like occurring at the expense of Nactu membership. Thus far the quest to form a single labour federation between the ideologically differing Cosatu and the smaller Nactu, has proved elusive.

The fact that 11 of Nactu's 26 affiliates attended the summit went "against the grain" of a decision of its national council. General secretary Cunningham Ngcukana,

(166) (166)

who claimed those who attended had no mandate, points out that Nactu has never been opposed to unity. Indeed, even Cosatu concedes that Nactu initiated last weekend's summit (only to pull out at the last moment) at the time of last June's jointly organised stayaway.

However, Nactu's national council recommended that before going to a unity summit, a national workshop must be called to develop guidelines on how unity can be built "as an organisational position that should not be varied."

Furthermore (and here's the rub) "the question of unity is a political issue in the variegated national political spectrum that permeates the labour movement and therefore the decision of the national council of Nactu is an informed decision that has not been taken lightly." In other words, Nactu is Africanist — and fears losing its only organising base — while Cosatu has adopted the Freedom Charter.

Whether the Nactu unions (or the independents) which attended the summit will be prepared to dissolve, as required, prior to merging into Cosatu's various industry-based unions remains to be seen. It is clear, however, that a realignment of forces is taking place in the union movement.

Another summit specifically on the issue of unity is planned for mid-year, and Cosatu is hoping that Nactu will have worked out its position by then and will attend. ■

# Cosatu waging tough battle on labour laws

AR 641 3/5/89

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By **DICK USHER**  
Labour Reporter

UNION demands on bitterly contested amendments to labour legislation are being collected in a process which could lead to the declaration of a national dispute.

The process is being led by the Congress of South African Trade Unions (Cosatu), acting on resolutions from the union summit meeting in Johannesburg during March.

Demands were due to be put to employers yesterday and the Federated Chamber of Industries scheduled a meeting today to discuss the expected demands, but it is understood these have not been received.

Cosatu general secretary Mr Jay Naidoo was at meetings all day yesterday and was not available for comment.

At the workers' summit it was decided that all demands about the Labour Relations Amendment Act (LRAA), promulgated on September 30 last year, should be collated into a set of demands to be presented to employers and employer bodies in May.

The Johannesburg summit involved

Cosatu unions, some affiliates from the National Council of Trade Unions (Nactu) and 17 independent unions

It proposed that demands around the legislation should be submitted by May 2 to employers and their organisations, who would be given 30 days to respond

After 30 days a national dispute would be declared, followed by ballots which could lead to national industrial action

With the 60-day "cooling off" period required after a dispute had been declared, this would place national action around the anniversary of the promulgation of the LRAA

Demands would include

- The right to strike and to picket,
- No dismissal without proper hearings,
- Retrenchments to be negotiated and to "address the 'lifo' (last in, first out) system";
- Recognition of majority unions,
- The right to sympathy strikes, and,
- Any other demands put forward by Cosatu and Nactu in previous negotiations

## Referendum for PE on open pools

Argus Bureau

**PORT ELIZABETH** — The city's conservative element has forced a referendum on open municipal swimming pools.

White ratepayers will go to the polls on May 24 to decide on the issue. At a public meeting last night a call for a referendum was supported by 67 of about 300 people who attended the meeting in the Feather Market Hall.

According to the municipal ordinance by which the meeting was

called, only 26 registered municipal voters present needed to support the call for a referendum to make it obligatory.

A total of 74 people voted for Port Elizabeth Advice Office chairman Mrs Judy Chalmer's proposal that the opening of all swimming pools to people of all races, colours and creeds be supported.

But 88 people voted that all pools in white group areas be reserved for the exclusive use of whites.

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# Workers unite against the LRA!

The Labour Relations Amendment Act is an attack on all workers by the bosses and the government. It undermines the basic rights of all workers - whether organised and unorganised, whether in independent unions or in NACTU or in COSATU.

The Labour Relations Act is being used to try and crush worker solidarity and worker struggle for a Living Wage. Already many unions have faced interdicts and lockouts. Several have been threatened with claims of hundreds and thousands of rands for loss of production due to

Our most urgent task is to unite to defend ourselves against the new law. By uniting against the Labour Relations Act workers will also be laying a basis for overcoming the differences between unions. Unity is a trade union principle.

All unions from NACTU and COSATU as well as all independent unions, are invited to attend.

Please contact either Jay Naidoo or Sydney Mufamadi to find out more details at 492-1440. Some of the unions which will be attending include National Union





SACCOLA, the employers organisation, has refused to call on employers to "contract out" of clauses which they have agreed to be controversial.

The Workers Summit is being called for all workers to meet to discuss our response.

## FORWARD TO THE WORKERS SUMMIT

Issued by: Amalgamated Clothing and Textile Workers Union of South Africa (ACTWUSA); Construction and Allied Workers Union (CAWU); Commercial Clothing and Textile Workers Union of South Africa (CCAWUSA); Chemical Workers Industrial Union (CWIU); Food and Allied Workers Union (FAWU); National Union of Metal Workers (NUMSA); National Unemployed Workers Co-ordinating Committee (NUWCC); Postal and Telecommunication Workers Association (POTWA); Paper and Printing Wood and Allied Workers Union (PPWAWU); South African Domestic Workers Union (SADWU); SA Municipal Workers Union (SAMWU); South African Railway and Harbour Workers Union (SARHWU); Transport and General Workers Union (T&GWU) P O Box 1019, Johannesburg, 2000.

# Watershed in labour relations

By MIKE SILUMA,  
Labour Reporter

Last year there were few strikes and the first ever national talks between labour and organised business were held. But a collective effort by labour, Government and capital to address South Africa's economic woes has yet to emerge.

Although 1988 saw a dramatic decline in the number of strikes from the record high levels of 1987, it did not herald the beginning of rapprochement between capital, labour and the State.

Low strike activity was directly related to a lack of wage-related industrial action in the sectors employing large numbers of workers.

In the mining industry, for instance, a settlement was reached between the Chamber of Mines, the National Union of Mineworkers (NUM) and the Council of Mining Unions without the unions embarking on industrial action.

The railways which, together with mining, accounted for most strikes in 1987, experienced industrial action in Natal and the Eastern Cape, which elicited a management commitment to start recognition talks with the South African Railway and Harbours Workers' Union.

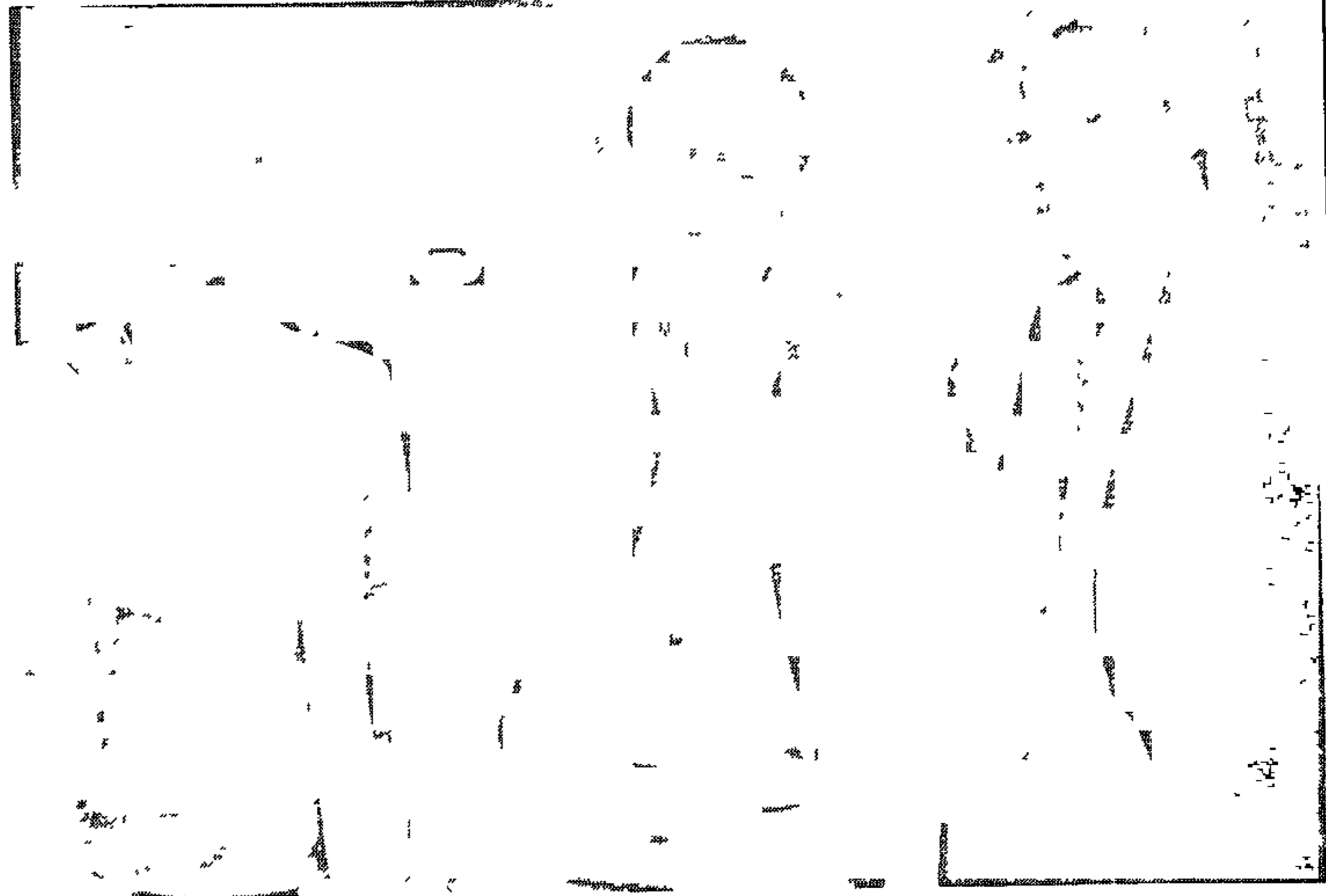
## BITTER CONFLICT

But the conflict, involving about 10 000 workers, was nothing like the bitter, three-month Transvaal rail strike in 1987, in which about 40 000 workers participated.

Even the metal strike, the biggest this year, involved no more than 30 000 workers.

Overall, about a million mandays are expected to be lost through industrial action last year. In 1987 the figure was between 5,8 million and nine million.

The figures, of course, exclude working time lost to political stayaways, such as March 21, May 1, June 16 and the three-day stay-at-home called in protest against the Labour Relations Amendment



Cosatu president Mr Elijah Barayi (left), NUM general-secretary Mr Cyril Ramaphosa and Saccola chairman Mr Bobby Godsell discuss the controversial Labour Relations Amendment Act.

Star 2/1/89 (166) (1022)  
Act and Government restrictions on the Congress of South African Trade Unions (Cosatu) and other anti-apartheid organisations in February.

Some analysts have attributed the low incidence of strike activity to "tiredness" and a newly found "maturity" on the part of unions. However, there can be no doubt that employer resistance (in the form of dismissals and lockouts) and State repression played a major part in shaping the independent unions approach.

The Labour Relations Amendment Act, seen by unions as a State and employer ploy to weaken labour, easily emerged as the most significant industrial relations development in 1988, and may well remain a bone of contention this year.

For one thing, the Act led to the historic national consultations between the country's two biggest independent worker federations — Cosatu and the National Council of Trade Unions (Nactu) — and major employer organisations represented by the South African

Employers' Consultative Committee on Labour Affairs (Saccola).

For another, it exposed differences among organised business in their dealings with black unions, while providing an opportunity for Nactu and Cosatu to, for the first time, engage in joint protest action.

While some employers distanced themselves from the Act and agreed to enter into contracts by-passing the more controversial aspects of the Act, their view was not shared by the majority South African businessmen.

Cosatu and Nactu will, meanwhile, hold a "worker summit" early this year to plan further action against the Act.

Labour relations in 1988 were also characterised by State intervention. The State President's call for a wage freeze early in the year and the Government's restrictions on Cosatu were classic examples.

In addition, differences remain between Government, labour and employers on important economic questions, such

as deregulation and privatisation. A co-ordinated approach by the three parties to fight unemployment has yet to emerge.

Violence again featured prominently last year, with more attacks on union offices and the homes of officials.

A number of union members are presently facing murder charges following the death of workers during a strike at Afcol furniture plants on the Reef.

At the same time, the anonymous pamphlet campaign against Cosatu and Nactu was stepped up.

The president of the Post and Telecommunications Workers Association, Mr Kgabisi Mosenkutu, was released after four months in detention without being charged. A number of other unionists remained in detention under security laws.

On the mines, the NUM's two-year battle against the underground use of polyurethane culminated in the decision by the Government to ban the application of the material from January 1.



5/Day 18/1/87 166

# On a hiding to nothing

IT IS often alleged that trade unions find themselves in a bind over the sanctions issue. On one hand, their historical role is to safeguard jobs and wages and, on the other, advocacy of sanctions undermines these objectives. At face value this conflict seems irreconcilable — but this need not be so.

Trade unions are following a rational strategy to minimise short-run losses (historical role) and maximise long-run profits via a revolutionary socialist transformation.

This balancing act requires a two-pronged strategy — a defensive short-run policy of business as usual on the shop floor, combined with simultaneous aggressive politicking by the union hierarchy to persuade foreign labour and capital to boycott SA. The long-term aim of this persuasion is to create a situation that will transform the means of production to workers.

This vision of a post-sanctions, post-apartheid economy is predicated on two beliefs. The first, demonstrating a keen understanding of the distributional implications of sanctions, is that labour will suffer more than capital, and the second, which is more dubious, is that South

African historical developments can be simplistically explained by Marxian dialectical materialism.

The conventional argument for sanctions is that the burden will fall more heavily on profits than wages, thus coaxing capitalists to lobby for reform.

This is false. In SA's case, profits will increase as a result of sanctions because the economy will become less capital intensive — that is, the supply of capital will decrease, causing profits to increase. Under these circumstances, capitalists are hardly likely to want reform.

In contrast, wages will fall as labour intensity increases. Sanctions thus cause a redistribution of income from labour to capital. They make the rich richer and the poor poorer. Rather than opposing this redistribution, trade unions actually welcome it as part of their long-term strategy.

The short-term losses incurred owing to the fall in wages will, it is believed, be more than compensated for by ownership of the means of production in the long-run. It is at this point that the vision of trade unions becomes hallucinatory.

At a time when socialism is in retreat world-

wide, including the rest of Africa and even the Soviet Union itself, social revisionists in SA are intent on ignoring the collected experience of post-war economic development.

As others have discovered to their costs elsewhere, there is no guarantee of such a long-term payoff. South African workers are being fed on a "millennium diet" but none of them is guaranteed a place in the Promised Land.

If, as seems likely judging by the collected evidence from other countries, trade unions have seriously miscalculated their long-term strategy, the officials concerned have little to lose. Labour, on the other hand, will be poorer still and the capitalists will be laughing all the way to the bank.

It is about time that so-called liberal (in an economic sense) Western governments realised the perversity of economic sanctions. Either they are successful which — as trade unions correctly divine — means socialist transformation, or they are unsuccessful, which means greater poverty for 99% of us.

As the saying goes, we are on a hiding to nothing.

## REVIEWS



# Germans push labour code for SA

By EDDIE KOCH

GERMAN diplomats are spearheading an attempt to get European Community countries whose multinational companies operate in South Africa to adopt a code that sidesteps the controversial Labour Relations Amendment Act

The initiative comes in the wake of a 14-point agreement between six West German multinationals and unions representing the majority of black metalworkers that requires the companies to apply international labour standards in South Africa

A crucial aspect of the 14-point agreement, signed by the German firms and the International Metalworkers' Federation (IMF) in December last year, is an effective ban on companies decentralising to the homelands in order to evade dealing with unions

Walter Ruthmann, labour attaché to the West German embassy in Pretoria, told the *Weekly Mail* that a working group of diplomats had held a series of meetings since November to discuss the adoption of a similar code by all European multinationals in South Africa

He said there was an in-principle agreement with nine of the code's 14 points as well as a willingness to recommend that the most controversial clauses of the new labour law be ignored by multinationals

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### German enlistment

In a bid to counteract the effects of the Labour Relations Amendment Act (LRAA), the International Metalworkers Federation (IMF) has elicited an agreement from six major German manufacturers in SA to a set of principles governing labour relations and practices

Details of the agreement still have to be thrashed out with each of the signatories — Siemens, BMW, Mercedes-Benz, Volkswagen, Bosch and Hella. Once this is achieved, says IMF secretary Brian Fredricks "The smaller German companies will be hard put not to follow suit." However, he describes as "rather premature" reports that the code might be extended to companies of other European Community countries

Most of the clauses are devoted to traditional issues: the right of access to company premises, to peaceful picketing on company grounds, union representation of members in disciplinary proceedings, and so on. However, those principles entitled "Apartheid" and "Security and Emergency Laws" are a little more unusual

The first requires a renunciation of the exploitation of advantages provided by apartheid laws — particularly in relation to the homelands. This is clearly a stab at the inadequacy of labour relations legislation in these areas, as well as something of a nose-thumb in the direction of decentralisation incentives

Actually, of the six parties to the agreement, only BMW has one small operation in Bophuthatswana, where workers fall under existing arrangements with an IMF affiliate, the National Metalworkers Union of SA. So the clause will have no major repercussions on homeland economies at this stage. But, says Fredricks, the precedent has been set

The second clause seeks to protect and maintain employment relationships with employees who have been detained and sentenced under security laws "in contravention of the principles of the rule of law." The principle demonstrates an enlightened attitude to what has become a real logistical problem, and amounts to a working rejection of government strong-arm tactics

The agreed principles fall in with the stated German desire to bring their labour relations in SA into line with those in the mother country. The Institute of Industrial Relations points out that, as an example of the "second-generation recognition agreements" expected to follow the LRAA, the code could potentially influence local companies and multinationals in all sectors of the SA economy ■



# Bill rejected

By CHIARA CARTER

THE National Union of Mineworkers has rejected the Draft Minerals Bill which "endangers the health and safety of miners"

The bill, Num said, meant less careful health and safety regulations because it repealed the Mines and Works Act, the main act covering mine safety

Instead of a state official monitoring the mines, they become "self regulatory" and handle safety and health themselves

The new bill abolishes the mine safety committee on which Num has representation and replaces it with an advisory council which does not include a safety expert.

"The mines kill about 800 people a year and about 1 200 workers sustain serious injuries every year," a Num spokesperson said

"Num believes that a state official must be responsible for monitoring mine safety

"The mining industry cannot be entrusted with its own self-regulation. This is like giving an alcoholic the keys to a liquor cabinet"

He said the bill meant one law and department would regulate both mineral exploitation and safety, leading to a conflict of interests between safety and profits

It meant mineworkers had less protection than other workers under the Machinery and



A Num spokesperson at a recent meeting

Occupational Safety Act Num has also criticised the privatisation and deregulation aspects of the bill

The Chamber of Mines in a 300-page document has also objected to the Bill, but for different

reasons The Chamber feels the Bill does not succeed in its aim of deregularising and reducing state control in the industry

The Bill was gazetted last December and interested parties have

until the end of this week to lodge objections

Num wants the Bill to be redrafted to include safety laws and departments to regulate health and safety and mineral exploitation, a national mines inspectorate with sufficient powers to ensure an improvement in the health and safety record of the industry and restriction on the use of land and minerals when this conflicts with the interests of the wider community

Num this week kicked off its living wage campaign with a minimum wage settlement above R600 with Phalaborwa mining company

Num assistant general secretary Marcel Golding said the agreement which provides for May 1 as a paid and June 16 as unpaid holidays and recognises traditional healers for sick leave purposes, was "a significant move in the direction of achieving a

living wage"

But as Num prepares for annual wage negotiations the spectre of unemployment looms

Employment on gold mines in the past year plummeted, the first decrease in over a decade

And the Chamber has warned further job losses are possible

Provisional figures released by the Chamber and the Minerals Bureau show that employment on gold mines was down to 523 678 in June last year - a decrease of almost 41 000 on the previous year

The employment situation on coal mines is similarly bleak with employment last year at an all time low

According to a Chamber of Mines spokesperson, the situation this year is "not promising regarding jobs at gold mines."

This means Num, which last year avoided a hardline approach at negotiations, faces the difficult issue of differential wage rates at marginal mines

A Num spokesperson said that the union was examining the retrenchment issue

He said that it was however unreasonable to expect workers to accept retrenchment while large dividends continued to be paid to shareholders

Num this week declared a dispute with three Gencor mines over retrenchment of 4 500 workers

Num says the retrenchments were conducted in bad faith and the mines failed to give adequate notice, pay adequate severance pay or seriously consider alternatives

## MITCHELLS PLAIN ADVICE CENTRE

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**REQUIREMENTS:**

- \* Experience in Advice Centre work would be a recommendation.
- \* Driver's Licence essential.
- \* Bilingual

Please sent complete CV plus two contactable references to.

## Drivers in work to rule

BUS drivers at Durban Transport Management Board this week adopted a work-to-rule policy.

This followed a work stoppage last Friday.

A Board spokesperson said about 20 afternoon shifts of Blue Line bus services would be affected



(166)

Business Report

# NUM objects to Bill

Own Correspondent

JOHANNESBURG — The National Union of Mineworkers (NUM) has issued strenuous objections to the draft Minerals Bill, in particular at the repeal of sections of the Mines and Works Act governing the health and safety of employees

The NUM also objected that the Bill, by eliminating restrictions on the use of the land and minerals, would adversely affect communities and the interests of the country as a whole

The Bill, said the NUM, would mean the elimination of the office of the Government Mining Engineer. The State would no longer have a central monitoring function over the mines and, instead, the mines would become "self-regulatory"

## Concern over safety section

Criticising the industry's safety record, the NUM said mines could not be entrusted with self-regulation in health and safety matters "It is like giving an alcoholic the keys to the liquor cabinet," it said

"The Minerals Bill means that one law and one department will regulate both the exploitation of minerals and the health and safety of miners. This will lead to conflicts of interests between safety and profits not being fairly resolved," the union further argued

It said it was ironic that the mining industry, the most dangerous, should now be subject to fewer controls and lower standards than other industries

The NUM also objected to the "privatisation" of mineral rights in the Bill

This, it said, would give "full, unfettered rights to the monopolies which dominate the mining industry to do what they will with the country's mineral wealth"

The union demanded separate laws and departments to regulate health and safety and mineral exploitation, a national mines inspectorate with sufficient powers to ensure an improvement in the health and safety record of industry, and restrictions on the use of the land and minerals when this adversely affected the interests of communities or of the country

... have

THE NEW Labour Act, expected to go through Parliament this session, has spurred the Business Equipment Association (BEA) into action on the training front

The association is geared to form an Industry Training Board, and has already approved a range of technical training courses to feed the information technology industry with much-needed trained technicians

According to BEA training director Fred Ingarfield "There has been a tremendous amount of staff poaching — especially by smaller companies from the larger organisations

...also provides lightning protection for itself and equipment attached to it"

# BEA act before the Act

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This has been exacerbated by the very low level of skills in the industry, and we reckon the new training scheme will introduce a greater degree of professionalism

"Companies will be registered and will pay a levy to the BEA, while they will also get payments made for sending people on courses and this money can, in turn, be used for product training

"In the past, the Department of

...culture on any of our subsidiaries, or sister companies. Each tends to follow the management style of its own MD. We have no intention of stifling the strong entrepreneurial spirit which exists at M & PD"

166  
Manpower was fully responsible for all courses, but the new Act will allow this to be handed over to separate industry training boards, although the Department will still have certain overseeing functions"

To date, the BEA has run its own training schemes and collected money from members to fund these, but now some funds will be available from government

# Labour summit to fight state

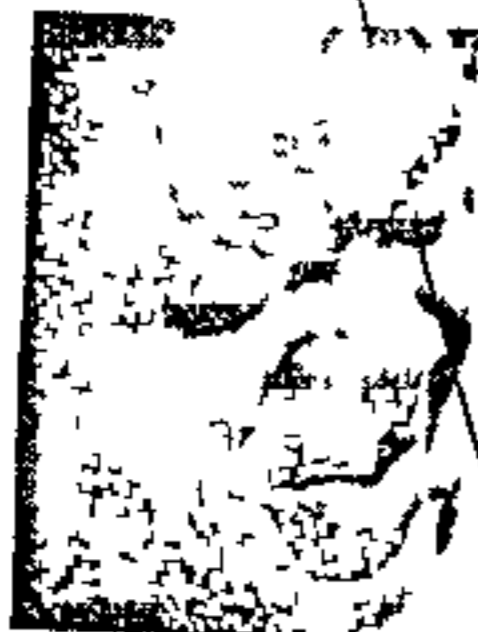
Smith 166

Smith 23/2-1/3/89

## Freed but restricted

By HENRY LUDSKI  
**FREED** United Democratic Front organiser William Thomas waited 264 days to be able to hold his daughter in his arms

And the first thing he did on Wednesday after being freed after nine months in detention was go straight to a creche for an emotional reunion with four-year-old Nma



"Come see how I jump from the swings," said the little girl after hugging and kissing her father.

Thomas described being able to hold his wife and only child as the "nicest part of being free"

He last saw them on Sunday — through a glass window at Pollsmoor Prison

But being reunited with his family is one of the few joys Thomas has not been denied

**TURN TO PAGE 3**

23/2-1/3/89

By CHIARA CARTER  
 A **WATERSHED** worker's summit will take place next month — but one of the main architects is staying away.

The summit, described by Cosatu general secretary Jay Naidoo as one of the most significant strides by workers to unify themselves, is taking place in Johannesburg on March 4 and 5

Cosatu this week decided to go ahead with the meeting despite a bid by the National Council of Trade Unions (Nactu) to delay the summit indefinitely.

Nactu decided at a national council last weekend to ask that the summit be postponed.

### Nactu

A working party of representatives from Nactu and Cosatu have been planning the summit since last year when the two federations co-operated in opposition to the Labour Relations Amendment Act.

Agreement was reached that all delegates would be workers, Cosatu and Nactu would each have 250 delegates and all unions, except those linked to the bantustans or who are exclusively white, could participate.

Nactu president James Mndaweni said the council was still committed to the summit but wanted time to discuss the issue of building working class unity

Naidoo responded by saying that the onslaught on workers by the state and employers left no room for delay

"The drive for unity is a principle of the working class We cannot postpone it for vague tactical considerations

**TURN TO PAGE 3**

50c from next week

SOUTH, Feb 23 to Mar 1 1989 3

## Labour summit

**FROM PAGE 1**

"The summit is an opportunity for the entire labour movement to practise the principle of worker control."

Naidoo said the summit was an ideal opportunity for workers "to discuss the attacks on their organisations, their differences and how to achieve unity"

On the agenda is the Labour Relations Amendment Act, privatisation, deregulation and the shifting of factories to the homelands, as well as political oppression

In addition to the Cosatu delegates there will be representatives from several independent unions at the summit

In a full page advertisement this week, Cosatu called on all unions, including Nactu affiliates, to attend

Smith 23/2-1/3/89



Workers seek alternative to controversial Labour Act

# Trade union leaders warn of national strike

By Mike Siluma,  
Labour Reporter

South African employers face a national strike if agreement is not reached soon with trade unions over the controversial Labour Relations Amendment Act (LRA), leaders of about 40 unions with more than a million workers said yesterday.

The warning was sounded at a press conference called to unveil decisions taken by the "workers' summit" held in Johannesburg at the weekend and attended by hundreds of delegates. The meeting was called to discuss the LRA, "repression" and worker unity, but deliberations focused on the LRA because of time constraints.

## Recommendations

Cosatu vice-president and one of the chairmen of the "summit", Mr Chris Dlamini, said delegates had recommended workers countrywide to

- Formulate an alternative to the LRA to cover all workers, including those in the agricultural, domestic, forestry and public sectors.
- Revise existing recognition agreements with employers "to circumvent offensive clauses of the LRA".
- Find ways of not using the in-

dustrial court, "which tends to favour employers"

- Submit demands regarding the Act to the SA Consultative Committee on Labour Affairs (Saccola) and individual employers by May 2

The list of demands would include the right to strike and picket, the right to fair dismissals, the recognition of majority unions and the right to engage in sympathy strikes. Demands already put to Saccola during last year's talks would be included.

Mr Dlamini said workers would give employers 30 days to respond to the demands and would declare a national dispute if employers refused to make progress in meeting the demands. It was possible that a national strike would follow if no solution was found.

In addition, workers and communities would be "mobilised around" the LRA demands and those related to the Living Wage Campaign and the struggle for unemployment benefits for all.

The summit also decided that meetings be held in future involving "all forces that are fighting for liberation" and to continue discussions with the National Council of Trade Unions (Nactu) and non-affiliated unions on the LRA.

Delegates to the weekend summit felt that the LRA was "intended to divide workers and destroy the labour movement".

Saccola chairman, Mr Bobby Godsell, said his organisation looked forward to receiving proposals Saccola had, since an appeal to Government to delay implementation of some clauses, tried to persuade Cosatu and Nactu to resume talks. Saccola would approach the talks with a positive attitude.

A spokesman for Nactu, Mr Cunningham Ngcukana, said he did not foresee problems in Nactu agreeing to the proposed action on the LRA if such action was negotiated with the federation. The anti-LRA action was consistent with resolutions already taken by Nactu shop stewards, he said.

Although Nactu did not officially attend the summit on the grounds that it needed more time to formulate a position on union unity, a number of its affiliates did.

# Union plan to censure employers

Sowetan 21/3/81

146

TRADE unions who participated in the weekend's summit have resolved to embark on a campaign to isolate employers who use the provisions of the Labour Relations Amendment Act against workers.

This resolution was passed by about 700 delegates representing 40 unions at the summit, which was held at the University of Witwatersrand over the weekend.

A statement released yesterday by Nactu affiliates, Cosatu and independent trade unions said a national dispute would be declared with employers who refused to disregard the controversial labour law.

The unions, the statement added, would submit their demands concerning the legislation to the employer body, the South African Consultative Committee on Labour Affairs (Saccola) by May 2.

By MOKGADI PELA

The demands include — among other issues — the right to strike and picket, no dismissal without proper hearing, right to embark on sympathy strikes and recognition of majority unions.

Delegates to the summit also resolved to give employers 30 days to respond to these demands. Failure to respond to the demands would lead to a national dispute and national ballots, a move that could pave the way for a national strike action.

The summit further called on workers to formulate their own LRA that will cover all sectors including domestics, farmworkers, forestry workers and public sector employees.

Other recommendations adopted included finding ways of not using the Industrial Court and revising recognition agreements to circumvent offensive clauses of



# Unions warn of national strike

The Argus Correspondent

**JOHANNESBURG** — Employers face a national strike if agreement is not reached with trade unions over the Labour Relations Amendment Act

A warning was sounded yesterday by leaders of about 40 unions with more than a million workers

## ALTERNATIVE

At a Press conference called after decisions were taken by the "workers' summit" here at the weekend, Cosatu vice-president Mr Chris Dlamini said delegates had recommended workers countrywide to

- Formulate an alternative to the LRA to cover all workers, including those in the agricultural, domestic, forestry and public sectors,
- Revise existing recognition agreements with employers "to circumvent offensive clauses of the LRA",
- Find ways of not using the industrial court, "which tends to favour employers", and
- Submit demands regarding the Act to the SA Consultative Committee on Labour Affairs and individual employers by May 2

## DEMANDS

The list of demands would include the right to strike and picket, the right to fair dismissals, the recognition of majority unions and the right to engage in sympathy strikes. Demands put to the consultative committee during last year's talks would be included

Mr Dlamini said workers would "give employers 30 days to respond to our demands and (will) declare a national dispute if employers refuse to make progress in meeting the demands"

It was possible that a national strike would follow if no solution was found

## "LIBERATION"

In addition, workers and communities would be "mobilised around" the LRA demands and those related to the Living Wage Campaign and the struggle for unemployment benefits for all

The "summit" also decided that meetings be held involving "all forces that are fighting for liberation" and to continue discussions with the National Council of Trade Unions and non-affiliated unions on the LRA

## "DIVIDE WORKERS"

Delegates to the weekend "summit" felt that the LRA was "intended to divide workers and destroy the labour movement"

Consultative committee chairman Mr Bobby Godsell said his organisation looked forward to receiving written proposals



# Turbulent times loom over labour Act

Star 8/3/89

Recommendations from last weekend's 'workers' summit', where one million workers were represented, have shown that black workers still feel very strongly about the Labour Relations Amendment Act, passed by Parliament last year.

By Labour Reporter MIKE SILUMA.

South African industrial relations could be heading for turbulent times over the Labour Relations Amendment Act (LRA) following a recommendation by the weekend "workers' summit" to step up labour's campaign against the Act.

At the end of two days of deliberations, which were closed to the media, several hundred delegates concluded that the LRA served "the interests of the capitalists and the racist regime" and was intended to "erode the legitimate rights of workers".

The LRA was also criticised for not protecting the rights of workers in the agricultural, domestic, forestry and public sectors.

Referring to last year's abortive talks over the Act between employers, the National Council of Trade Unions (Nactu) and the Congress of SA Trade Unions (Cosatu), delegates accused employers of "shrewdly trapping (unions) into fruitless negotiations" while at the same time supporting the enactment of the law.

Recommendations from the summit included a call on workers throughout the

country to formulate an alternative to the LRA to cover those sectors excluded by current labour legislation.

In the short term, recognition agreements with employers are to be revised to "circumvent the offensive clauses of the Act".

## NATIONAL STRIKE

A set of demands regarding worker rights is to be submitted to the employer body, the SA Consultative Committee on Labour Affairs, which last year held talks with the unions on the LRA.

Failure to reach agreement on these demands within 30 days of their being tabled would lead to a declaration of a dispute and, possibly, national strike action, said a worker spokesman.

While the LRA took up most of the deliberations, the other contentious agenda items — worker unity and State "re-

pression" — were not discussed because of time constraints.

The unity issue was the most controversial before the weekend meeting, especially with regard to the participation of Nactu members in the meeting.

Representatives of at least 10 Nactu affiliates, having rejected the Nactu decision not to attend on the grounds that it needed more time to discuss the unity issue, took part in the deliberations. Nactu's position, they said, was "not in the interests of the working class".

Nactu, on the other hand, denied that its affiliates had attended the meeting. Clearly unhappy with those who did attend, in defiance of its ruling, Nactu insisted that only individuals went to the meeting, and without a mandate. Those attending would be "dealt with by the structures of the federation and (its) affiliates".

However, representatives of those attending were confident that they had not violated Nactu principles, which included the autonomy of affiliates and committed Nactu to working towards the unity of black workers. They were confident that, if called upon to do so, they could satisfactorily explain their participation in the weekend talks.

Publicly, Nactu and the dissenting unions have rejected a persistent belief that the difference in approach was due to political tensions between followers of Pan Africanism and the Black Consciousness movement.

Besides Nactu, 13 smaller unions expressed unhappiness with the way the meeting was organised and declared they would boycott it. Some of them did, however attend.

Despite being beset with problems, the

meeting was significant for a number of reasons.

It indicated how strongly organised workers feel about the LRA and it provided the basis and timetable for action. For the first time, decisions were not left only to Cosatu and Nactu, respectively the biggest and the second biggest union groupings. Also, those attending were drawn from different schools of political thought in the anti-apartheid movement, with different positions crystallising within some unions.

## POLITICAL RIVALRY

Even Cosatu's Commercial, Catering and Allied Workers Union, plagued for some time by internal political rivalry, is understood to have sent a delegation.

If anything, the events of the past week showed that the unification of the black labour movement will not be an easy task. Observers have pointed out that the formation of Cosatu itself took more than four years of painstaking negotiations between unions with diverse histories and political approaches.

City of Johannesburg 166

# Unions draft new LRA

Own Correspondent

JOHANNESBURG — A committee appointed by the worker summit at the weekend is to co-ordinate the drafting of a new Labour Relations Act (LRA) to be submitted to major employer groups by May 2 for their consideration

Union leaders told a media conference that if employers failed to make positive progress towards meeting demands contained in the draft within 30 days of receipt, a national dispute would be declared. This would be followed by a national strike ballot.

All Cosatu affiliates, 11 Nactu and 16 independent unions were listed as having attended the gathering

It decided the draft LRA should be submitted to the SA Co-ordinating Committee on Labour Affairs (Saccola) other employer organisations and individual employers

The union-initiated draft LRA would extend bargaining rights to public sector, agricultural and domestic employees

It would also address disputed sections of the LRA including the

right to strike, the right to a proper hearing before dismissal, recognition of majority unions, retrenchment procedures and sympathy strikes

While not happy with the threat of disputes and ballots, Saccola chairman Mr Bobby Godsell said that to the extent that the statement represented a willingness to return to discussions on labour legislation, Saccola welcomed it

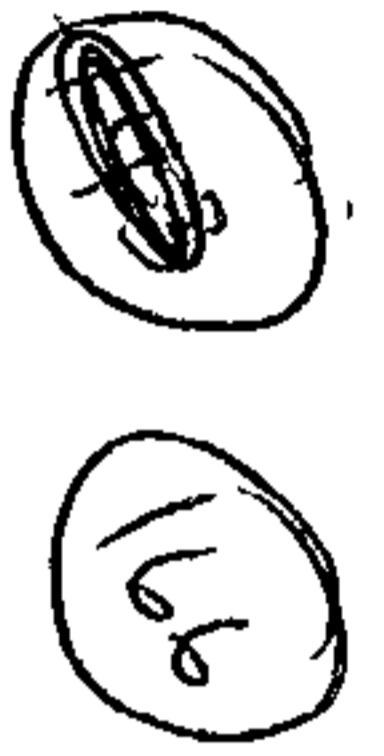
"We will approach discussions in a constructive spirit, and hope they come to the table in the same way"

# Meeting announced

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Sowetan 7/3/89

THE National Union of Steel and Allied Workers will hold a general meeting to discuss various labour issues at the Laudium Hotel on Saturday starting at 8am. Among issues to be discussed will be a report-back on ongoing talks about the Workers' Summit, disputes, forthcoming May Day, medical schemes and the Labour Relations Amendment Act.





# SOUTH LABOUR

SOUTH, March 9 to March 15 1989 5

## Summit delegates 'mischievous' — Nactu

By CHIARA CARTER

THE National Council of Trade Unions (Nactu) has reacted angrily to some of its members attending the workers' summit in Johannesburg at the weekend.

Eleven Nactu affiliates attended the summit in defiance of a decision by its national council.

Nyckena denied the federation faced a crisis and said those who attended the summit did not represent Nactu affiliates.

Nactu unions which attended included the Food and Beverages Workers' Union, the Electrical and Allied Workers' Union and

the Black Allied Mining and Construction Workers' Union.

The 11 unions last week issued a statement which said that the council decision not to attend the summit was based on political considerations and contradicted the principle of building working-class unity.

Nyckena said the statement issued by the 11 was fraudulent because several of the signatories did not support it.

These included the Textile Workers' Union and Catering Trades Employees Union.

Nyckena said that one of the moving forces behind the rebellion — the Black Allied Mining and Construction Workers' Union — was suspended from Nactu last year.

He also denied that Electrical and Allied Workers' Union acting general secretary Brian Williams had signed the statement.

Nyckena refuted accusations that Nactu's decision was based on political considerations with Africanists unwilling to attend the summit lest they be swamped by char-

terists.

"Nactu is serious about worker unity," he said.

"The council decided not to attend the summit to allow time for us to explore the issue more deeply. We are planning a workshop about unity building.

"But certain unions are using unity as a publicity stunt.

"South Africa is permeated by political considerations. Cosatu affiliates are not free of this.

"It is a gross misrepresentation to say that the council decision was motivated by Africanists in the federation and that the rebels represent the Black Consciousness supporters."

Nyckena said Nactu intended to continue meeting with Cosatu to discuss issues of mutual interest.

The federation also intended to meet with several independent unions which did not attend the summit.

ALAN FINE

# BMW signs bold new labour code

BMW SA this week became the first company to sign a code that ensures SA unions enjoy the same rights as their West German counterparts

The agreement is based on the 14 principles devised by the German union I G Metall and the SA Council of the International Metalworkers' Federation (IMF) for German metal-sector companies in SA

The most important aspects of the agreement, appended to BMW's recognition agreement with the National Union of Metalworkers of SA (Numsa), concern the right to strike and picket, and home

land and security legislation.

BMW industrial relations management board member Dave Kirby said most of the code's requirements were already met by the company. However, the most controversial area of negotiation had been the right to strike.

He said the company had conceded that employees involved in a strike where all dispute-resolving procedures

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# BMW signs bold new labour agreement!

had been followed could not be dismissed

A previous agreement had guaranteed this right during the first four weeks of a strike. It had now been accepted that employees involved in an "authorised" strike should not be dismissed at any stage for this action

It was also agreed that workers should not be prejudiced by apartheid laws. Kirby said employees at BMW's Bophuthatswana operation enjoyed

identical conditions of employment as those elsewhere in SA

It had been further agreed that wages of employees detained without trial would continue to be paid

Finally, the right to picket on company premises had been written into the agreement

IMF local secretary Brian Frederiks confirmed the agreement

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**BUSINESS**

# Euro ministers may push SA firms to defy labour law

A HIGH-POWERED campaign to push European multinationals operating in South Africa into defiance of the Labour Relations Amendment Act will be discussed by the European Community's foreign ministers this weekend.

The ministers are preparing a joint declaration that will urge European companies with subsidiaries in South Africa to shun the labour law by adopting a 14-point charter that bypasses South Africa's official collective bargaining system, say diplomatic sources.

The programme, devised by the German metalworkers' union IG Metall, contains clauses giving workers the right to engage in legitimate strike action without fear of dismissal. It also lays down procedures that regulate relations between unions and employers without making use of the law.

The West German government has spearheaded a diplomatic offensive to have the IG Metall charter included in

the EC code of conduct for companies operating in South Africa.

A working committee, made up of senior diplomats from all 12 member nations, has met three times to discuss ways in which multinationals can be persuaded to adopt the code, says IG Metall representative Albert Schunk. Spanish foreign minister, Francisco Ordanez, who chairs the EC's group of foreign ministers, has also committed himself to "an amplification of the code of conduct in line with the IG Metall programme."

The German drive to have the IG-Metall programme inserted into the EC code has been obstructed by the British government which says the 14 points would grant workers in South

**European foreign ministers could decide this weekend to pressure companies with South African links to shun our new labour law, reports EDDIE KOCH**

Africa more rights than workers in Britain, says Schunk. Ironically, the socialist governments of Greece and Portugal have also expressed reservations about some of the provisions in the IG Metall document.

Says Britain's labour attache in South Africa, John Sawyer: "The IG Metall 14 points are an interesting development which we are following closely. However inserting them into

the code would mean British companies operating in South Africa would be measured against requirements which are part of German law."

The declaration due to be announced by the foreign ministers this weekend will be less binding than the EC code of conduct and appears to represent a compromise between the British and the Germans.

The diplomatic offensive against the Labour Act comes at a time when three major German car manufacturers have agreed to adopt the 14-point plan. Mercedes Benz, Volkswagen and BMW are negotiating with the National Union of Metalworkers of South Africa to finalise the agreements.

Sawyer welcomed the agreements saying they would mean a continued presence of German companies in South Africa.

Among IG Metall's 14 points are:  
① The right of workers to stage legitimate strikes without fear of dismissal

② The right of strikers to stage peaceful pickets on company premises. The union undertakes not to promote intimidation in the factory.

③ A guarantee that union members held under emergency regulations will receive full pay.

④ Agreement to use private arbitration rather than the Industrial Court or other statutory institutions to resolve disputes that are contained in the Labour Relations Amendment Act.

⑤ Agreement by the companies not to avoid dealing with unions by taking advantage of any other "apartheid laws."

Meanwhile a strike by 1 200 workers in protest at plans by German company Siemens to lay off more than 130 workers has led to a war of words between management and Numsa.

In a statement this week Numsa said Siemens had refused to negotiate the retrainments despite the fact that the company had agreed in principle to adopt the IG Metall code, which obliges it to bargain on all labour relations issues.

"The union is also concerned by statements that made by senior directors that Siemens has dismissed thousands of workers in some other parts of the world, including Brazil, and that they could do that in South Africa," said Numsa.

Siemens joint MD John Trotskie rejected the allegation saying the company has held nine meetings with union shop stewards over the dispute.

"During these meetings the company has seriously looked at all the proposals made by the union with regard to alternatives to retrenchment and the severance package and has moved substantially on both issues," said Trotskie. "In view of these on-going consultations the company does not understand the union's claims that it is not prepared to negotiate."

Workers ended the strike yesterday morning after accepting a new retrenchment package offered by management during mediation talks this week.





# Historic summit shows way to workers' unity

**L**AST weekend's workers' summit defied critics' speculation that workers were not yet ready to discuss their differences and seek ways to achieve unity.

The historic summit brought together 700 representatives from the Congress of South African Trade Unions (Cosatu), National Council of Trade Unions (Nactu) and the independent unions to map out a common strategy to defend their rights.

Although the meeting did not exhaust the issues on the agenda and no final blueprint was drawn up, the meeting represented a major step towards enabling a unified working class to defend itself against the State and big business.

The summit was called to address the most pressing problems facing the labour movement: the Labour Relations Act, increasing repression against trade unions and the need to build unity.

The summit made history in that it transcended the differences between participating unions - while they recognised their different histories, traditions and policies, the overriding objective was unity in action.

In rejecting the Labour Relations Act, the summit stressed the need to regain the rights removed by recent amendments to the Act and criticised the denial of trade union rights to millions of farmworkers, domestic workers and public sector workers.

The opening presidential addresses set the mood for discussions and emphasised that what brought workers together was their common problems, which by far outweigh their differences.

The differences stem mainly from which political programme each union follows.

Some unions adopt the Freedom Charter as the minimum programme of demands for workers, whereas others dispute the adoption of the Charter, arguing that workers need an independent programme that does not bind them to a particular political policy.

The president representing the Nactu unions present, Mlindelwa Kwelemthini, said working class unity had always been marred by the different programmes of the liberation movements.

Workers on the factory floor were faced with the same problems, but the State and employers did not



On this page *City Press* **CONNIE MOLUSI** looks at the historic workers' summit and weighs the issues.

discriminate between which organisation workers supported.

The State and employers were uniform in their attacks perhaps because they knew what they wanted and thus had their priorities right, whereas workers were concerned with projecting and defending the hegemony of their particular organisations and not their collective interests emanating from their daily experiences on the factory floor.

Cosatu president Elijah Barayi pointed out that the meeting was called in terms of the principle that binds workers together in the common struggle against exploitation, on the one hand, and racist oppression, on the other.

The call for labour unity has important implications for political organisations which, in the past, have been at each others' throats in a spiral of internecine warfare that has threatened to derail the struggle of the oppressed.

With increasing repression, we have witnessed the trade unions moving to centre stage in the political arena.

Trade unions have become the only structures that still have some way to articulate the problems in the community and mobilise people for campaigns around issues such as rent increases.

The political scenario could be drastically changed by campaigns such as the one in Carletonville.

The mobilisation of the community by trade unions could mean the end of sectarian and petty political point-scoring that characterised mid-1980s mass protests.

With a united and organised workers' movement, the political organisations might find it difficult to resist workers' demands to come together to reassess their policies and strategies.

The unity of workers around common issues could set the basis for a united front to challenge the State



From left: Cosatu president Elijah Barayi, independent unions representative Lawrence Phathe, and Nactu unions representative Longway Kwelintini during the workers' summit.

Previous efforts such as the formation of the United Democratic Front and the National Forum, although important, tended to reinforce political sectarianism because they reasserted a divided response to oppression.

No one, surely, is so naive as to believe there are no differences among trade unions when there are, at times, more than three unions organising workers in the same industry.

Despite the differences, the attacks on trade unions come from the same employers and affect all workers alike. This factor should motivate workers to act jointly to defend and advance their interests.

The most important thing that emerged from the summit and its commitment to unity was that unions have at last started to acknowledge their differences and begin a process whereby these can be resolved.

This could set the basis for an end to rivalry and open clashes which have claimed lives, as happened during the metal industry strike.

It also makes possible solidarity actions which could divert unions from rivalry and poaching of membership and concentrate their efforts on organising unorganised workers.

There seems no reason for competition over membership when less

than 30 percent of the country's labour is unionised.

Lawrence Phathe, representing the independent unions, captured this point well in his opening address.

The summit addressed the repressive character of the Act while there are millions of workers who enjoy no protection at all and are left to the mercy of their employers.

Despite their differences, unions have to accept that everyone has a right to be heard, as well as a duty to listen to the views of others.

Admittedly, it is only when people are prepared to openly debate issues that differences can be resolved or shelved in favour of programmes which attempt to solve real bread-and-butter issues.

The summit has set the foundation for better co-operation between unions at local and regional level, whereby shopstewards with different affiliations can come together and develop a common perspective on issues affecting them.

It could also make the principle of industrial unionism functional at the local level, in that workers from the same industries can come together and formulate common strategies in their negotiations at the factory floor.

Cont



# Demands may lead to confrontation



Jubilant workers mass together joyfully for the worker summit in Johannesburg last week-end.

**T**HE workers' summit could spell confrontation between the labour movement and employers as workers reject the Labour Relations Act and opt for an alternative means of resolving industrial disputes.

The summit, held at Wits University, deliberated extensively on the Act and concluded that it was aimed at protecting the interests of employers and the State, and reversed the gains made by workers over the past decade.

Workers will embark on a country-wide campaign to draw up an alternative the Act that will cover workers in all sectors of the economy, such as farm workers, domestic workers, forestry workers and public sector workers.

The Industrial Court has been seen as serving the interests of employers, so forcing workers to choose alternative methods of dispute resolution such as arbitration and mediation.

Employers will come under tremendous pressure as workers campaign for the revision of recognition agreements that include offensive clauses of the Act, and isolate employers who continue to use the offensive clauses.

The demands of the summit will be submitted to the South African Employers Coordinating Committee on Labour Affairs (Saccola) and other employer organisations.

- The demands include
- The right to strike and picket.
  - No dismissal without proper hearings.
  - Retrenchments should be negotiated with representative unions and should be based on the Last In First Out (Lifo) system.
  - Recognition of majority unions, and
  - The right to sympathy strikes.

Employers will have 30 days to respond to the demands, which will be submitted on May 2. Employers' failure to respond positively to these demands will lead to the declaration of a national dispute, which will be followed by a national ballot in all industries.

May Day rallies this year will be the main rallying point to mobilise workers around the demands of the summit.

The campaign against the Labour Relations Act will be linked to the campaign for a living wage and a living Unemployment Insurance Fund benefit for all workers.

# Unions give blacks way to air views

By Adele Baleta

The South African labour field was a developing island of opportunity in a sea of discrimination, says Professor Blackie Swart of Stellenbosch University's Business School.

He was addressing a two-day conference entitled "The 2nd Post-Wiehahn Decade — the Socio-Political and Economic Future" in Pretoria yesterday.

Professor Swart said changes to the Labour Relations Act last year had retarded progress made since the Wiehahn Commission report was published in 1979.

Discrimination in the workplace was, in some cases, worse than it was a decade ago. There were no political rights for the majority who had to use the labour system to air their political, economic and social grievances, he said.

Although discrimination had been abolished in some forms the "overpowering ideology of the Government and the environment in which the labour movement operates is one of apartheid".

## Political demands

"Trade unions would make more political demands at the negotiating table at all levels and employers would be forced to take a stand on a national and international level".

Mr Johan Liebenberg, a senior general manager of the Chamber of Mines, pointed out there had been more changes to industrial relations in the past decade than at any other time.

Ten years ago, the only union on the mines was the white pro-Government Mineworkers Union and wage negotiations were between the mining houses only.

When the NUM was formed in 1982 it had 6 000 members and now, according to the Chamber, it had expanded to about 184 000 members.

Among the most significant advancements for black miners was the cancellation of the Scheduled Persons Act in 1987 and a year later blasting certificates could be given to blacks.

President of the S A Boilermakers Society Mr Ike van der Watt said the Industrial Council was the cornerstone of the collective bargaining process and should be retained.

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# Discipline for workers

Nic Wiehahn is Dean of Unisa's School of Business Leadership and author of the seminal changes in labour law inaugurated in SA in 1979. This is an abridged version of his views on discipline in industrial relations, contained in the latest *Independent Trade Union Guide*

Discipline in industrial relations (IR) needs to be revisited — to bring many of its aspects into line with universally accepted standards of morality, and the ethics of discipline

Against this background the following observations can be made

- Disciplinary codes of companies should be the result of collective bargaining between employers and trade unions. It is far too sensitive an issue in IR to leave out of the bargaining process. Disciplinary matters gave rise to a substantive degree of industrial action during 1987,
- Disciplinary codes should consist mainly of three sections: a description of transgressions of the rules of discipline in the company concluding with a so-called fish-net clause to provide for unanticipated offences, followed by a section on procedure which sets out the process of equity and finding, and, finally, the penalty section in which appropriate punishment for the offence is prescribed,
- Disciplinary codes should be in writing, as short as possible, in simple language, and avoid Latin words and other legal terminology which is inappropriate for discipline in the company,
- Disciplinary codes should be easily accessible and available to every member of the company. An up-to-date and signed master copy should be in the hands of management and the union,
- The procedure for the inquiry should be simple, straightforward and conclusive. It is wise to tape-record or have a written copy of the proceedings. The process should comply with three basic rules of natural justice: give the alleged offender ample opportunity to state his side of the matter, do not be the judge in your own case — objectivity and neutrality are important for justice and fairness, and, finally, apply your mind to the matter. Justice should not only be done but should be seen to be done,
- Eliminate the perception existing in the minds of virtually all the workers in SA that management staff are not subject to the same discipline as workers are. Workers should be informed that management is also subject to discipline and, in some cases, to more severe discipline than the workers. This

aspect is not only important for the morale of the company but removes the perception of discrimination from the minds of workers,

□ Workers or their trade unions, through shop stewards, should as far as possible be involved in the application of discipline in the company. Society is increasingly demanding that people who could be detrimentally affected by decisions, as in the case of discipline, should have their interests represented in the decision-making body, and

□ It is in the area of punishment, I believe, that society's subtle but clearly identifiable attitude is not sufficiently recognised in IR.

If it is accepted that the emphasis is shifting away from retribution or reprisal for the wrongdoer, the conclusion is that punishments such as fining, suspension, freeze on wage increments, refusal to train, or removal from training programmes should be abolished as forms of penalising a wrongdoer.

These and other similar forms of punishment have clearly become anti-social or at least asocial in modern times. To justify their

existence as being deterrents is unrealistic — their value of deterrence has never been proved. In fact, they aggravate the grievance factor in IR.

These forms of punishment militate against the concepts of present-day social justice and fairness, prejudice on a permanent basis the relationship between management and worker, and exceed the jurisdiction which management should have in the area of discipline.

The imposition of a fine, freeze of a wage increment,

or suspension from work without pay, infringe not only the worker's right to work, and be compensated for what he earns, but also prejudice his family or dependants.

Since the social responsibility of the employer presently includes these members, the implication is that innocents are also punished by such measures. This has become unacceptable in the moral conscience of society.

Furthermore, it can be strongly argued that only the State, by law of parliament, has the right to impose fines in the case of criminal offences only. The imposition of a fine by the employer arguably does not only exceed the normal disciplinary jurisdiction which a citizen has (the relationship between employer and employee is of a civil law character), but also strengthens the perception in the minds of workers and trade unions of the "greedy capitalist employer" who will use all kinds of measures and means, including disciplinary procedures, to take money

from them.

The imposition of these forms of punishment is also regarded as anti-social because it bears no advantages: it does not achieve advantageous objectives and has the serious implication that the offending worker never forgets these punishments, will remain permanently grieved, and will never forgive because he cannot regain the position he had prior to the punishment — all results that are permanently prejudicial.

Obviously, suspension from work during a current disciplinary investigation is a procedural step which has nothing to do with punishment. During such suspension the worker must be paid. Furthermore, recovery of money from a worker for loss or damage which he has caused through misconduct should also not be regarded as punishment — it is nothing else than compensation for loss suffered and falls outside the realm of penalties.

The question may then fairly be asked, if all these forms of punishment are anti-social and therefore ought to be abolished, what forms of penalties do remain socially acceptable in the field of IR?

Discipline in a company, as in nature and society, is a serious matter. The original meaning of discipline stems from the love which one should have for his fellow human being. It meant drawing the wrongdoer closer in affection with a view to correcting him.

This original meaning, in my view, still holds and should serve as the basic guideline in present-day disciplinary procedures. It should be seen as a mechanism in the first place to correct the offender and to bring him back to the fold from which he has strayed, and, secondly, to restore and secure the continued harmonious relationship between the employer and the offender.

In its basic philosophic sense, discipline should be used as a builder and not as a breaker, to correct and build the offender and thus also the relationship with him.

Against this backdrop, I submit that only two forms of punishment should be imposed in disciplinary action in IR: a reprimand or warning, or dismissal.

Usually a verbal warning (once) should be followed by a written warning. Whether it should be once or twice will depend on the circumstances of each company and the terms agreed upon in the disciplinary code.

Dismissal follows after the written warning. Any person who has not become converted after a final written warning does not belong in the company — he has become anti-social.

Obviously summary dismissal in cases of serious transgressions is also allowable and should be agreed upon beforehand.

My views hold not only for IR in the private sector but also for other sections of the economy, including the civil service.



Nic Wiehahn

# Unions to impact on farmers

W/G ARGAS 25/3/87  
By DICK USHER  
Business Staff  
of Trade Unions (Nactu) to organise farm workers

TRADE unions had become a powerful political instrument and the vulnerability of agriculture would increase considerably, says Dr D C Cronje, group MD of Volkscas

Dr Cronje's warning follows the recent announcement by the Acting Minister of Manpower, Mr Eli Louw, that after nine years' work the inquiry about working conditions of farm labourers and domestic workers by the National Manpower Commission was not yet complete.

It also comes in the wake of serious moves by unions from both major federations, the Congress of South African Trade Unions (Cosatu) and the National Council

At present farm and domestic workers are excluded from the provisions of the Labour Relations Act which covers all other employees in the private sector.

Dr Cronje said that pro-active and collective bargaining power must in future be applied in the agricultural sector which would have to prepare for it

The industry remained one of the largest employers in South Africa

"Unreasonable trade union interference and spiralling wage levels in its wake will place greater pressure on agriculture's contribution as an employer," he said

"From the viewpoint of survival it remains important for all agricultural industries to maintain international competitiveness

"No industry can survive if it prices itself out of the domestic and international markets in the long term," he said

Farmers could no longer escape the fact that the prerequisite for a successful farming enterprise was the ability to manage risks efficiently and to adapt dynamically to a changing situation

It was eventually the competitiveness of the farmer that would determine the extent to which they would be able to overcome the challenges of the national and international markets



# Nactu responds to summit coverage

THE following inaccuracies appeared in an article in SOUTH (March 9 to 15)

The name and surname of the 1st Assistant General Secretary of Nactu is Cunningham Ngcukana not Ngcukana Njucukana as it appeared.

We did not use the word "rebel" it is therefore an invention of your journalist. The word we used is "individuals", the word mischievous was used to say that "it is mischievous to say that eleven unions of Nactu attended the summit" The word was used in a very incorrect manner

Our statement did not even mention "one of the moving forces behind the rebellion." This is another invention. We said one of the unions that purportedly signed the statement BLADWA (Black Domestic Workers Association) was suspended from the Federation last year BAMCWU, which you claim to be suspended, is still an active affiliate of Nactu.

Nactu is not planning a workshop, Nactu has decided to hold a workshop to

## LETTERS

Address all letters to The Editor, PO Box 13094, Sir Lowry Road 7900

develop guidelines on how working class unity can be built

We did not say "South Africa is permeated by political considerations" We said the "The decisions of the National Council has been taken against the background that the South African variegated National political spectrum permeates the labour movement"

**Cunningham Ngcukana  
Nactu**

*Editors note: We apologise for the typographical errors which resulted in Mr Ngcukana's name being misspelt and the wrong union being named as suspended*

*For the rest, we stand by our story which was based on a statement issued by Nactu and a conversation with Mr*

166 South 30/3-5/4/89  
Ngcukana Nowhere in the article did it state that it was based only on the statement

Since a statement issued on behalf of those who went to the summit claimed eleven unions had attended, one would assume the word 'mischievous' applied to those who issued the statement. The phrase "divisive rebels" was used by Mr Ngcukana in response to a question

"One of the moving forces behind the rebellion" was not presented as a quote from the Nactu statement. It was common knowledge that BAMCWU was one of the moving forces behind those attending the summit

Since Mr Ngcukana was unable to give any details about when the workshop was taking place, the difference between "planning a workshop" and "decided to hold a workshop" seems to be semantic. Perhaps this could have been cleared up had Ngcukana not abruptly ended the telephonic conversation

Similarly the last point also appears to be a question of semantics



# Unions down on the farm

21 Dec 31/3/87

ORGANISED agriculture has embarked on a strategy for dealing with the growth of farm-workers' trade unions that is reminiscent of similar attempts by secondary and tertiary sector employers 15 years ago.

And since the SA Agricultural Union (SAAU) and its affiliates appear to be government's man, if not only, consultants over agricultural labour legislation to be drafted soon, the strategy could well point to the direction of the law which will eventually emerge

The SAAU's ideas are contained in a booklet circulated among farmers and drafted by Unisa School of Business Leadership labour relations Professor D de Villiers

In brief, they propose fairly sophisticated grievance and disciplinary procedures and the establishment of in-house workers' committees (a la the liaison committee system designed as an alternative to unions in the early Seventies).

They also contain guidelines for dealing with strikes. But the bottom line is to avoid, at all costs, collective bargaining with trade unions. This, of course, runs counter to union pres-

ultimatum of, say, half a day, should be given for them to return to work or be dismissed.

The author takes the view that, because they are not covered by the LRA, a strike by farm-workers is not unlawful. Therefore, police cannot be called to intervene unless, for example, lives or property are threatened

A SYSTEM of worker committees, the booklet argues, is the farmers' alternative to controlling his workforce through force — the latter an approach which makes great and often impossible supervisory demands on him and usually meets with only limited success.

The other option will allow him to "obtain the goodwill and voluntary involvement of workers, in which case labourers will perform their duties with a fair degree of diligence and responsibility, without direct supervision and the consequent demands on the employer".

These committees, once properly established, would be able deal with group and individual grievances

this would give farmworkers "rights and powers via common law which, in terms of the LRA, were not intended for them".

It also warns against the granting of access and stop order facilities, as this would give the union *de facto* credibility

THE SAAU document advises farmers to follow an initial policy of talking to strikers and allowing them to fully express their grievances. "Never be in a hurry — black people in particular need lots of time," it says.

It suggests strikers should be assured that, should the strike be resolved within a "reasonable" period — 24 hours — no action will be taken against them. Thereafter, a reasonable



# Farm worker

JOHANNESBURG — Mr Lucas Salmon Sibanyoni is a farm labourer who was employed on the farm Poortjie in the Free State town of Villiers from 1985 until the middle of last year when he was fired for being "absent without reason".

His wages were R8 a month and six bags of mealie meal a year. In addition Mr Sibanyoni was owed money equivalent to 45 bags of maize at the end of the harvesting season, in terms of his annual contract with the farmer.

According to producer prices paid by the farmers' co-operative, the Suidwes-koöperasie, the average

price of a 70kg bag of white maize was R15,60 while the equivalent price for yellow maize was about R15,10 for the season May 1 1987 to April 30 1988.

This means that Mr Sibanyoni's annual salary was R96 plus R700 if he was paid in white maize or R680 if paid out for his 45 bags in yellow maize. At the end of the year he was owed between R776 and R796.

While on duty in June last year, Mr Sibanyoni injured his left foot. He consulted a doctor who booked him off work for seven days.

He said in a statement to the Orange Vaal Workers Union (Ovwu) that when he returned to work, and

# Men 6/4/87 166 fired for going to doctor

IN 1982 the government gave the National Manpower Commission the urgent task of investigating the working conditions of farm and domestic employees. It presented its report in 1984. Nothing has emerged. Members of Parliament have been asking why the commission's recommendations have not been released. The government's continued refusal to tie itself down to a policy on farmworkers and domestic employment conditions means these workers remain unprotected by statutory law. The Argus Correspondent ADELE BAILEY looks at the ramifications particularly for farm labourers.

presented the farmer with his medical certificate he was dismissed for being absent without supplying reasons.

He was given 30 days notice to find alternative accommodation and to leave the farm.

Because he is a farmworker and not employed in a factory, shop or office he cannot quibble over or find legal fault with his meagre wage and rations, his working hours, lack of sick leave or his dismissal.

He does not have the protection of labour legislation that covers most workers.

Being a farmworker puts him outside the ambit of four main industrial laws: the Wage Act, the Labour Relations Act, the Basic Conditions of Employment Act and the Unemployment Insurance Act.

These laws are aimed at safeguarding both employers (eg freedom from victimisation for trade union activities) and employees (eg restrictions on strike activities) and at facilitating peaceful industrial relations.

The absence of protection under the umbrella of the Wage Act which provides for the setting down of a minimum wage, has seriously affected the farmworker.

Not all bosses and workers fall

within the ambit of the Act such as unorganised employees and employers or those who participate in the negotiating machinery under the Labour Relations Act.

But those that do are afforded the rights of a basic minimum wage making it a criminal offence for an employer to pay less than this stipulated amount.

## WIFE, CHILDREN

Because farmers are not bound by this legislation they are at liberty to pay their labourers whatever they want.

Mr Sibanyoni when employed at Poortjie was supporting a wife and three children, one of them schooling.

He discovered that the annual mealie meal rations of one bag every two months was not enough to feed his family. So, on leaving the farm Mr Sibanyoni was indebted to the farmer for five bags which he had borrowed.

This amount, which he agreed he owed was to be deducted from his salary. Mr Sibanyoni, however, claims he was never paid out for the 45 bags of maize. The farmer has since died, according to an Ovwu organiser.

workers and the Farmworkers Project under the auspices of the Food and Allied Workers Union.

But where the Act protects industrial workers who want to join a union it does not favour farmworkers who can legally be dismissed for joining a union.

A farmer can dismiss a worker for merely speaking to a union official.

The Act makes provision for an Industrial Court.

If Mr Sibanyoni planned to contest his dismissal on the grounds that it was unfair he would if he were not a farm labourer be able to go to this court.

## CANNOT FIGHT

As a farm labourer he does not have rights in terms of the Act and therefore cannot legally fight the farmer's decision.

Without the cover of the Unemployment Insurance Act, which recognises a worker's right to employment, Mr Sibanyoni has no social security. He cannot claim money to tide him and his family over while he is unemployed and looking for another job.

At a workers' summit this year, the Ovwu appealed to all workers to remember in their campaign against the recently amended Labour Relations Act farmworkers, domestic workers, municipal and State workers who were not covered.

They were asked to fight for the rights of these workers who were not covered by labour legislation as they had contributed to the manufacturing activities in raw material, they kept others employed in fertiliser and seed factories and the canning, brewing and processing sectors.

Farmers have argued that because workers are given accommodation and rations and do not need a high cash wage but there is no law governing the amount of ration and the type of housing provided.

The Basic Conditions of Employment Act applies to all workers excluding farmworkers, domestics, charitable organisations and State employees.

It covers hours of work (a week, a day and meal intervals), overtime work and payment, Sundays and public holiday work, contract of employment and termination thereof, annual and sick leave and protection from victimisation for employees.

Farmworkers may therefore be required to work seven days a week for any number of hours a day and not be paid overtime. The farmer can instruct his labourers to work on public holidays for no extra money if he so desires.

Industrial workers are usually allowed, in terms of the Act, at least 10 days sick leave a year on full pay and they are entitled to at least 14 days paid annual leave. This does not apply to farmworkers.

The Labour Relations Act gives all unions the right to organise their workers. This applies to farmworkers' unions which include the OVWU, the National Union of Farm-

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INVESTMENT / COMPANIES

# Lock-outs, Strikes and Arbitration

THE stream of books on industrial relations in South Africa is growing all the time, an indication of the increasing importance of this once-neglected field

In this, Cape Town-based publishers Juta are making a significant contribution and their latest offering, *Strikes, Lock-outs and Arbitration in South African Labour Law*, is another important work

The book is a compilation of papers read at the 1988 Labour Law Conference held in Durban which attracted 400 delegates, including judges, trade unionists, managers, IR practitioners, lawyers, academics and students.

The fact that the conference drew such a wide range of participants and that it was held at all is a reflection of the great sea change that has come over the field since the early 1970s, forced into the forefront by the will of workers in their determination to change what was a hugely unjust system of industrial management.

As Mr Justice HC Nicholas, acting judge of Appeal, says in his introduction "Ten years ago, a conference such as this would not have been possible. Then labour law occupied a dark neglected corner of our legal system. Largely ignored by university law schools, it received scant attention from the legal profession. There were few who would have claimed to call themselves labour lawyers"

Since the changes to the Industrial Conciliation Act which started in 1979, however, a vast body of law, practice and precedent has evolved to deal with the regulation of conflict in the workplace and the guarantee of the rights of all parties

The conference focussed on the twin themes of industrial action and arbitration and the papers collected here were presented by many of South Africa's highest experts in the field, including the president of the Industrial Court, Dr Daan Ehlers, eminent lawyers such as Martin Brassey, Edwin Cameron and Clive Thompson, and leading arbitrators including Theo Heffer and Charles Nupen.

The papers cover an overview of the Industrial Court, including an *ad hoc* reply to "some very nasty criticism" by a permanent member of the court, Mr M Bulbulia, strikes and lock-outs, and arbitration



They give what is essentially a very well-informed overview of the two disparate methods of settling industrial disputes while, at the same time, making the important point that industrial relations is essentially a matter of people trying to work out their own arrangements for co-existence and progress — socio-economic and psychological concerns that cannot be addressed solely by the law

The book has a table of cases, is well indexed and as an appendix includes a comparative table of sections of the Labour Relations Act on strikes and lock-outs

Finally, its publication will continue the process of developing industrial democracy through education, a process whose importance was summarised in his concluding remarks by David McQuoid Mason, dean of the law faculty at the University of Natal, when he said " what we have to do is workk out a middle road If we can do that, then in a post-apartheid democratic South Africa we can have a vibrant industrial conciliation machinery based on a firm tradition on industrial democracy, and we can all play our rightful role in generating this country to be the powerful industrial giant of Africa that it should be "



### Political Staff

A NEW law is to be introduced this year to make provision for some trade union rights in the civil service, the Commission for Administration has disclosed

The measure, in the form of an amendment to the Public Service Act to provide for collective bargaining, could dramatically change labour relations in the civil service

The commission said the draft system was approved by the cabinet last year and the proposed legislation would be tabled in Parliament this year

It added that the need for collective bargaining, in one form or another, for the public service was first emphasised by the Wiehahn Commission, which recommended that the principle of collective bargaining rights for personnel in the public sector be accepted

The cabinet then instructed the commission to investigate the matter further.

"Solutions had to be found to meet the public sector's circumstances

# Trade union rights for civil service

*CA 6*  
*10/4/89*  
*166*

"This system of bargaining would have to do justice to the needs and interests of both the state as employer."

The commission said a design for a possible bargaining system was developed and made available to "the recognised staff associations" for consideration and comment. The staff associations commented extensively and made proposals

Contributions were also obtained from other experts and in this way a system was developed which was acceptable to both the commission and the staff associations

This was then submitted to, and accepted by, the cabinet

# Chart Will help Unions

THE University of Natal's Centre for Socio-Legal Studies has designed a chart that will make it easier for trade unions and employers to understand procedures under the controversial Labour Relations Amendment Act.

The chart focuses on dispute procedures which involve industrial councils, conciliation boards and the Industrial Court. It is designed by the centre's director, Mr Chris Albertyn, a specialist in labour law.

"The publication of the chart arises out of the need of both educators and practitioners to be able to illustrate diagrammatically the complexities of the Act's dispute procedures," a spokesman for the centre said.

The spokesman said the chart was an "invaluable tool" for attorneys, industrial relations, unionists and managements.

Those interested in the chart can contact Ms Belinda Mason at (031) 81-2358/9.

11/4/92  
Spokane

# Textile employers face strain over Act

17645  
13/24/59  
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## Labour Reporter

TEXTILE industry employers are soon likely to come under severe pressure over the Labour Relations Amendment Act

The leading union in the industry, the 75 000-member Amalgamated Clothing and Textile Workers' Union (Actwusa), will try to bring all negotiations to deadlock as a tactic to compel employers to make agreements that will bypass sections of the Act to which unions object

This is one of the subjects that will be debated at a special union congress in Durban this weekend

A union spokesman said the other main focus of the congress would be the proposed merger with the Garment and Allied Workers' Union (Gawu)

A July 1 deadline for the merger between Actwusa and Gawu has been provisionally set

The merger will also be one of the main points for discussion at a special congress of the 125 000-member Gawu in Cape Town this weekend

The proposed merger would create one national union for the clothing and textile industries



WHEN MUST management negotiate with unions and when need it merely consult? This week's Siemens strike suggests retrenchment rights are a major issue in the struggle over defining the line beyond which management prerogative rules

This supposedly burning principle was not resolved as part of the strike settlement — it will be hotly debated when management and the National Union of Metalworkers of SA negotiate a mutually acceptable retrenchment procedure in the months to come

But before they — or anyone else — become too heated it is worth asking whether the distinction between consultation over retrenchments (as is required by the Labour Relations Act) and negotiation is not largely artificial

AT FIRST sight, an employer's reluctance to negotiate the need for retrenchment is understandable. An unreasonable union could easily, it is argued, refuse to agree to lay-offs even where a company has clearly suffered a severe setback in orders

But there are two important complications to this argument — one legal and the other related

# Struggle to define the line

8/Jan 14/1989

wrongly — that management has failed to fairly take into account their representations, the outcome could well be — as was seen this week — a disruptive protest.

The consequences of failure to reach a negotiated agreement, or of employee rejection of the outcome of consultation, are the same. In the end, whether by negotiation or consultation, at Siemens a mutually tolerable agreement was achieved

AS A NEW row erupts between the National Union of Mineworkers (NUM) and the Chamber of Mines over mine violence, there are strong indications that talks between the NUM and Anglo American on the subject may be bearing fruit. The main indication is that, in the several weeks since the beginning of the talks, both have kept to their undertaking not to make any public statements — provocative or otherwise

## REVIEW

Extraordinary item

BUSINESS DAY, Friday, April 14 1989

4

IN PIER

Labour policy, education changes ne

— on developments There have been a number of meetings without deadlock being reached. This strongly suggests that Anglo has accepted in principle that any code of conduct, in addition to building procedures for eliminating violence, must also address NUM proposals on collective bargaining, civil rights and forms of hostel management

THE Kimberley branch drafter of resolution 40 on the agenda of the NUM congress has given a new meaning (along with a dose of black humour) to the labour movement's favourite slogan. Deploring the numerous unsolved bombings and arson attacks on union premises over the last two years, the resolution proposes the NUM should hire offices in buildings occupied by major corporations

In that way, it says, an injury to one will be an injury to all

• "The New Labour Relations Act," by Edwin Cameron, Halton Cheadle and Clive Thompson (Juta).

# UK discourages SA labour law defiance

*Bi Day 17/4/89* (166) (SA) (1)

LONDON — The British government said on Friday it would oppose any EC move to encourage employees of European companies in SA to defy local labour law.

A joint declaration on the issue is expected to be made at the EC foreign minister's meeting currently being held in Grenada, Spain.

It is understood the proposal will urge European companies with subsidiaries in SA to adopt a 14-point charter that bypasses SA's official collective bargaining system.

The initiative was devised by the West German metal workers union IG Metall. It has been supported by the West German government, which wants it included in the EC Code of Conduct. The charter has also been accepted by several German companies operating in SA.

A British Department of Trade and Industry spokesman said "Our view is that the EC Code of Conduct has just been amended, and that another amendment is not appropriate at this time."

While the proposals might be appropri-

ROBERT GENTLE

ate in the context of West German law, they did "not necessarily apply" to other EC countries.

"Some of the proposals would in effect give SA employees of European subsidiaries in SA more rights than workers in the home countries," he said, adding that Spain and Portugal were among those with strong reservations.

## Cautioned

Among the proposals in the IG Metall 14-point charter are the right to stage legitimate strikes without fear of dismissal and the guarantee that union members held under emergency regulation would draw full pay. It also calls for an agreement by companies not to avoid dealing with unions by having recourse to "apartheid laws".

The DTI spokesman cautioned against attaching too much importance to this issue, saying no binding legislation on the union proposals would result.



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WEDNESDAY, 19 APRIL 1989

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Hanged	3	
Drank poison	3	
Gassed	2	
(b) Permanent Force		(ii)
(aa) 44	4	
(bb) Overdose	29	
Slashed wrists	6	
Shot	4	
Hanged	2	
Drank poison	2	
Gassed	1	
(c) Citizen Force/Commandos		(ii)
(aa) 6	6	
(bb) Overdose	6	
	Shot	
	Gassed	

**Military hospitals: bed-occupancy rate**

280 Mr R R HULLEY asked the Minister of Defence

- (1) What was the average bed-occupancy rate in military hospitals in 1988,
- (2) whether any notifiable diseases were diagnosed at military hospitals in that year, if so, how many cases in respect of each specified disease?

B600E

**The MINISTER OF DEFENCE**

(1) 70,7%

- (2) Yes, in 1, 2 and 3 Military Hospitals and various sickbays, as follows
- Bilharzia : 1
- Hepatitis : 129
- Malaria : 425
- Measles : 11
- Meningitis : 21
- Tuberculosis : 6
- Typhoid : 6

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WEDNESDAY, 19 APRIL 1989

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**HOUSE OF REPRESENTATIVES**

member for Addo drew my attention to it

New questions

**QUESTIONS**

† Indicates translated version

For oral reply

General Affairs

Question transferred from Wednesday, 12 April 1989

National servicemen: Black woman assaulted

\*1 Mr J A RABIE asked the Minister of Defence †

- (1) Whether, with reference to information furnished to the South African Defence Force for the purpose of the Minister's reply, a national serviceman who allegedly assaulted a Black woman at Nelspruit in or about December 1988 was tried by a court martial, if so, what are the names of the persons concerned; (b) what are the details of the (i) incident and (ii) court case and (c) why did the national serviceman concerned not appear in an ordinary court,
- (2) whether he will make a statement on the matter? C57E

†The DEPUTY MINISTER OF DEFENCE

- (1) No, the National Serviceman was not tried by a Court Martial for the incident the Honourable Member referred to, but by a Summary Trial for drunkenness and conduct to the prejudice of Military Discipline. The alleged assault was investigated by the S.F. Police with the purpose of prosecuting the member in an ordinary court. The Black woman, however, died and on completion of the Inquest, the Attorney General will decide on further steps to be taken.
- (2) No

†Mr P A CHENDRICKSE Mr Chairman on a point of order May I draw your attention to the fact that the hon member for Reigerpark is not present in the House.

†The CHAIRMAN OF THE HOUSE Order! Just the other day I made a request that hon members must be present when their questions are answered. It takes time the hon Ministers must run from one House to the other and that costs money. Hon members must be more responsible. I appreciate the fact that the hon

**Workers. organize into trade unions**

\*1 Mr J A RABIE asked the Minister of Manpower †

- (1) Whether his Department has reached any decision on whether farm workers, domestic servants and workers in the public sector may organize themselves into trade unions by way of labour legislation, if not, why not, if so, (a) what decision has been reached and (b) when,
- (2) whether he intends introducing legislation in this regard, if so, (a) when and (b) who was consulted when this legislation was drafted,
- (3) whether he will make a statement on the matter? C59E

The MINISTER OF ENVIRONMENT AFFAIRS AND OF WATER AFFAIRS (for The Acting Minister of Manpower)

- (1) No, because consultations with organized agriculture and other interested parties have as yet not been concluded. The Labour Relations Act, 1956, already recognises trade unions consisting exclusively of employees of the State, but the conciliation and some other provisions of the Act do not apply to such unions
- (a) and (b) Fall away
- (2) The introduction of legislation will be considered once consultations have been concluded
- (a) and (b) Fall away
- (3) No

The DEPUTY MINISTER OF POPULATION DEVELOPMENT Mr Chairman will the hon the Minister take a supplementary question?

The MINISTER OF ENVIRONMENT AFFAIRS AND OF WATER AFFAIRS Mr Chairman, seeing that this is not my portfolio I would rather have the hon the Deputy Minister put it on the Order Paper

Certain person contravention of Group Areas Act

\*2 Mr J A RABIE asked the Minister of Constitutional Development and Planning †

- (1) Whether he has received any complaints that a certain person, whose name has



# No decision yet on union

*Mr. Louw 20/6/89* (166)  
THE Department of Manpower had not reached any decision on whether farm workers and domestic workers would be allowed to organize themselves into trade unions, the Acting Minister of Manpower, Mr Eli Louw, said yesterday. Introduction of legislation in this regard would be considered once consultations had been concluded, Mr Louw added.

166 (166) (166) WWA:CL . 21-27/4/89.

# KwaZulu finally sets up industrial court

THE protection promised kwaZulu workers four years ago by legislation establishing an industrial court has at last become a reality.

The kwaZulu Labour Relations Act of 1985 was finally gazetted last week, following an urgent application in the Durban Supreme Court by the Legal Resources Centre

The LRC asked the Supreme Court to order kwaZulu to establish a labour court in terms of the legislation

Arguing on behalf of two workers

By CARMEL RICKARD

who had allegedly been unfairly dismissed, the LRC said kwaZulu had the power to set up an industrial court and appoint members of such a court, but had not done so

While preparing a possible application to the kwaZulu industrial court, LRC was informed by an official of the homeland government that there were no suitable premises for a labour court, and that the relevant legislation was not yet operative.

The LRC then took the matter to the Supreme Court, arguing that the lack of suitable premises was not an adequate reason to deny them the relief afforded by the unfair labour practice jurisdiction of an industrial court

The matter came before the Supreme Court last month, and was postponed until April 19

However, it is understood that kwaZulu's latest government gazette announces the official implementation of the Act and the appointment of a registrar for the industrial court

## Union membership is 2,3-m

Some 35 percent of South Africa's economically active population belonged to trade unions last year, the Department of Manpower said in its annual report, tabled in Parliament yesterday.

It said the upward trend in union membership continued in 1988. The growth rate was 10,9 percent compared with 10,7 percent for 1987.

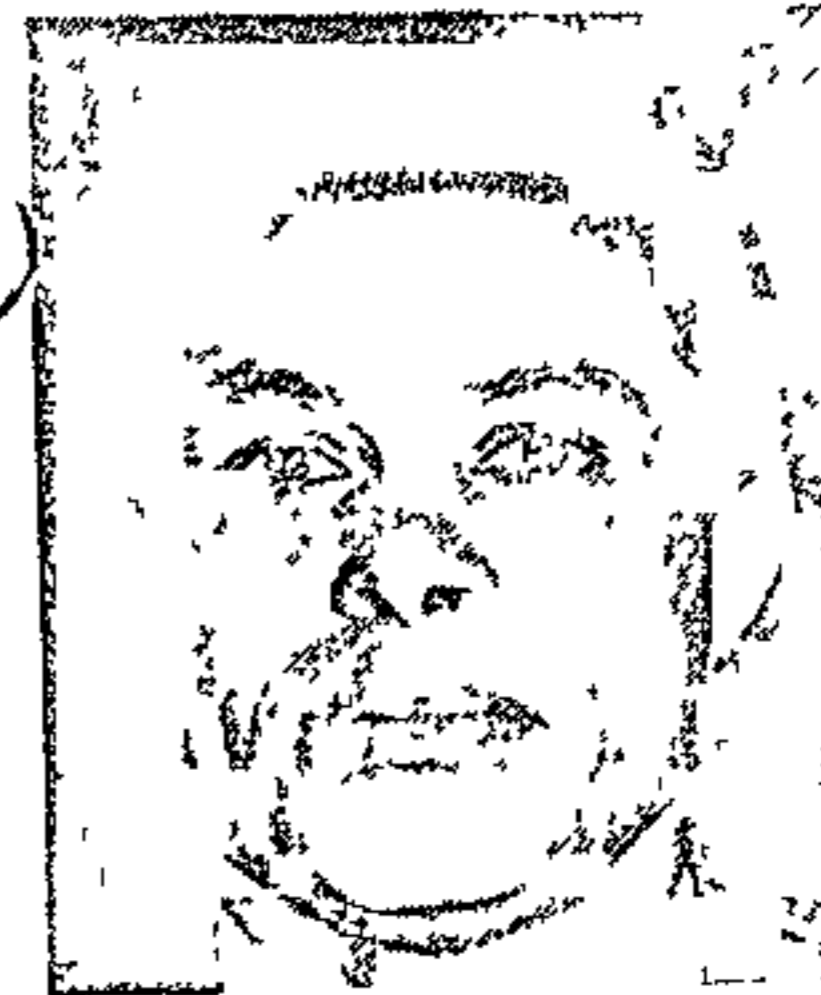
A total of 2 084 323 employees belonged to registered and an estimated 330 000 to unregistered unions at the end of 1988.

There had been a marked increase in the number of unions using the dispute settlement machinery provided for in the Labour Relations Act.

There had been a 13,6 percent increase over 1987 figures in the number of disputes referred to industrial councils. Only 7,7 percent of these disputes had ended in deadlock, showing the importance of these councils in labour relations — Sapa



# Farmworkers treated like slaves, says MIP



Mr Luwellyn Landers

## Political Staff

**SOUTH AFRICA'S farmworkers were no better off than slaves and were open to exploitation with the tacit approval of the government, deputy minister of Population Development Mr Luwellyn Landers said yesterday**

Speaking during the debate on the Manpower Vote, Mr Landers said that farmworkers had no access to industrial courts and as a result had no means of seeking redress for unfair labour practices

South Africa's farmworkers, he said were excluded from

- The benefits of the Unemployment Act, Wage Act and Labour Relations Act, and

- The Basic Conditions of Employment Act, which meant that "no minimum conditions of employment needed to be laid down".

Mr Landers said it also meant

that farmworkers, in terms of law, were not entitled to annual leave or sick leave, nor was the farmworker entitled to the normal benefits in terms of working hours and overtime and usual holidays enjoyed by other workers

In a nutshell, he said, the farmworker found himself in the position of a serf, "at the mercy of the Minister of Manpower and South Africa's white farmer"

Mr Landers said that in 1981 a White Paper on the Report of the Commission of Inquiry into Labour Legislation was tabled in Parliament.

The Commission had recommended that farmworkers be included within the compass of certain labour legislation

The National Manpower Commission was asked to look into the situation of farmworkers in March 1982 and submitted a draft preliminary report at the end of 1984

In May, 1985 a translated report

was submitted

In February 1986 a private members' motion was debated in the House of Representatives calling on the Minister of Manpower to include farmworkers in the ambit of labour legislation

The then minister stated that there were matters that needed more investigation

Mr Landers said it was unbelievable that an issue as important as this, which affected the daily lives of people, could take the time that it had

Speaking during the same debate, the MP for Springfield, Mr Mahmoud Rajab, asked whether the government was not under pressure from the conservative agricultural sector to delay publication of a report of farmworkers

Mr Rajab said Cosatu had undertaken to mobilise farmworkers.

He warned that prohibiting trade unions would not halt the workers' urge to form them

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Case 119 is 27/4/81

Star 27/4/87

166

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## Govt lashed over Workers' Day indecision

The NP should stop "doing an egg dance" about Workers' Day and declare it to be on May 1 instead of on the first Monday of May, Mr Peter Gastrow (DP Durban Central) said yesterday.

Speaking during budget debate on the manpower vote, he criticised the Government for refusing to concede that Workers' Day should be on May 1, as it was internationally

Instead the Government was involved in an egg-dance, first declaring Workers' Day to be on the first Friday of May and then on the first Monday of May

Earlier, Mr Gastrow said 1988

had "by and large" been a stable year for labour relations

Four identifiable trends were responsible for this, the first being a dramatic decline in the number of industrial actions due to both worker and employer organisations' growing sophistication and use of established labour relations procedures

A second trend was a strong rate of wage increases in 1988 which had generally been higher than the inflation rate

A third was that labour disputes were increasingly being settled in terms of the struc-

tures provided by the Labour Relations Act

A fourth trend was that the powerful labour unions and organisations were moving closer together and co-operating more in the labour relations field

Mr Gastrow said the Industrial Court, where labour disputes are finally settled, had a growing backlog, and called on the Department of Manpower to ensure the court had enough staff,

It was naive of the Government to expect unions to restrict themselves to "shop-floor" matters and safety" — Sapa



## Bonn's still pushing EC companies to by-pass labour laws

By EDDIE KOCH

THE West German government plans to mount an international campaign to ensure that European companies with subsidiaries in South Africa do not make use of Pretoria's controversial labour laws, say diplomatic sources

Bonn's minister of foreign affairs, Hans Dietrich Genscher, this month spearheaded an attempt to have the European Community adopt as policy a 14-point charter which by-passes the Labour Relations Amendment Act and ensures that multinationals do not make use of other "apartheid laws"

At a top-level meeting of the European Community's foreign ministers in Granada on April 15, Genscher asked that the 14-point programme be included in the European code of conduct for companies operating in South Africa. But the German initiative failed, the sources say, because of objections from Britain's Sir Geoffrey Howe as well as from the representatives of Portugal, Greece and Belgium.

Bonn will continue its European drive but plans to rally wider support for its campaign when the United Nations General Assembly convenes in New York in September. The Organisation for African Unity has also agreed to take up the issue

The 14-point document, devised by the German metalworkers' union, IG Metall, gives trade unions in South Africa the right to strike without fear of their members being dismissed and to stage peaceful pickets on company premises during strike action.

It allows for private arbitration during disputes, enabling employers and unions to shun collective bargaining procedures laid down in South African law, and prevents companies from taking advantage of "apartheid laws" in order to avoid dealing with unions

"The United Kingdom is the country which has fundamental reservations to the issue of incorporating the 14 points into the code of conduct," said a representative of the German Embassy in Pretoria. "This is because they see these standards as giving workers here rights which, in some respects, they would not enjoy in Great Britain"

John Sawers, first secretary at the British Embassy, confirmed his foreign minister had raised reservations at the Granada meeting about incorporating the programme into the EC code of conduct.

His government was not opposed to the IG Metall principles being adopted by British multinationals, especially as it would help companies here to resist disinvestment, he said. "However inserting them into the code would mean British companies operating in South Africa would be measured against requirements which are part of German law"



# Gastrow slams govt over Workers Day

165  
30/4/89

THE government should stop "doing an egg dance" about Workers' Day and declare it to be on May 1 instead of on the first Monday of May, Peter Gastrow (DP Durban central) said yesterday

Speaking in Parliament during the budget debate on the Manpower vote, he criticised the government for refusing to confirm that Workers' Day should be on May 1, as it was internationally

Instead, the government was involved in an egg-dance, first declaring Workers' Day to be on the first Friday of May and then on the first Monday of May.

Earlier, Gastrow said 1988 had by and large been a stable year or labour relations

Four identifiable trends were re-

sponsible for this, the first being a dramatic decline in the number of industrial actions due to both worker and employer organisations' growing sophistication and the use of established labour relations procedures

Secondly, there had been a good rate of wage increases in 1988, which were generally higher than the inflation rate

Labour disruptions were increasingly being settled in terms of the structures provided by the Labour Relations Act and, fourthly, the powerful labour unions and organisations were moving closer together and there was increased co-operation in the field of labour relations

Gastrow said the Industrial

Court, where labour disputes are finally settled, had a growing backlog of 1 314 cases at the end of 1988, compared to 776 at the end of 1987, and he called on the Department of Manpower to ensure that the court was adequately staffed

He also called on the department to play its role in lifting the state of emergency restrictions on the Congress of Trade Unions of South Africa so that it could return to its "normal role" in applying pressure for socio-economic improvements in the country

It was naive of the government to expect trade unions to restrict themselves to only "shop-floor matters and safety", he said - Sapa

# Rally slams act

MORE than 3 000 workers yesterday condemned apartheid and voiced their opposition to the Labour Relations Amendment Act during a May Day rally at the George Thabe Stadium in Sharpeville.

Addressing the enthusiastic crowd amid police presence, the general secretary of Cosatu, Mr Jay Naidoo, said workers must pledge solidarity in the fight against apartheid. He said South African workers must also unite in their fight against violence in Pietermaritzburg, the Labour Relations Act, unfair dismissals, retrenchments and strive for a living wage.

## Chanted

The meeting, punctuated by chanting of workers' songs and shouting of "Viva the workers' struggle" was also called upon to

By JOSHUA RABOROKO

support the release of ANC leader, Mr Nelson Mandela, and other political prisoners, the unbanning of all organisations such as the United Democratic Front and the lifting of the state of emergency.

Police maintained a low-profile as they watched proceedings from a distance while speaker after speaker from most of Cosatu affiliates expressed their great concern over the plight of black people in South Africa.

Mr Naidoo said May Day was an important

day for workers worldwide. "This is the day when workers of the world must unite," said

Workers were also called upon to observe the Sharpeville March 21, Soweto June 16, May 1 and August 9 as public holidays and to clamour for healthy and decent education in South Africa.

Most of the Vaal Triangle townships remained tense but calm as police patrolled the streets while in some townships football associations ignored the May Day rally and continued their activities by featuring soccer matches outside the George Thabe Stadium in the area.

Meanwhile, outside the Orlando Stadium, where a May Day rally was banned by a Johannesburg Magistrate, workers stood around to see whether any of their leaders arrived — but in vain.

In another May Day development, a new trade union, comprising affiliates of the National Council of Trade Unions (Nactu) in the metal industry, was launched at a rally held at Nasrec, near Soweto.

The rally was attended by more than 500 workers who came from all over the country.

The new union, to be called the Metal Workers' Union of South Africa, is an amalgamation of a number of Nactu affiliates, among them the Black Electronics and Electrical Workers' Union.

Mr Mahlomola Skosana, second assistant general secretary of Nactu, called on all Nactu affiliates in the metal industry to join the new union.

CAP 11715 3/5/89  
**Civil service:  
Collective  
bargaining**

**Political Correspondent**

CIVIL servants are to be given "collective bargaining rights" in terms of a Bill introduced in Parliament yesterday.

The legislation will not apply to educators — a bill with a similar objective for educators is currently being prepared.

But the cabinet will still be able to refuse the implementation of any agreement although it will be obliged to give full reasons for doing so to the Public Service Central Bargaining Council (CBC).

The Minister of Administration and Privatisation, Dr Dawie de Villiers announced yesterday that the Public Service Amendment Bill would provide collective bargaining rights for remuneration and certain conditions of service.



# Act of Union 'basis of State lawlessness'

Stamp 19/5/89

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CAPE TOWN — The greatest historical act of lawlessness so far, as black South Africans and all democrats were concerned was the Act of Union itself, advocate Mr Dullah Omar, regional chairman of the National Association of Democratic Lawyers, said

Speaking on State lawlessness at the Institute of Criminology conference, "Towards Justice? Crime and State Control in South Africa", at the University of Cape Town this week, Mr Omar said union was "a creation of the British Parliament" that "laid the basis for white domination over blacks as an instrument of imperialist exploitation on the subcontinent

At the same time it laid the basis for State lawlessness in South Africa."

He had derived the term "imperialist exploitation" not from any writings of the ANC, but from Nationalist literature before 1948.

Mr Omar said that to illustrate his point he wished to quote what one of the architects of the future Union, Cecil John Rhodes, had said in the Cape Parliament in June 1887:

"I will lay down my own policy on this native question. Either you have to receive them on an equal footing, or to

call them a subject race.

"I have made up my mind that .. we have to treat natives where they are in a state of barbarism, in a different way to ourselves. We are to be the laws over them. These are my politics and the politics of South Africa

"The native is to be treated as a child and denied the franchise. He is to be denied liquor also.

"We cannot adopt a system of despotism — such as works so well in India — in our relations with the barbarians of South Africa."

Speaking about legislation like the Mines and Works Act of 1911 and the Land Act of 1913, Mr Omar said that land, the franchise and labour were the three key issues that had reduced blacks in this country to a state of "helplessness, rightlessness and poverty".

The opening of the diamond and gold mines had been made possible only through conquest, land dispossession and the denial of political rights to black people.

On the Rule of Law, Mr Omar said State lawlessness was not a product of 1948, but that blacks had been the victims of State lawlessness "ever since Union and before". — Sapa.

# It's strike talk time again

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planned talks with Saccola on the LRA.

Whether these talks lead to a historic nationwide union/employer agreement, or end in something approaching a national strike, is only partly in the hands of the parties to the deliberations.

Union proposals on existing legislation are likely to address, mostly, the same issues that were discussed last year until the bringing into force of the amendments to the LRA caused a breakdown.

These included aspects of the unfair labour practice definition, particularly those relating to the right to strike and dismissal, time limits for resolving disputes and the now notorious section 79(2), which requires unions to disprove responsibility for unlawful actions by members.

On at least some of these matters there appears a strong chance of agreement. Far more difficult to resolve will be the demands for the inclusion of agricultural, domestic and public sector employees under the ambit of the Act.

THE NEXT few weeks will tell whether SA is to face a major strike this year.

The metal industry wage talks reached a critical stage this week, the NUM and the Chamber of Mines yesterday began their own annual tussle for supremacy and, despite some minor delays, Cosatu, Nactu and a dozen independents are expected to kick off their 1989 Labour Relations Act (LRA) campaign soon.

Thanks mostly to the unpredictable negotiating tactics of Numsa — the most likely source of a metal strike threat — the gap between the union and Seifsa proposals narrowed remarkably on Tuesday.

Numsa is now demanding a R3,82 an hour minimum and Seifsa offering R3,50 — a 26,5% vs 15,9% increase — with the percentage gap closing to four percentage points in the artisan grade.

The problem is that, while Seifsa insisted its offer was final, Numsa said that, with most company profit increases spectacular at 30% to

100% and directors' fees and management salary increases mostly above 25%, the union would not accept increases just on or below the inflation rate.

By the sound of it, Seifsa's earlier agreement in principle to change the pension fund to a "flexible benefit" fund — a significant concession — was insufficient to make the current wage offer acceptable. These negotiations evidently have a long way to go

THERE are two ways of looking at the NUM's wage proposals.

On one hand they can be viewed with outrage.

In gold mining they represent increases of close to 100% on Chamber minimum rates in the lower categories. They represent not much less

than this on the actual minimum rates paid by those mining groups with the lowest wage structures

On the other hand, they can be viewed as nothing out of the ordinary. For the mining houses whose wage rates in the unskilled job categories are relatively high, the NUM demands range from 37% to 61% — not at all out of line with the opening demands of the last few years.

As was argued in this column three weeks ago, the crucial issue will be how the problem of marginal vs wealthy mines is approached.

NACTU, Cosatu and the independents are still finalising details and strategies related to their

## REVIEW

# Man-day loss leaders

ALTHOUGH the man-days lost to the public sector fell from about 2-million in 1987 to 300 000 in 1988, it was still No 2 in the 1988 loss stakes

So says Frank Horwitz, professor of business administration at the University of Cape Town Graduate School of Business, in the IPM Journal

The large loss of man-days in the public sector can be seen when compared with the overall number in 1988. Last year, total man-days lost fell from 8,2-million in 1987 to under 1,3-million

The public sector therefore accounts for about 23% of all the man-days lost last year

Professor Horwitz believes there are several possible reasons for the

high level of industrial action in the public sector, which took place before the Government passed legislation to provide for collective bargaining for public servants

"Traditionally, collective wage bargaining has not taken place in the public sector in the same manner as in the private sector"

Most parts of the public sector are excluded from the Labour Relations

Amendment Act (LRA)

"Pressure from unions who operate in both public and private sectors, such as the South African Railway and Harbour Workers Union (Sarwhu), to have a common industrial relations system operating in both sectors are becoming more pronounced"

Professor Horwitz says the question of whether to extend the LRA to cover all sectors or only agricul-

ture, is a political hot potato.

These sectors control a large percentage of the white voting power and the Government seems loath to alienate such a large section of its support base

"Whatever the outcome of increased pressure by the unions, the intentions of the director-general and the findings of the Commission for Administration, it can be expected that levels of industrial activity in these sectors will increase rather than abate, with the main challenge being the convergence of private and public sector IR systems"

# ATTACHMENTS

SUNDAY TIMES, Business Times, May 14, 1989

MANPOWER

11



# Social cost of self-off

**DISINVESTMENT, sanctions, privatisation and deregulation are probably four of the most difficult issues facing trade unions**

A seminar, attended by unionists and members of the private sector, addressed two of the problems. The seminar was on an exchange of views on deregulation and privatisation — trade unions and private sector

Black trade unions are generally opposed to privatisation and deregulation. Their rationale is that taxes paid by workers should go to health care, housing and education. They also fear retrenchments as a result of privatisation and distrust employee share schemes

National Union of Mineworkers national organiser Gwede Mantashi said "Profit maximisation is the primary motive for

capitalist production. SA is today in the process of privatising national roads, hospitals, Eskom, education and so on. It does not require extraordinary intelligence to realise that this will have serious social effects.

"It will result in an increase in the rate of unemployment which is already too high."

Mr Mantashi used Eskom as an example of what happened when a quasi-

government organisation geared up for privatisation.

"When Eskom started on the privatisation route in 1985-86, its first move was to reduce its workforce from 68 000 to 60 000. In 1988 it came up with a retrenchment programme affecting 6 700 jobs."

Giving the view of the private sector, Federale Volksbeleggings general manager Anton Roodt suggested that a middle ground of common interest

could be found if one considered

"The problem with the Government is that it insists on sticking its fingers into the lives of everyone. The Government wants to provide housing for blacks, it wants to run their transport, it wants to regulate where I work, it wants to determine where I live and what I eat

"Privatisation and deregulation could, in my view, be a fundamental break with apartheid. They are the building blocks of greater individual freedom towards an economic and political ideology"

Foskor review application upheld

BIDAY 22/5/89

# Industrial Court ruling overturned

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NUM

THE establishment of a Labour Appeal Court under the Labour Relations Amendment Act did not necessarily preclude the Supreme Court's right to review Industrial Court judgments.

That was the finding of a Pretoria Supreme Court judge, who overturned a Pretoria Industrial Court (IC) unfair labour practice ruling against Foskor Ltd on Friday

The new Labour Appeal Court delivered its first judgment on May 16, overriding an unfair labour practice finding against Ergo, handed down in November 1988 by the IC in a case brought by the NUM

Mr Justice Eloff upheld Foskor's application for review with costs

The NUM, which represented 30 dismissed workers from Foskor's Phalaborwa plant in the northern Transvaal, submitted that the Supreme Court did not have the jurisdiction to review the IC's decision

This right, it contended, was invest-

ed exclusively in the Labour Appeal Court (LAC)

The NUM submitted that with the establishment of the LAC, the Supreme Court's jurisdiction to review IC proceedings had been ousted by necessary implication

## Communication

The 30 NUM members were dismissed in October last year for alleged breach of their service contracts with Foskor by refusing to take part in Foskor's "internal communication forum"

The forum was established to act as a channel of communication between management and workers

The workers were fired after they failed to take part in electing employee representatives to the forum.

On January 20 1989, the Pretoria IC ruled that the company had acted unfairly, and ordered Foskor to reinstate the workers on terms and conditions no less favourable than before their dismissal

LABOUR

AAW 25/5/89 (166)

# Strike deal offer from national textile union

By DICK USHER,  
Labour Reporter

THE major union in the textile industry will exempt employers who meet its demands about the Labour Relations Amendment Act from a possible national strike

Mr John Copelyn, general secretary of the 74 000-member Amalgamated Clothing and Textile Workers' Union (Actwusa) gave this undertaking at a briefing of textile employers in Cape Town yesterday

The briefing was one of a series planned by Actwusa, an affiliate of the Congress of South African Trade Unions (Cosatu), to inform employers about the union's basic demands around the Act and the reasons for them

Mr Copelyn said Actwusa had taken this almost unprecedented step in the hope that af-

ter negotiation employers could reach "substantive compliance" with the union demands

He said acceptable agreements covering about 19 000 Actwusa members had already been reached

The union demands that employers

- Guarantee fair disciplinary procedures for all workers

- Give minimum protections against arbitrary retrenchment

- Negotiate minimum dispute procedures which would include arbitration for disputes of right and protection against selective dismissal of strikers,

- Renounce the right under the Labour Relations Amendment Act to sue unions for damages resulting from industrial action,

- Negotiate all changes in collective conditions of employment with the majority union,

- Undertake, when operating

in homelands, not to use relevant legislation to refuse recognition to a majority union, and

- Support union efforts to extend union rights and facilities to workers presently excluded

Mr Copelyn said the union movement's objections to the changes to labour law contained in the Amendment Act were that, based primarily on employer opinion, they rolled back gains made by workers in the past 10 years

## SUE UNIONS

They made it possible to sue unions for financial losses resulting from industrial action, allowed employers to retrench at will, excluded from fair and agreed disciplinary procedures employees with less than six months' service, set up a long series of required procedures for legal strikes, and created legal procedures which, if applied fully, negated any possibility of swift dispute resolution

He said these were sticks with which to beat the union movement and encouraged irresponsible actions rather than promoting responsibility

## RESPONSIBILITY

"We have a joint responsibility to promote negotiation as an approach to solving problems," said Mr Copelyn

Meanwhile, employer bodies and employers in other industries will be served with similar demands by Cosatu affiliates, some National Council of Trade Union affiliates and some independent unions later this month for negotiation

If negotiations deadlock strike ballots are likely during July

The results and employer responses will go to a Cosatu national congress in July

This will be followed by another worker's summit which will assess the ballots and coordinate strategy for a national strike around the beginning of September



... after the industrial holding company's subsidiaries and associated companies reported strong performances

Expectations were met yesterday and the share gained another 20c in fairly heavy trade to close at 395c

Federale's 40% growth in attributable earnings of R127m for the year to March and the improvement in its operating margins confirmed the success of the restructuring programme, embarked on after losses in 1985 and 1986

... group decided to raise capital by of a R102m rights issue shortly after release of its 1988 results. At the time market felt Federale was paying too a price

The share rose gradually to a high 440c in January this year but fell early in the months preceding its year as signs of an economic slowdown became evident

At the current level, the 20% increase the dividend to 21c a share places share on an historical dividend

## Red tape cut for business in 28 areas

CHRIS CAIRNCROSS

CAPE TOWN — Government has suspended a welter of red tape restricting small or embryo businesses from starting up and operating in 28 areas in the four provinces earmarked for the establishment of industrial parks and training centres by the Small Business Development Corporation

Details of the suspension of these laws and regulations and the areas affected are published in the Government Gazette. The suspensions are carried out in terms of the powers granted the president in terms of the Temporary Removal of Restrictions on Economic Activities Act of 1986

Regulations suspended include all wage regulating measures referred to in the Labour Relations Act, provisions of the Basic Conditions of Employment Act, the Machinery and Occupational Safety Act, the Factories, Machinery and Building Work Act, shop hours and licensing ordinances, National Building Regulations and Building Standards Act

Areas involved are mainly outside white group areas. In Cape Town they include two sites in Athlone. Other Cape sites are in East London, Paarl, Port Elizabeth, New Brighton, Uitenhage and Kuils River. In Natal, the sites are in Chatsworth and Inanda, and in the Free State in Bloemfontein's Hamilton district

About 12 sites in the Transvaal are in Atteridgeville, Sebokeng, Soweto, Eldorado Park, Lensasia, Nancefield Township, Pennyville Township and Wadeville

## Expert tells of drama

# Marais econom

CAPE TOWN — Deputy Finance Minister Org Marais is out of touch with harsh realities if he thinks today South Africans are no worse than they were 20 years ago, says Stellenbosch University's Bureau for Economic Research director Ockie Stuart

He says Marais's claim is invalidated by hard facts

One way of showing how much worse off the average South African was today, was to look at the dramatic decline in real disposable income, a process which started in the 1970s and had continued unabated

Real disposable income (RDI) or total individual income after tax allowing for inflation

From 1960 to 1969 RDI increased 2.2% a year. From 1970 to 1979 it increased by only 1.5% a year and from 1980 to 1988 RDI actually decreased 0.5% a year. This meant that from 1960 to 1988 RDI declined by 0.6% a year, Stuart said these figures were based on Reserve Bank statistics

Another accurate measurement of a country's wealth was its gross domestic product (GDP)

"GDP by definition reflects the wealth of a country. If it increases at a rate less than the population growth, this indicates a process of impoverishment"

# Govt backs down on Sunday trading

draft  
7/15/89  
26/5/89  
16/3

Political Staff

THE government has decided to remove all references to Sunday trading from a draft deregulation bill following heated protests from church groups

Administration and Privatisation Minister Dr Dawie de Villiers said yesterday all references to trading on Sundays and religious holidays would be removed from the draft Business Bill, as the controversy over the issue was threatening to undermine larger and more important objects of the bill

Dr De Villiers said the main aim of the bill was to remove restrictions on economic participation and simplify business licensing requirements

Attention had also been given in the bill to developing a more effective control mechanism in respect of Sunday trading

"It was never the intention to permit an increase or decrease in the nature of the existing system of Sunday trading, but merely to enable the administrators to arrange Sunday trading in an orderly fashion," he said.

The working group dealing with the bill had reported to him that there had been considerable misunderstanding over the references to Sunday trading

"The misunderstanding and confusion is unfortunately assuming such proportions that the working group is of the opinion that it may endanger the larger and more important objects of the draft bill," he said

As it had never been the intention to effect changes to Sunday trading, he had accepted a proposal to remove all those clauses referring to Sunday trading from the bill

# Actwusa in bid to bypass Act

COSATU's 70 000-strong Amalgamated Clothing and Textile Workers' Union of SA (Actwusa) has launched a major initiative to renegotiate its recognition agreements to bypass the Labour Relations Act (LRA)

And the National Union of Metalworkers of SA (Numsa) has embarked on a similar process in the tyre and rubber industrial council

These moves come as Cosatu, Nactu and a group of independent unions finalise their strategies for a national campaign against the Act

Actwusa Natal regional secretary John Eagles said on Tuesday the union

8/Day 11/6/87

~~ALAN FINE~~ ALAN FINE 166

had briefed employers in the four major regions — Johannesburg, Durban, the eastern and western Cape — on the union's attitude to the Act

This is to be followed soon by letters of demand to each employer with which the union deals, proposing amendments to their recognition agreements

He said this strategy was based on scepticism that talks between the union federations and Saccola would be resolved satisfactorily. Actwusa proposals would include the right to strike without fear of dismissal



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# EDWORKERS STRIKE GAINS

EDWORKS and the Commercial Catering and Allied Workers' Union of South Africa have reached agreement, ending a seven-week-old strike by the company's employees.

Edworks' managing director, Mr Stewart Dodo, said the union had accepted the company's offer of a minimum rate of R520 a month and a R105 across-the-board increase

Ccawusa official Mr Jackie Masuku said the strike revolved around economic issues as well as "matters of principle"

Industrial action Both parties had also agreed that the controversial labour legislation would not be invoked when determining workers' conduct during the strike

"Crucial to the complete success of the strike was the question of community support," Mr Masuku said

## Damaging

Mr Dodo said the strike was "most damaging to those who participated"

Ccawusa has called off a hunger strike by some of its members

He said the two parties had also agreed to appoint an arbitrator who would determine whether the strikers had intimidated customers and staff during the



Edworks employees celebrate the settlement of their dispute with a march through Johannesburg streets yesterday. Pic PAUL TSHABALALA

## Shop steward charged with intimidation

A SHOP steward of the Hotel Liquor and Catering Union near Pilgrim's Rest in the Eastern Transvaal was arrested at the Blypoort

He is Mr Nelson Mashile Nactu's regional organiser in Tzaneen. Mr Moss Mahasha, said Mashile, who is the chairman of the shop

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PRIZES ARE AS FOLLOWS:



# Domestic workers in fight for rights

CAP-Times 2/9/84

THE SA Domestic Workers' Union (Sadwu) held a "national day of action" yesterday in a drive to have the union included in the provisions of labour legislation

The union is excluded from labour laws, which provide for minimum wages, leave, overtime, workmen's compensation, unemployment benefits and basic conditions of employment

A six-person Sadwu delegation met the regional director of the Department of Manpower in the Cape, Mr W F Marais, at his city offices and presented him with a letter outlining their concerns

Mr Marais agreed to pass the letter on to the Acting Minister of Manpower and Public Works, Mr Eli Louw

The letter was a precursor to a memorandum of demands and a petition of signatures from around South Africa and abroad which was to be sent to the minister, said Sadwu members. Delegations are presenting letters around the country

**DELEGATION . . .** A group from the SA Domestic Workers' Union, led by national general-secretary Ms Florence de Villiers (front left), arrives at the offices of the Department of Manpower to hand a letter to the regional director, Mr W F Marais.

Picture RICHARD BELL



# Labour giants send demands

THE country's two biggest labour federations yesterday submitted letters to major employer associations and government departments demanding the scrapping of controversial clauses in the Labour Relations Act

The Congress of South African Trade Unions (Cosatu) and National Council of Trade Unions

By LEN MASEKO

(Nactu), said in a joint statement that they would declare a dispute with these parties "if there is no indication of progress towards meeting these demands" by June 30

The federations, which represent more than 1 million workers country-

wide, said the letters were aimed at securing "the democratic rights of workers which are violated by the LRA"

A "letter of demand" was also submitted to the South African Consultative Committee on Labour Affairs (Saccola)

"We expect negotiations to take place with employers at a national

level in a joint national forum of trade unions and employer associations," the two said

Cosatu and Nactu demand — among other things — the right to strike and to engage in sympathy strikes, the right to picket and that the provisions of the labour legislation be

• To Page 2

## Giant demands

• From page 1

extended to domestic workers and employees in the public and farming sectors.

The federations have called on the churches and the community to support the campaign against the legislation. The two are to hold a second workers' summit on August 5 and 6, to discuss further action against the law

The first workers' summit, involving the two federations and several independent unions, was held in March this year

Meanwhile the South African Domestic Workers' Union yesterday reiterated its demand that domestic workers be included in the provisions of the labour legislation



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WMAIP  
2-8/6/89

# Row looms over Labour Act

By EDDIE KOCH

FRESH confrontation is looming between organised labour and the country's biggest employers over the Labour Relations Amendment Act.

Yesterday the Congress of South African Trade Unions (Cosatu), the National Council of Trade Unions (Nactu) and a number of independent unions announced they had devised a joint programme of action to fight the law

The unions have sent letters to the government and major employer organisations demanding that all contentious clauses in the new law are scrapped and that a revised Act be extended to all workers, including domestic workers and farmworkers.

The programme of action stems from the workers' summit held in March this year, where delegates representing some two million workers threatened a national strike if their demands for changes were not met.

The labour movement's letter to employers and the government includes the following demands:

● The extension of labour laws to farmworkers, domestic workers and public sector workers

● The scrapping of all sections of the Labour Relations Amendment Act that "undermine our right to job security and our endeavours to establish a democratic trade union movement"

● Guarantees of workers' right to strike and to picket without fear of dismissal.

● An acceptance by employers of the duty to negotiate with majority unions

● An undertaking to negotiate on planned retrenchments.

● An understanding that employers will not use homeland legislation to avoid dealing with unions

The labour federations expected negotiation over the demands to take place at a national level in a joint forum of trade unions and employer associations.

he died, quite suddenly from

DOUBT

11/6/69

# Workers, employers head for collision

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By **CONNIE MOLUSI**

Chun

COSATU and Nactu have agreed on a national programme of action against the Labour Relations Act, which could put the labour movement and organised employers on a confrontation course.

The two federations have submitted letters of demand to major employer bodies and the government aimed at securing the democratic rights of workers, which they say are violated by the Act.

The workers are demanding fundamental International Labour Organisation-endorsed trade union rights.

The two federations will declare a dispute with main employer bodies by June 30, if there is no progress towards meeting their demands.

They are asking churches and community organisations to support the campaign.

166 8-14/6/89

# Unions square up on Labour Act

EMPLOYERS are facing a formidable programme of joint action against the Labour Relations Amendment Act by South Africa's two largest trade union federations and several independent unions

The Congress of South African Trade Unions (Cosatu), the National Council of Trade Unions (Nactu) and the independent unions, have joined hands to square up to employers and the government almost a year to the day after almost 2-million workers took part in the biggest and most expensive stayaway in South Africa's history to protest the draft version of the LRAA

The unions want employers to negotiate with them in a joint national forum of trade unions and employer associations

Last week they submitted letters to all the major employer associations and government departments demanding that controversial clauses of the LRAA be scrapped, workers' rights be entrenched and labour legislation be extended to cover domestic workers and farmworkers

Should there be no indication of progress towards meeting these demands by the end of the month, the unions have said they will consider themselves in dispute with the main employer bodies in the country

A joint statement issued by Cosatu

general secretary Jay Naidoo and Nactu general secretary Piroshaw Camay said the letters were aimed at "securing the democratic rights of workers"

"Failing changes in the Act, we are saying that all employers must bind themselves to recognise the fundamental rights of workers, regardless of the provisions of the Act"

The demands tabled stem from the workers' summit in February this year

They include majority union recognition, acknowledgement that workers have the right to strike and picket, and agreement to negotiate re-trenchments



# Labour renews protest

S/Times 11/6/87  
LAST year's three-day stayaway in June has left an indelible impression on employers, apart from costing the economy an estimated R500-million

The protest was launched against the Labour Relations Amendment Act (LRAA) and caused much resentment among employers who were unhappy at having to bear the brunt of industrial action

Now employers are faced with

another dilemma — a national dispute Cosatu, Nactu and several independent unions have sent a letter to the SA Co-ordinating Committee on Labour Affairs (Saccola) reasserting their opposition to the LRAA and a demand for the establishment of the "democratic rights of all South African workers irrespective of race, sex, or marital status"

It said "If within 30 days you refuse to meet and make positive progress towards meeting these demands then we will be compelled to consider ourselves in a

national dispute with yourselves"

The demands include

- The right of all workers to form and belong to unions of their choice
- All employees excluded from the LRAA, including farmworkers, domestic, forestry and public-sector workers, must be covered by the law
- The scrapping of all sections of labour legislation that undermine the right to job security A democratic trade union movement free

of racism and minority union rights must be established

- The entrenchment of the right to strike and to engage in sympathy strikes, the right to picket, no dismissal without fair and valid reasons and without following a fair procedure Employers must be bound to recognise and bargain with majority unions
- Retrenchment should be negotiated with representative unions No employer should use the legislation of any homeland to refuse recognition of a union which has majority representation

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## Number of strikes drops 80% in 1988, says report

By Day 12/6/87 GERALD REILLY (132) (148)

PRETORIA — There were fewer strikes last year than in 1987, says the Manpower Department's annual report

The report, released on Friday, says government's job-creation programme played an important role in the maintenance of labour peace (166)

Last year the number of strikes, which involved more than 1 000 workers, decreased by 80%. This contrasted with an upward trend during 1986 and 1987

An important reason for this was the greater involvement of trade unions in strikes and the use of dispute-settling mechanisms. The Labour Relations Act could also have contributed to the decrease, the report says

Work stoppages not accompanied by demands decreased from 123 in 1987 to 80 last year

About 31% of strikes last year lasted one day or less, and 29% lasted longer than 14 days. The average duration was 5,6 working days, as against 9,9 in 1987

The number of man-days lost also decreased significantly from 5 825 231 in 1987 to 914 088 last year

The report says this could be attributed largely to a more frequent use of dispute-settling machinery in the Act

There was a 13,6% increase last year in the number of disputes referred to industrial councils, and of these 46,8% were settled by the councils (136)

Trade union membership went up by 10,7% in 1988. A total of 2 084 323 belonged to registered unions and 330 000 to unregistered unions at the end of last year

# New labour act under spotlight

CPW 7/11/67

166 163 Staff Reporter

THE first joint discussion on country-wide trade union demands on the controversial Labour Relations Amendment Act takes place this week when the SA Employers' Consultative Committee on Labour Affairs (Saccola) meets in Johannesburg.

Saccola secretary Mrs Frieda Dowie said the meeting on Friday would be the first by the employers' body since the Congress of South African Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) submitted their demands in a letter on June 1.

The letter to Saccola was compiled in the wake of the March workers' summit, where 700 delegates from Cosatu, Nactu and several independent unions resolved to draft an alternative Labour Relations Act to be submitted to employers.

Expecting a joint response from Saccola, the union federations threatened to declare a national dispute with the committee unless it made "positive progress" to meeting their demands in 30 days





Stu 14/6/89

## Chemical ~~workers~~ union to fight group areas ~~and~~

By Mike Siluma,  
Labour Reporter

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The Chemical Workers' Industrial Union (CWIU) is to launch a campaign to oppose the Group Areas Act and to intensify labour's battle against the Labour Relations Amendment Act.

These are some of the resolutions taken by the union at its national congress held at the weekend in Johannesburg.

A CWIU statement said the Labour Act had been identified as "the spearhead of the major attack on unions by capital and the state"

Congress "reaffirmed the urgent need to unify organised workers and to step up efforts to establish one union in the chemical industry and one national federation".

According to the statement, workers were "gravely concerned about not only the housing crisis, but the use made by employers and the state of the housing issue as a political tool to debilitate the struggle"

Delegates also called on union structures to "debate the issue of a negotiated (political) settlement as a matter of urgency", and to give support to Goodyear and Mobil workers in their struggle for a "fair disinvestment procedure"

# LRAA: Call for international summit

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15-21/6/85

THE Chemical Workers' Industrial Union (CWIU) has called for an international workers' summit to consider action around the Labour Relations Amendment Act (LRAA)

The call was made at the union's biennial national congress in Johannesburg last weekend

CWIU also gave strong backing to the recommendations of the workers' summit held earlier this year and identified the LRAA as "the spearhead of the attack on unions by capital and the state"

The congress condemned Mobil and Goodyear for failing to give workers notice of their intention to disinvest

After hearing National Union of Metalworkers of South Africa general secretary Moses Mayekiso highlight the probability of a negotiated settlement, the congress called on all unions to debate the issue of negotiations

In his speech, Mayekiso called for working-class unity and said the struggle should at all stages be led by the working class

Congress of South African Trade Unions vice president Chris Dlamini, also a guest speaker at the congress, said workers should formulate their demands for such negotiations

The congress called for open debate about a future society in South Africa using the constitutional guidelines and other relevant documents. The congress resolved to make non-sexism a fundamental principle in the union

Delegates expressed grave concern about the housing crisis in South

Africa and said housing was being used as a political tool by the state

The union plans to actively campaign against the Group Areas Act and the squatting laws

The congress said the need to establish one union in the chemical industry was urgent

Calvin Makaleng, Ronald Mofokeng and Rod Crompton were returned unopposed as president, national treasurer and general secretary respectively

Don Gumede was elected vice-president

# The changing face of labour negotiations

DEMANDS about the Labour Relations Amendment Act put to employers by the major union federations illuminate developments on the employer front that have trailed trade union policy

At the time when the Wiehahn Commission had made its recommendations and changes to labour legislation were in the air, a great debate about participation and non-participation emerged among the unions



Its dimensions covered registration vs non-registration, whether to participate in industrial councils and other aspects that might be viewed as "collaboration"

Much of this debate has been resolved, apart from groups which accuse the Congress of South African Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) of various crimes against the working class

Since then, with the formation of Cosatu, came the one-union, one-industry policy which saw unions within the federation merging to create national industrial unions. An almost automatic corollary of this policy was that unions would start seeking overall negotiations in one forum, either with companies or at industrial council level

## Restructure councils

In some cases unions entered councils, such as the National Union of Metalworkers and the council for the metal industry, and even helped restructure councils as the Amalgamated Clothing and Textile Workers' Union (Actwusa) did with the cotton-textile industry

National negotiations in one forum had an obvious advantage for unions — one series of talks for the industry instead of a series of negotiations with individual employers or at individual plants

There have been several instances of industrial action over this issue — Food and Allied Workers' Union vs South African Breweries and Transport and General Workers' Union vs Unilong Distributors, for example — with employers resisting union demands for centralised bargaining

## Exposed some problems

In effect, this is tending towards the creation of non-statutory industrial councils, a long way from rejecting participation in them.

It's also exposed some problems

While the unions have organised themselves to deal with centralised bargaining, they've often found employers and their organisations less-than-ready and able to cope

When Actwusa helped restructure the cotton textile council it found a rather fragile employer organisation. But, for the council to function successfully, it required a balance on both sides and it appears that as a spin-off from those negotiations the employers have become better organised

## Came to the crunch

And unionists say that a big problem with last year's talks with the South African Consultative Committee on Labour Affairs (Saccola) about the Labour Relations Amendment Act was that, when it came to the crunch, Saccola was unable to deliver because it couldn't get mandates from the various employer organisations it represented

By insisting that they will negotiate their demands only with a single national employer body, it seems that Cosatu and Nactu are encouraging co-ordination of employers

Which in turn raises the possibility of longer-range negotiations over other issues with employers



# Saccola to meet unions for talks on labour Act

~~ALAN FINE~~ ALAN FINE

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The SA Consultative Committee on Labour Affairs (Saccola) decided on Friday to contact Cosatu and Nactu to arrange a meeting soon with the unions on their proposals regarding the Labour Relations Act, Saccola secretary Frieda Dowie said.

The two federations, with several independent unions, have demanded negotiations over the inclusion of hitherto excluded employees under the ambit of the Act, changes to aspects of the unfair labour practice definition and other clauses.

They have also invited certain government departments to take part in the talks.

The unions have threatened to declare a national dispute with employers on July 1 unless satisfactory progress has been made by then.

Dowie declined to give any further detail on the employer position.

# Survey on unions released

By Mike Siluma, Labour Reporter

Although average wage increases won by trade unions from March to May this year remained moderate at 16,7 percent, compared with the 1988 average of 17,9 percent, high inflation levels could force a rise in settlement levels for the rest of 1989

These are the findings of a survey by industrial relations consultants Andrew Levy, Johan Piron and Associates (Alpa), which has just been released.

According to the survey, unions attaining the highest increases between March and May were the Commercial, Catering and Allied Workers' Union (19,7 percent), the SA Chemical Workers' Union (18,9 percent) and the Paper, Printing, Wood and Allied Workers' Union (17,6 percent)

The survey also found that 67 per-

cent of negotiations surveyed were plagued by some form of industrial action

"Unions appear to have totally rejected the official CPI inflation rate and have opted for a figure closer to 25 percent in their motivation for wage increases," said ALPA

● Meanwhile, a Conciliation Board (CB) meeting to resolve the wage dispute between the Chamber of Mines and the National Union of Mine-workers (NUM) is expected to take place today or tomorrow.

The Chamber applied for a CB after declaring a dispute with the NUM on Thursday

The NUM is demanding a monthly national minimum rate of R543 for surface workers and R600 for underground workers.

Sowetan 21/6/89.

# Unions meet over Act

THE Congress of South African Trade Unions and the National Council of Trade Unions are set to meet South Africa's major employer body, Saccola, next Tuesday to discuss the Labour Relations Amendment Act.

The date was initially suggested by Saccola, the South African Employers' Consultative Committee on Labour Affairs.

The unions proposed the resumption of talks after discussions broke down last year.

The unions have, however, objected to meeting at the Anglo American offices as proposed by Saccola.

A Saccola spokesman said it did not object to a change in venue as it was "virtually prepared to meet anywhere".

The spokesman said this was because "we believe it is important to continue discussions".

The general secretary of Nactu, Mr Phiroshaw Camay, said Nactu, Cosatu and about 13 independent unions were this week organising mass rallies, to be held around the country on July 1, to report back on talks with Saccola — Sapa



# Labour talks

A MAJOR South African employers' body, SACCOLA, will resume talks with the Congress of South African Trade Unions, the National Council of Trade Unions and smaller, independent unions on the Labour Relations Amendment Act.

*Sowetan 21/6/59*  
Saccola, the employers body, has suggested four dates next week for talks but the unions are still to respond to the offer. — Sapa.

Star 21/6/89 (166)

## Labour Act due to be discussed

The Congress of South African Trade Unions and the National Council of Trade Unions are set to meet South Africa's major employer body, the South African Employers' Consultative Committee on Labour Affairs, next Tuesday to discuss the Labour Relations Amendment Act.

The unions have, however, objected to meeting at the Anglo American offices as proposed by Saccola.

The general-secretary of Nactu, Mr Phiroshaw Camay, said Nactu, Cosatu and about 13 independent unions were this week organising mass rallies, to be held around the country on July 1, to report back on talks with Saccola.

# Talks will test business on Labour Act

By EDDIE KOCH

A TOP-LEVEL summit between South Africa's major trade unions and senior businessmen is planned for early next week to deal with organised labour's objections to the Labour Relations Amendment Act

An alliance of unions, representing up to two million black workers, has asked that government representatives attend the labour convention — opening the way for the first-ever forum for collective bargaining between labour, big business and the government

The South African Consultative Committee on Labour Affairs (Saccola), which represents most employer organisations, has agreed to meet representatives from the country's two major labour federations, the Congress of South African Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu). At least a dozen independent unions will be represented.

Nactu's general secretary, Piroshaw Camay, told the *Weekly Mail* that a letter had been sent to Saccola demanding that other major employer groups and Department of Manpower officials attend next week's meeting.

Saccola representative Freda Dowie said her organisation had not yet sent invitations to any other parties

If government officials are not present at Tuesday's summit, it is understood that the union delegation will press for them to be present at future gatherings. Last year the former manpower minister, Piet du Plessis, said his de-

partment was open to discussions about possible changes to the law.

The summit comes at a time when evidence is mounting that government and anti-apartheid circles are preparing for possible negotiations later in the year to devise alternatives to apartheid rule.

The outcome of talks over the controversial labour law is seen as a crucial test of whether negotiated solutions can be found

Organised labour, which believes the Act was designed to hamstring the burgeoning strength of South Africa's unions, has warned that unless satisfactory progress is made in the talks they will begin balloting members for a national strike on July 1

Plans to hold mass rallies in the first week of July where unions can report back on progress in the talks — as well as mobilise support for possible national industrial action should the negotiations fail — have been made by the union alliance

The unions have demanded that all contentious clauses in the new law be suspended and that a revised Act be extended to include domestic workers, public sector workers and farm workers

Cosatu has a paid-up membership of 800 000, Nactu has an official membership of more than 150 000 and the independent unions represent up to 250 000 workers.

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Cawusa  
5/6/89

# Unions meet on labour laws

COSATU, Nactu and 13 independent trade unions will hold a meeting on the Labour Relations Act with the SA Labour Coordinating Committee on Tuesday

■ A LEGAL strike by 120 member of the Chemical Workers Industrial Union at Cera Oil (Shell) is now entering its third week

Workers are on strike over the company's refusal to bargain on an industry basis and to participate in the Chemical Industries National Provident Fund

■ CCAWUSA members at the Joshua Doore group of companies went on strike this week in protest against the retrenchment of 500 workers

The union claims more than 100 vacancies in the company are being filled by whites while retrenched workers are being turned down

■ CHECKERS and Ccawusa reached a settlement in their wage dispute this week when the company granted workers a R120 across-the-board increase, bringing the minimum wage to R630

■ NINE-HUNDRED workers at the SA Breweries' Rosslyn plant went on strike this week, demanding the reinstatement of a dismissed worker

■ WORKERS at Philips SA Martindale plant went on strike this week, accusing management of racial discrimination

# New labour laws leave workers in the lurch

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I WOULD like to draw to the attention of your readers a recent development in the labour movement in South Africa.

Sections of the trade union leadership in Cosatu refuse to assist striking workers because bosses refuse to guarantee the trade union that it won't be sued for damages suffered by bosses because of the strike

The recent Haggie Rand strike where Numsa leadership refused to assist striking Numsa workers is but one example

There are other examples which include the NUM

In doing this, trade union leadership is of course merely abiding by the new Labour Relations Act

The Act empowers bosses to sue trade unions for damages resulting from a strike by trade union membership

The Act was rejected by the majority of South African workers at the recent Cosatu/Nactu workers summit

It has opened the way for mass retrenchments without negotiations and has removed of the right of workers to organise themselves

While the workers fight, the union leadership abides by the law and abandons the workers who, after all, are the trade union

By abandoning the trade union worker membership, the leaders of course abandon the trade unions.

Should this practise continue, the trade union leadership will really be no worse off than the bosses who use the Act to smash union organisations and the worker movement

Instead of fighting for the right to strike and the union's right to assist striking workers, the union leadership actively contributes to the smashing of the worker movement

It stands by watching the bosses smash workers' organisations, refusing to come to the assistance of striking workers

Are we seeing before our very eyes the union leadership become part of the apartheid system which all workers hate? - Worried Worker, Soweto

of labour relations and educationists out of education, says Anglo American group consultant of industrial relations and public affairs Bob Godsell.

He was speaking at a seminar on labour issues in Namibia, addressing the question of how Namibia can learn from South Africa's manpower situation.

He said the first lesson Namibia could learn from SA was the importance of liberating labour relations from political control.

"The Rand Revolt of 1922

taught the Government two lessons — the limits of coercive control and the need for labour and manpower to cooperate. Those who are closest to the action should determine fair wages and conditions of employment, not bureaucrats or the Government."

Mr Godsell says the second important lesson to be learnt by Namibia is not to go the route of SA and educate peo-

ple to be industrially illiterate and innumerate.

"State education is aimed at getting people into university, yet no more than one in five can usefully go. The system is run by professional educationists who teach what they themselves hold dear and produce professional people."

"The world of work does not rank high. The whole concept of education is wrong

# Danger of elitist learning

Instead of producing only the critical thinker, we should rather educate the person to be useful in society in all senses — to be a critical thinker, but also to be economically useful.

"We have developed a profoundly elitist idea about education. Vocational and technical education has the connotation of people who can't quite make the grade."

Mr Godsell says the State

has ignored the recommendations of the De Lange Commission into education, which advised against the present academic bias of the SA system.

He believes education should be privatised, and a closer relationship set up between parents and teachers.

One of the greatest areas of concern within this whole debate, which has raged for some time now, is that about

30 000 black matriculants are roaming the streets each year with no jobs.

These are the hard facts. There is obviously a wide gulf between what universities produce and what industry needs. This is what schools, technikons, universities and other educational bodies should be addressing.

Mr Godsell says surely, after 12 years of training, one can expect a student to have basic cognitive skills. The emphasis must be on producing a good citizen, who can be economically active.



168/9/92 MKS

## Small business lobbies Govt

The Sunnyside Group, a lobby of more than 40 agencies actively promoting small enterprise in South Africa, has asked the Government to amend certain labour laws in the interests of creating more jobs

In a report to Government, the group urged amendments to the Wage Act, Labour Relations Act, Basic Conditions of Employment Act and the Machinery and Occupational Safety Act

"If these laws were to be amended", a group spokesman said, "barriers to entry and excessive compliance costs would be reduced and more entrepreneurs would be willing to enter business"

# Unions bid to review new Labour Relations Act

EMPLOYERS and representatives of two labour federations yesterday agreed to seek a meeting with the National Manpower Commission to discuss — among other issues — the review of certain contentious clauses in the Labour Relations Amendment Act.

The parties to yesterday's talks were the employer body, South African Consultative Committee on Labour Affairs (Saccola), Congress of SA Trade Unions (Cosatu) and National Council of Trade Unions (Nactu).

The two parties said they hoped to meet the NMC on July 7 and 8, as part of fresh attempts to address objections raised by Cosatu and Nactu.

They also agreed to invite to the talks the SA Agricultural Union (SAAU), SA Transport Services (Sats) and the Commission for Administration. The inclusion of the three organisations in the forthcoming negotiations emanated from the two federations.

By **LEN MASEKO**

demand that the provisions of the labour legislations should be extended to workers in the farms, railways and various public sectors.

The two federations said in a statement "We wish to appeal to the three employer organisations and/or their representatives to attend the next meeting as we believe that their presence is indispensable to the resolution of the rights of workers in these sectors."

## Conflict

The federations said the conflict between them and Saccola remained. The conflict centred on the unions' demands that employers disregard controversial clauses in the labour legislation as well as support efforts to have them scrapped.

Nactu and Cosatu are scheduled to meet community organisations in Johannesburg tomorrow, to discuss developments in the whole saga.

The unions are also preparing for the second round of the workers' summit scheduled to take place on August 5 and 6. The meeting will focus on future action in the event of the negotiations reaching a deadlock.

The NMC, an 18 person advisory body to the Minister of Manpower, begun its review of the labour law last month. It is expected to complete its work in two years' time.

Journalism 28/6/84



# Workers, bosses unite against LRAA

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29/6 - 5/7/89



Cosatu's Jay Naidoo

EMPLOYERS this week agreed to work with South Africa's two largest trade union federations to change the Labour Relations Amendment Act (LRAA)

Employer body, the South African Consultative Committee on Labour Affairs (Saccola), met with representatives of the Congress of South African Trade Unions (Cosatu), the National Council of Trade Unions (Nactu) and independent unions on Tuesday.

Saccola acknowledged that the act had done "incalculable harm to industrial relations" and agreed to engage in "an intensive process to amend the act", said a joint statement released by Nactu and Cosatu

The meeting followed a letter outlining the unions' demands about the LRAA which was sent to Saccola at the beginning of this month

The letter requested a meeting with all employers over the LRAA which the unions have said "threatens the basic rights of workers".

Should agreement not be reached with employers, unions have said they will consider themselves in dispute with employers and national strike action might follow.

At the meeting Saccola said it did not want to hold discussions under threat of action by the unions

The unions responded by pointing out that they were operating under threat of the act and that there existed an "intolerable situation for the free and democratic operation of union administration and structures", said the statement

Saccola undertook to ask the SA Agricultural Union, the Commission for Administration, the SA Transport Services and the National Manpower Commission to attend the next meeting, which is scheduled to take place on July 7 and 8

Their presence is essential if the demand listed by the Workers' Summit in February — that farm workers, domestic workers and workers employed in the public sector be included in the provisions of labour legislation — is to be met

Saccola met with the federations last

year before the act was passed but co-operation between the two sides subsequently broke down

Cosatu and Nactu warned that the meeting with Saccola did not mean an end to conflict with employers

The unions will brief community organisations later this week on plans for further action. The unions are also proceeding with a referendum on the LRAA

A second workers' summit due to take place in early August will assess progress and plan further action

## PO strike called off

South

A STRIKE by more than 100 Pretoria Post Office workers has ended

A spokesperson for the Post and Telecommunications Workers' Association (Potwa) said the strike ended last week because of a "technical problem"

The workers downed tools to protest the transfer of a Potwa official to another post office

29/6 5/7/89

## No change in strikes

South

TWO marathon strikes involving more than 3 000 workers are continuing

A national strike by more than 2 000 workers at Everite Cement Division has entered its sixth week

The strikers, who include about 700 workers at the company's factory in Brackenfell, have established support committees which include representatives from community organisations

The Hex Tex strike in Worcester involving about 1 000 members of the Amalgamated Clothing and Textile Workers' Union of South Africa began almost two months ago

The workers are striking over a service bonus dispute

Union representatives met with management this week but no settlement was reached

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**Collective relief** *Frwell*

A basis has been struck for fruitfully pursuing the hobbled discussions between employers and unions on the contentious Labour Relations Act. This averts the unions' (always rather impracticable) threat of a national dispute being declared on June 30 if their demands for amendments to the Act failed to elicit positive response.

After a four-hour meeting between the employer body Saccola, Cosatu, Nactu and the independent unions on Tuesday, it was agreed the parties would try to arrange another meeting, targeted for July 7-8.

This meeting is expected to include, at Saccola's request, the National Manpower Commission, and at the unions' request, the SA Agricultural Union, Sats and the Commission for Administration. The participation of these bodies will be essential because of the wider issues raised by some of the union demands — specifically, that public sector employees, farm labourers and domestic servants be included under the Act.

Saccola chairman Bobby Godsell points out that while it is recognised that all workers are entitled to a fair deal, more appropriate structures for dealing with those categories of employee are needed. He described this week's talks with the unions as constructive and encouraging.

Nactu's general secretary Piroshaw Camay points out, however, that the conflict with Saccola remains. He says the unions will this Thursday (June 29) brief community organisations on developments thus far, and will continue with the rallies planned for the beginning of July. A members' referendum on the Act is also envisaged — followed, possibly, by a workers' summit over the first weekend of August.

Camay says the agenda for next week's meeting with Saccola and others will include all the other union demands related to the Act.

These were first tabled a year ago and reiterated in the unions' joint letter to Saccola on June 1, which also said "Those sections of the Act which violate these (the trade union) rights must be scrapped, workers' rights must be entrenched, and the transformed Act must be extended to cover all workers now excluded from protection of labour legislation."

30/6/89

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WMA  
30/6-6/7/89

# Talks blaze a trail to labour law summit

By EDDIE KOCH

A MEETING between big business and South Africa's largest trade unions this week marked the launch of a major campaign to overhaul the country's labour laws

The talks in Johannesburg opened the way for a first-ever summit in which big business, the state and anti-apartheid trade unions can negotiate over the Labour Relations Amendment Act.

The South African Consultative Committee on Labour Affairs (Saccola), which represents most employer groups, agreed to invite a delegation from the government's National Manpower Commission to the next round of talks in early June

Saccola also agreed to union demands that the Commission for Administration, which governs conditions of employment in the public sector, the South African Transport Services and the South African Agricultural Union be asked to participate in talks over the Act

Saccola chairman Bobby Godsell told the *Weekly Mail* he was hopeful the National Manpower Commission and some of the other organisations would attend the next talks.

The meeting was attended by a joint delegation from the Congress of South African Trade Unions, the National Council of Trade Unions and a number of independent trade unions.

The unions this week announced they would launch a major campaign to highlight their objections to the Act. A series of worker rallies around the country are due to take place this weekend; a referendum among organised workers will be held in early July to test workers' opinion about the law; and a mass workers' summit planned for August 5 and 6.

The unions have warned they will declare a national dispute unless satisfactory progress is made.

The labour movement wants a number of controversial clauses in the Act scrapped and are demanding that revised labour legislation be extended to cover public sector employees and farm workers

The discussions over the Labour Relations Act are seen as a crucial test of whether it is feasible for the anti-apartheid movement and the government to negotiate a new constitution.

● The African National Congress this week released a communique saying it supported the groundswell of resistance to the Labour Relations Amendment Act.

# Unionists plan a million protest

By Robyn Chalmers

MORE than a million trade unionists will hold rallies this month in connection with the Labour Relations Amendment Act (LRAA).

Trade unions talked to the SA Employers Consultative Committee on Labour Affairs (Saccola) this week in an attempt to reach agreement on a demand sent to employers on June 1

The letter to Saccola was compiled in the wake of the March workers' summit where 700 delegates from the Congress of SA Trade Unions (Cosatu), the National Council of Trade Unions (Nactu) and independent unions decided to draft an alternative LRAA

The letter reasserted the unions' opposition to the LRAA and demanded the establishment of the "democratic rights of all South African workers, irrespective of race, sex, or marital status"

At a meeting on Tuesday, Saccola acknowledged that in the past nine months the Act had harmed industrial relationships. It said it was willing to engage in action to amend the LRAA

Saccola undertook to ask the SA Agricultural Union, the Commission for Administration as well as the SA Transport Services to attend the next meeting. Saccola also invited the National Manpower Commission to the meeting scheduled for July 7 and 8

Cosatu said the conflict between Saccola and the union federations remained

"The union federations will continue with the rallies planned for the beginning of July. A referendum of members on the LRAA is also envisaged for early July

"The unions expect that a further workers' summit will be held on August 5 and 6 to consider progress and plan action"

Saccola chairman Bobby Godsell believes it is still possible for the parties to reach agreement, but the employer body will not hold discussions under threat of action or demands and ultimatums by the unions

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ST Times  
2/7/84



# Govt body declines talks

Blom 4/7/81

ALAN FINE

THE Commission for Administration had decided not to take part in talks on the Labour Relations Act with trade unions and employer federation Saccola, commission chairman Piet van der Merwe said yesterday. (166)

He said the commission had discussed an invitation received from Saccola last week, but had decided the National Manpower Commission (NMC) was the appropriate statutory body to investigate matters.

The commission had been invited because of union demands that public sector employees be included under the ambit of the Act.

# Strike action increases 200 pc

Strikes 51 7/89

Eighty-seven strikes were staged in the first six months of this year, resulting in a loss of 348 614 man-days, labour analysts Andrew Levy said yesterday. This represents an in-

crease of about 200 per cent in strike action compared with the same period last year. Last year 120 035 man-days were lost as a result of 78 strikes between January and June.

More than 60 percent of the stoppages this year were triggered by wage demands. Fifteen and half percent of the strikes occurred in the mining industry. — Sapa.

# More major employers enter labour law talks

## Labour Reporter

FURTHER major employer organisations have agreed to take part in tomorrow's round of talks with trade unions about the Labour Relations Act

According to Mr Bobby Godsell, chairman of the South African Consultative Committee on Labour Affairs (Saccola), the South African Agricultural Union and the National Manpower Commission will be represented at the talks with the Congress of South African Trade Unions (Cosatu), the National Council of Trade Unions (Nactu) and several independent unions

The talks are a response to union demands about contentious aspects of the Labour Relations Amendment Act, promulgated in September last year.

They have threatened to declare a national dispute with employers over the issue if satisfactory progress towards resolving problems with labour legislation is not made.

A first round of discussions took place in Johannesburg last week.

Mr Godsell would not comment further on the talks except that both sides were keen to make progress

But an employer source involved in the negotiations said they had been given added impetus by employers

"There are parts of the Act with which employers are now unhappy because they are not working out in practice and causing more conflict and we would like to see these changed," he said.

Other sources said it appeared as though the talks could lead to a two-tier arrangement with joint employer/union representations to government on issues such as cover for state employees and the agricultural sector under labour legislation, and unions taking up other issues with employer organisations at a second level.

The next round of talks is scheduled for July 7 and 8 in Johannesburg.



# Labour law comes under scrutiny

A THREE-DAY conference focusing on labour law will be held at the University of Natal, Durban, from July 29. *Sowetan 6/7/89*

The meeting will be hosted by the Centre for Socio-Legal Studies, the Centre for Applied Legal Studies and the Labour Law Unit. *(166)*

An array of speakers have been invited to address the seminar

They include Professor Clyde Summers of the University of Pennsylvania in the USA, Dr F van Zyl Slabbert of the Institute for Democratic Alternatives for SA, Mr J D Fourie, the director-general of the Department of Manpower and a host of business executives and prominent trade unionists

The theme of the conference is *The Private Regulation of Industrial Conflict*

• **What is Constructive Collective Bargaining** is the theme of a workshop to be held in Johannesburg on August 3

The workshop is being organised by Andrew Levy and Johan Piron and Associates with British author Peter Wickens. Wickens is one of the United Kingdom's leading authorities on industrial relations

A spokesman for the organisers said "World-wide experience as well as a realistic mood of negotiation in South Africa shows that improvements in labour relationships can be introduced and sustained through a managed process of bargaining

"A bargaining relationship based on maturity, not militancy, can bring benefits to both parties without seeking an ideological conversion of either"

The meeting will be held at the Carlton Hotel

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# Cosatu spotlight on controversial labour Act

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ALAN FINE

THE union campaign against the Labour Relations Act (LRA) will be one of the main issues at Cosatu's four-day national congress beginning in Johannesburg on Wednesday, general secretary Jay Naidoo said yesterday.

The congress is to be attended by 1 875 delegates representing the 921 497 paid-up members of Cosatu's 16 affiliates.

Guests from foreign union organisations have been invited, as have representatives of Nactu, all independent unions, the mass democratic movement, and religious and teachers' organisations.

Naidoo said serious attention would also be given to the question of political negotiations.

Cosatu's basic position was that the democratic movement had never opposed meaningful negotiations, and it was up to government to create conditions for free political activity which would make them possible.

The congress would also discuss Cosatu's vision of the future. This would include debate on the ANC's constitutional guidelines, the "fraudulent" elections scheduled for September 6, and the NP's recently announced five-year plan.

The Natal peace initiative and calls for an independent commission of inquiry into the regional violence would be a further matter

addressed, Naidoo said.

The fourth major area of discussion was the broadening of an anti-apartheid coalition, he added.

Resolutions on sanctions and disinvestment, privatisation and deregulation, AIDS, union unity and unemployment are on the agenda.

Sats and the National Manpower Commission are to join employer federation Saccola and a union delegation representing Cosatu, Nactu and several independents at their next round of talks on the Labour Relations Act, Saccola secretary Frieda Dowie said yesterday.

The talks will be held tomorrow at a Johannesburg hotel.

B/Dawg 6/7/87

# Industrial Court reinstates executives

THE Industrial Court yesterday ordered the reinstatement, with backpay, of two senior executives of a Cementation Company subsidiary after a finding that their dismissals were unfair.

Cementation Chemicals MD Desmond Louw and production manager "Tonki" Rice were dismissed last December after allegations that they had attempted to go into opposition to the company.

A full judgment is not yet available. The challenge against the dismissal, heard by Adv E Bulbulia, was made on substantive and procedural grounds.

In addition to the temporary reinstatement order made in terms of Section 43 of

(166) ALAN FINE

the Labour Relations Act, the court ordered that the two receive four months' retrospective pay.

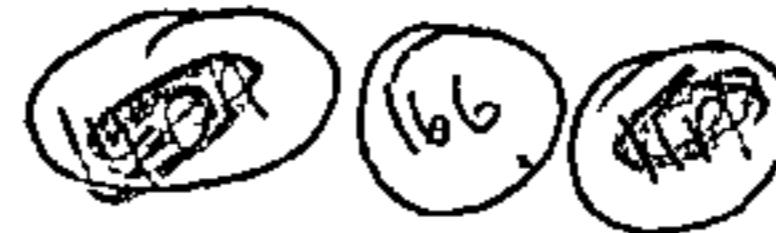
Cementation CE Graham Lotter said he had not yet received details of the order so was unable to comment.

Louw's son Dennis said his father was extremely pleased at the outcome. Louw's dismissal had damaged his standing as a member of various scientific societies.

Louw and Rice, acting on the advice of their attorneys, are to tender their services at the plant on Monday morning

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## 2 000 to attend 'significant' Cosatu talks

THE most significant political meeting in the country this year — that's the way the Congress of South African Trade Unions (Cosatu) has billed its annual congress next week. And the claim has some justification.

The congress in Johannesburg, expected to be attended by up to 2 000 delegates from around the country, will be one of the biggest anti-apartheid rallies to be staged under the four-year State of Emergency.

But the importance of the congress lies less in its size than in its timing and the serious issues that have been placed on its agenda.

High on the list will be discussion about what approaches the "mass democratic movement" should adopt to the question of a negotiated settlement to the South African conflict.

"As we are all aware the issue of negotiations have been placed on the agenda," said Cosatu general secretary Jay Naidoo at a press conference this week.

Last month a high-powered team from Cosatu and the restricted United Democratic Front (UDF) held a meeting with African National Congress delegates in Lusaka to discuss the possibility that Pretoria will submit to pressure from Western powers and launch a negotiating drive after the

**A negotiated settlement in South Africa, the ANC's constitutional guidelines, the elections and the Labour Act are among the issues to be debated at Cosatu's crucial congress.**  
By EDDIE KOCH

elections in September.

Union officials have begun reporting to their members about their talks with the ANC. Sources in Cosatu say the congress will be the place where a comprehensive and more formal position on the issue will be adopted.

More than 1 800 delegates will attend from Cosatu's 16 affiliates while the National Council of Trade Unions (Nactu), independent unions, UDF affiliates, religious organisations, sports groups and teachers' associations will send a large team of delegates as observers.

Most anti-apartheid groups have been prevented by the State of Emergency from holding mass meetings, thus leaving the labour federation's congress as the most significant forum in which the MDM can canvass and debate the issues of the day.

Linked to this discussion will be debate on the ANC's constitutional



**Cosatu's Jay Naidoo**

guidelines for a post-apartheid South Africa as well as an examination of the "fraudulent" elections and the National Party's recently announced five-year plan "which we see as a recipe for disaster", said Naidoo.

Also top of the congress agenda, said Naidoo, is a "campaign to smash

the Labour Relations Amendment Act" Cosatu, Nactu and a number of independent unions will meet major employer groups and government officials at the end of this week for a top-level summit aimed at negotiating revisions to the Act.

If these talks fail the labour movement plans to mobilise for a national strike and will hold a workers' summit in August as a build-up to this possibility. Delegates from Nactu and the independent unions have been invited to the congress and will use the meeting as a forum to co-ordinate their plans to fight the labour law.

The UDF/Cosatu peace initiative in Natal will come under scrutiny at the congress.

"We will examine the role of the state in the violence and the need for an independent commission of enquiry into the police in Natal," said Naidoo.

Other crucial items will be the need to build unity between the country's main trade union groupings, the need for the creation of a broad anti-apartheid coalition, solidarity with Swapo and the National Union of Namibian Workers during the run-up to independence elections, and a review of the federation's stance on sanctions and disinvestment.

## Trade union groups expand on submissions to Saccola

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COSATU and Nactu tabled a document on Friday expanding their views on submissions to Saccola on the Labour Relations Act, a Saccola spokesman said.

National Manpower Commission chairman Frans Barker, SA Agricultural Union and Sats representatives attended talks as observers for the first time.

The employer federation said the document raised several new issues. *B/Dm 10/7/69*

Chairman Bobby Godsell said the discussions were encouraging insofar as the parties had got back to discussing the Act and how to change it.

Many of the issues under discussion were also on the agenda of the NMC and Saccola intended, therefore, to explore ways of co-ordinating the two sets of discussions. It was hoped to resume talks at the end of this month.

Union spokesmen were not available for comment.

# UNIONS FIGHT ACT

## Protest action is planned

A MAJOR confrontation over the Labour Relations Act is looming.

Protest action is being planned by the country's two labour federations and unaffiliated trade unions.

Details of the national action to "destroy" the Act will be finalised at a workers' summit planned for August 4

Meetings to discuss the LRA were hosted by the National Council of Trade Unions (Nactu), Congress of South African Trade Unions (Cosatu) and independent unions at joint rallies yesterday

At a meeting attended by about 2000 worker representatives at Sharpeville yesterday a time-table which could culminate in the second worker summit on August 4 and 5 was endorsed It entails

- The declaration of a dispute with the South African Co-ordinating Committee on Labour Affairs (Saccola), South African Agricultural Union and State departments of the public sector if no progress is made on demands submitted by the labour movement in writing on June 1,
- The canvassing of workers' views nationally on what action to take, and
- The second workers'

By THEMBA MOLEFE

summit on August 4 and 5 to decide on appropriate action and complete the agenda of the first summit held in Johannesburg on May 4 and 5

### Differences

The federations and independent unions, brought together despite ideological differences by their opposition to labour laws, emphasised at the Sharpeville rally that the Labour Rela-

tions Amendment Act needed to be destroyed because it was being used by the Government and employers to

- Sue unions for damages,
- Interdict legitimate industrial action and lock out members,
- Curtail the right to strike, and
- Undermine job security

The Act also excluded farmworkers, domestic servants and the public sector the meeting said



# Move to advise minister on Labour Act changes

By DICK USHER <sup>ARL:us</sup>  
Labour Reporter 10/7/89 (166)

URGENT steps to advise the Minister of Manpower about possible changes to labour legislation have been taken by the National Manpower Commission

According to a statement by the commission, a statutory body which advises the minister on labour policy, it is consolidating the Labour Relations Act

Aspects of legislation raised during talks between the South African Employers' Consultative Committee of Labour Affairs (Saccola) and leading trade union groups would be submitted to the commission for consideration

Specific issues needed more urgent attention and processes "have already been initiated to urgently advise the Minister on these issues with a view to possible legislative changes", said the statement

The talks between Saccola and the Congress of South African Trade Unions (Cosatu), the National Council of Trade Unions (Nactu) and several independent unions arose out of union reaction to aspects of the Labour Relations Amendment Act promulgated last year

A spokesman for the commission could not say which is-

sues were under consideration for possible change

The statement said Dr Frans Barker, acting chairman, attended last week's round of talks as an observer

It said most matters discussed by Saccola and Cosatu/Nactu were already on the commission's agenda, or could be placed on it

If these matters were to be handled by the commission it would have the advantage that interests other than those represented by Saccola, Cosatu and Nactu could be involved in the process

## Bid to ease boss-worker tensions

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# 'Sue unions' rule may be reviewed

Stav 11/7/87

By Mike Siluma, Labour Reporter  
The National Manpower Commission (NMC) is to "urgently advise" the Government on the possible review of a section of the Labour Relations Act which enables employers to sue unions for losses during industrial action.

If this clause is amended or removed, it could go a long way towards easing tensions between employers and black labour.

It has also emerged that other major aspects of the controversial Labour Relations Amendment Act (LRAA), enacted last year, in the face of strong union opposition, may be in line for changes.

At the same time the NMC is to advise Government on possible changes to labour legislation, taking into account specific issues which needed more urgent attention.

Dr Frans Baker, acting chairman of the NMC revealed this after attending weekend talks between the SA Employers' Consultative Committee on Labour Affairs (Sacco-

la), the Congress of SA Trade Unions (Cosatu), the National Council of Trade Unions (Nactu) and independent unions.

The meeting was a sequel to a union ultimatum to employers to agree to "make progress" towards addressing union dissatisfaction about aspects of the new Act by the end of last month, failing which the unions would declare a national dispute.

### Fears of chaos

Union specifically objected to Section 79 (2), which makes it possible for employers to sue unions for damages arising from industrial action. In addition, unions objected to provisions they perceived as threatening the job security of certain categories of workers, and demanded that agricultural workers and public sector employees be covered by the country's labour laws.

Dr Barker, who attended as an observer, said the meeting had been informed of the activities of the NMC, which advises the Government on labour policy. The involvement of Cosatu and Nactu in the NMC's activities was raised.

He added that aspects of the employer-

union discussions would be submitted to the NMC for consideration during that body's present consolidation of the Labour Relations Amendment Act.

"Specific issues, however, need more urgent attention, and processes have already been initiated to urgently advise the Minister (of Manpower) on these issues, with a view to possible legislative changes."

The present talks between employers and unions follow strenuous opposition by unions to the LRRA, seen by most unions as detrimental to their rights. The unions want, among other things, that labour legislation be extended to cover public servants and agricultural workers.

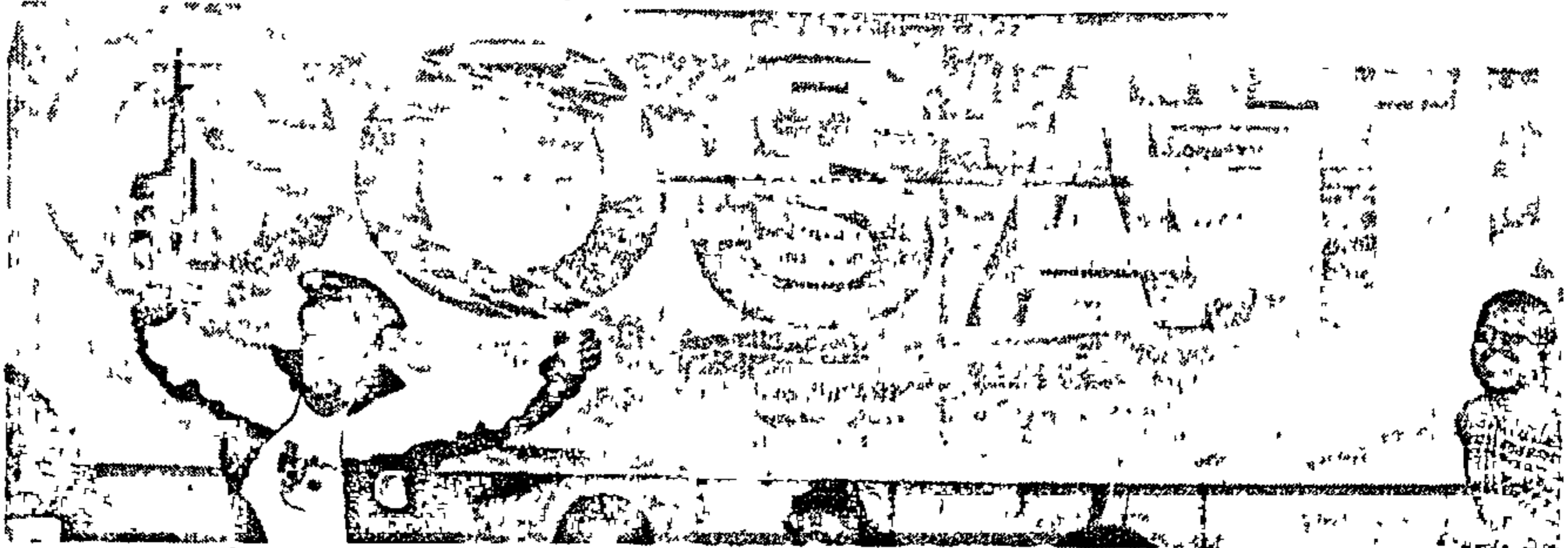
A Saccola spokesman said the parties were likely to meet again within a month.

The damages clause had raised fears of chaos developing in union-management relationships. Unions wanting to avoid being held responsible for spontaneous strike action by members, notably the National Union of Metalworkers in the engineering industry, were increasingly refusing to intervene to end such strikes.

Opposition to the new law led to a three-day national work stayaway last June







A delegate brandishes a toy gun at Cosatu's national congress yesterday. Picture BERNICE SCOTT

## Cosatu sceptical of govt's commitment

EXPRESSIONS of extreme scepticism of the SA government's commitment to meaningful political negotiation, and attacks on the role of "imperialist" powers in this process, marked the opening session of Cosatu's national congress in Johannesburg yesterday.

President Elijah Barayi told the almost 2 000 delegates that State President P W Botha, or NP leader F W de Klerk, had six months to begin negotiating with the ANC, failing which the armed struggle would continue.

### No signal

He said a "desperate attempt is being made to convince us De Klerk, a racist to the core, can be trusted with the initiative for change."

British PM Margaret Thatcher was the main advocate of this position, which backed the belief that the British had always been part of the SA problem.

But Barayi urged the White House and Downing Street to prevail upon De Klerk to allow new plans for an anti-apartheid conference to go ahead.

The bi-annual report of the Cosatu secretariat said there had not been a single signal that government was prepared for genuine negotiations.

It said the "democratic movement" could not consider negotiations without

a climate of free political activity.

The creation of such a climate required the unconditional release of all political prisoners, the unbanning and lifting of restrictions on all organisations and individuals, the unconditional return of exiles, the withdrawal of troops from townships and their confinement to barracks, the halting of executions and political trials, and the repeal of security and other legislation prohibiting free political activity.

The report said while Cosatu was committed to pursuing its struggle through non-violent means, it understood why the "national liberation movement" was forced to resort to armed struggle.

The Labour Relations Act (LRA) and the Natal peace initiative were two other issues prominently addressed by Barayi and the secretariat.

The secretariat said effective action against the LRA would be important in determining whether Cosatu could play a decisive political role.

It said Cosatu, the UDF and Inkatha had, while acknowledging their differences, agreed to work together to end the Natal violence, to end vilification of each other, and to publicise at mass level the need to build peace.

ALAN FINE

B/Dam 13/7/89

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Picture by Alf Kumalo.

Union power... some of the delegates attending the Congress of South African Trade Unions' congress chant union songs and slogans.

## Cosatu puts ball in Govt's court

By Mike Siluma,  
Labour Reporter

The onus for the creation of conditions suitable for a negotiated political settlement lay with the South African Government, the Congress of SA Trade Unions president, Mr Elijah Barayi, said in Johannesburg yesterday.

Mr Barayi was addressing more than 1 800 delegates to the federation's second biennial congress, also attended by members of the diplomatic corps and observers from the international

union movement.

Rejecting the notion that the rise of Mr F W de Klerk would usher in a new era of political change, Mr Barayi said "The outcome of the elections will place FW (de Klerk) at the head of a regime whose rule is not based on the will of the people."

Mr Barayi said the setting of preconditions for negotiations by the "national democratic

movement", such as the withdrawal of the police and army from black townships, did not represent a negotiating position by the movement, but was aimed at ensuring a climate and framework for negotiations.

"Conditions must exist where- by, if negotiations take place at all, they do not take place above the heads of the people. The ball is in the regime's court."

Referring to black unions' opposition to the Labour Relations Amendment Act, the head of the country's largest worker federation said despite the law's promulgation, "the employers continue to live with a nightmare of having to face an angry labour force."

Cosatu was still to hold an anti-apartheid conference similar to that banned by the Gov-

ernment last year.

Mr Barayi said the privatisation of sectors of the economy was a ploy to safeguard the interests of big business and to make it difficult for a future democratic government to provide the necessary social services to the population.

Over the next three days, delegates are expected to take decisions on issues including the political situation in the country, the LRAA, disinvestment, unemployment and Aids

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Sowetan 13/7/89  
**Union rejects talks with govt**

THE National Union of Wine, Spirits and Allied Workers (Nuwsaw) resolved at the weekend that people or organisations busy preparing for a negotiated settlement with the Pretoria regime were regarded as sellers of the land belonging to the indigenous masses

Nuwsaw held its 11th Transvaal regional congress in Katlehong at the weekend. Over 1 300 members attended.

The conference noted that in negotiations, the principle is one of give and take, but a party

negotiating from a strong position influences the situation. At present the Government is in a very strong position and will dictate terms.

The Labour Relations Act also came under the spotlight, with the union resolving to attend the forthcoming Workers' Summit.



# Cosatu warns Government

Sowetan 13/7/87-

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By LEN MASEKO  
and SAPA

President of the Congress of South African Trade Unions, Mr Elijah Barayi, yesterday gave the Government six months to negotiate with the ANC.

Addressing Cosatu's third annual conference in Johannesburg, he said however the Government needed to create a climate and framework that would make negotiations possible.

Speaking on the controversial Labour Relations Amendment Act, the Cosatu official warned that employers faced the biggest possible action from "an angry labour force" if the dispute over the labour law was not resolved.

He said the federation and National Council of Trade Unions (Nactu) had made it clear that the labour legislation would never work as long as the two organisations were unhappy about it.

"Employers can call it 'an unhealthy threat of dispute' if they want, but that is what we intend doing", the Cosatu official said, referring to the threat of national strike action contemplated by the unions.

The two federations's approach to the next Workers' Summit, scheduled to be held on August 4 and 5, was to mobilise "the broadest possible resentment to the labour law".

The conference, which started yesterday and ends on Saturday, is being attended by about 1 800

union delegates as well as representatives of the International Labour Organisation, United Nations, Nactu, International Confederation of Free Trade Unions and Organisation of Trade Union Unity.

The conference is focusing on - among other things - new strategies to be used to pressurise the Government and employers accede to unions' demands. The unions have demanded the repeal of sections in the labour law that curtail workers' right to strike, such as the clause which allows employers to sue unions for damages emanating from strike action.

Cosatu's review of action against the LRA comes at a time when there is a re-think over the issue within the Government, which has asked the National Manpower Commission (NMC) to look into the issue. The NMC has informed the two federations, independent unions and the SA Consultative Committee on Labour Affairs (Saccola) that it intended to advise the Government to change certain aspects of the law.

On the ANC constitutional guidelines, Mr Barayi said: "Discussions on the guidelines must not induce in us a false sense that freedom is around the corner. They provide the basis for the formulation of an alternative democratic constitution"

# Chemical workers up in arms against 2 companies

By Jovial Rantas

The Chemical Workers' Industrial Union has requested the Department of Manpower to conduct an inspection at two major oil companies concerning allegations of illegal overtime practices there.

In a statement to The Star, the union said the reason for this was the refusal of both Mobil SA and Shell SA to bring their overtime practices in line with the basic conditions of the Employment Act since the CWIU raised this problem 12 months ago.

The union believes it has condoned illegal overtime practices at Shell and Mobil for too long, and regards 12 months as sufficient time for them to put their house in order.

The union has offered to support the

companies' application for any exemptions to the Act which are mutually acceptable, and which may be required to bring these companies into line with basic legal requirements.

## COMPULSORY

The CWUI members' two main concerns are working overtime on a compulsory basis and being required to work overtime in excess of the legal maximum of three hours per day or 10 hours per week.

"We regard it as disgraceful that such large and reputable companies as Shell and Mobil are prepared to indulge in illegal overtime practices, instead of cutting down on overtime and employing more workers to do the work," the union said.

# Cosatu to propose pre-election action

BIDAM 17/7/89

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ALAN FINE

COSATU has resolved to propose a programme of "co-ordinated and sustained industrial action" in the week before the September 6 general election

The proposal will be put to the Workers' Summit in Johannesburg next month. The action, to start on September 1, is seen by Cosatu as part of a general mass democratic movement protest against the Labour Relations Act, the "white racist elections" and other "apartheid oppression"

The summit, which also involves Nactu and several independent unions, has been called to assess progress in the unions' talks with employer federation Saccola and others

Cosatu's decision was made at the organisation's congress which ended in Johannesburg on Saturday. The resolution said it was necessary "to link Cosatu's immediate central LRA campaign to other struggles waged by the mass democratic movement against apartheid repression and exploitation"

The Cosatu secretariat's report delivered to the congress on Wednesday called for a boycott of the September 6 election

The 1984 elections for the Houses of Delegates and Representatives were the subject of a strong boycott, as was last year's municipal election in many black

townships

In his address to the congress on Thursday, UDF acting general secretary Mohammed Valli Moosa said mass action against the "elections, the LRA and all other forms of repression" was a correct political step.

General secretary Jay Naidoo said the action against the LRA would go ahead unless union demands for changes were met by the time of the summit on August 5. But he declined to specify what forms this would take

## Junior partners

The National Manpower Commission is involved in a lengthy process of revising the entire LRA and has invited input from black unions

Naidoo also told Sapa "The elections will not contribute to a climate of peace and will once again ensure the Indian and coloured people are junior partners in the apartheid process"

"We say the elections are nothing but a bid by government to maintain apartheid while making reform noises"



# Workers plan week-long action against labour laws

Argus 17/7/89

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The Argus Correspondent  
JOHANNESBURG — Employers and the State face a week of worker action at the beginning of September in protest against labour laws and the general election, the Congress of South African Trade Unions has warned.

After a three-day congress of the country's biggest labour federation, general secretary Mr Jay Naidoo said Cosatu had decided to recommend to next month's workers' summit that workers take "sustained" action if their demands regarding the Labour Relations Amendment Act were not met by September 1.

This action would coincide with the "racist elections on September 6" which Cosatu believed would not contribute to peace. Mr Naidoo would not specify the kind of action envisaged.

In related resolutions Cosatu decided to initiate discussions on a future democratic constitution for South Africa, revolving around the African National Congress's constitutional guidelines. This would be coupled with the "urgent" drafting of a "workers' charter" reflecting workers' specific interests.

## Coalition

Cosatu committed itself to taking part in building an anti-apartheid coalition of organisations supporting a political democracy and freedom of the Press and of association in a unitary South Africa.

Regarding a negotiated political settlement, Cosatu rejected "reformist solutions" as those failed to address "our fundamental social and economic needs".

It said it was imperative for government to create a suitable climate for negotiations, by, among other things, lifting restrictions on banned organisations, freeing all detainees and political prisoners unconditionally and confining the police and army to barracks.

The international community, including the Organisation of African Unity and the front-line states, would be urged to increase pressure to force the government to create conditions for negotiations.

## Against violence

Other resolutions adopted by the more than 1 800 delegates included:

- Steps be taken to heal the split in the Cosatu-affiliated Commercial, Catering and Allied Workers' Union by November

- The death penalty be abolished and that armed anti-apartheid cadres be accorded prisoner-of-war status

- A campaign be launched against violence against and among workers

- A timetable be agreed to between Cosatu, the National Council of Trade Unions and independent unions for the establishment of a single national federation and one union for each industry

(News by M Siluma, 47 Sauer Street, Johannesburg)

By Mike Siliama,  
Labour Reporter

South Africa's employers and the State face a week of worker action at the beginning of September in protest against the country's labour laws and the general election, the Congress of SA Trade Unions warned in Johannesburg yesterday.

Speaking after a three-day congress of the country's biggest labour federation, general secretary Mr Jay Naidoo said Cosatu had decided to recommend to next month's Workers' Summit that workers should take "sustained" action if their demands regarding the Labour Relations Amendment Act were not met by September 1.

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In related resolutions, Cosatu decided to initiate discussions on a future democratic constitution for South Africa, revolving around the African National Congress's constitutional guidelines. This would be coupled with the "urgent" drafting of a "Workers' Charter", reflecting workers' specific interests.

Cosatu committed itself to participating in building an anti-apartheid coalition, including most organisations supporting a political democracy, and freedom of the press and of association in a unitary SA. Regarding a negotiated political settlement, Cosatu rejected "reformist solutions" as these failed to address "our fundamental social and economic needs".

It said it was imperative for Government to create a suitable climate for negotiations, by, among other things, lifting restrictions on banned organisations, freeing all detainees and political prisoners and confining the police and army to barracks.

The international community, including the Organisation of African Unity and the Frontline states, will be urged to increase pressure to force the Government to create the right conditions for negotiations.

Other resolutions adopted by

# Cosatu warns of 'week of action' during polls

the more than 1 800 delegates included.

- The death penalty be abolished and that armed anti-apartheid cadres be accorded prisoner-of-war status
- A campaign be launched against violence against and among workers
- Each Cosatu member to contribute R1 to a support fund for Swapo and Namibian unions

The congress expressed support for present efforts to end fighting between supporters of the Cosatu/United Democratic Front alliance and Inkatha

# Cosatu urges protest

Cosatu is to call on the broad labour movement to embark on a "sustained industrial action" from September 1 to protest against the Labour Relations Amendment Act and the forthcoming white elections

Delegates resolved that the proposed action should fall in line with

**By LEN MASEKO**

demands Cosatu made jointly at the Workers' Summit with Nactu and independent unions in the campaign against the controversial labour law

This was one of the resolutions adopted by 1 882 delegates who

attended Cosatu's third national conference at Nasrec, Crown Mines at the weekend The five-day congress ended yesterday with a cultural festival attended by more than 5 000 people

These recommendations are to be tabled at the next Workers' Summit, scheduled to take

place on August 4 and 5 On the question of worker unity, Cosatu resolved to forge an "anti-apartheid coalition" with all forces fighting for one-man-one-vote in a democratic and unitary South Africa, the

• To Page 2

## Cosatu action

• From page 1 unbanning of the ANC and other organisations, and an end to the state of emergency.

The federation is to convene an anti-apartheid conference where the proposed coalition will be discussed.

Cosatu will also ask Nactu and independent unions to participate in initiatives to have "one union, one industry, and one country, one federation".

The federation also resolved that:

• It will convene meetings with affiliates of Nactu and independent unions at shop-floor, local, branch, regional and national levels.

• Discussions revolving around the ANC constitutional guidelines should be started with a view to shaping a constitution for a future democratic South Africa.

• A Workers' Charter, based on the principles of the Freedom Charter, be drafted in consultation with "the toiling masses"

• The proposed meeting of presidents of the ANC, Cosatu, UDF and Inkatha.



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18/7/87  
C.A. 11.13 18/7/87  
Cosatu's plan  
'tragic' — Godsell

Own Correspondent

JOHANNESBURG. — Union plans for industrial action in the first week of September appeared "tragically irresponsible" and put at risk employer-union discussions aimed at producing mutually acceptable labour legislation, Saccola chairman Mr Bobby Godsell said yesterday.

He was responding to the decision of the Cosatu congress to propose to other unions that industrial action be taken to protest against the Labour Relations Act, the election and "apartheid repression".

Mr Godsell said it was "regrettable that... Cosatu is coming to the precipitous judgment that our talks are not going to produce progress".

## Minister asks for review of 'complicated, clumsy' Act

ALAN FINE

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ACTING Manpower Minister Eli Louw, confirming earlier reports, formally announced yesterday he had asked the National Manpower Commission (NMC) to review the Labour Relations Act.

A Manpower Department spokesman said the Act had become "complicated and even somewhat clumsy", and there was a need for its consolidation.

He added the NMC had also been asked to give more urgent attention to certain aspects, including the controversial section 79 (2) which shifts the burden of proof to respondents in damages claims arising from unlawful strikes.

### Illegal strikes

The spokesman noted "this arrangement caused practical problems as trade unions sometimes did not want to assist with the settling of the dispute because of fear of this provision"

The NMC had therefore been asked to determine whether the status quo should be retained, or whether there were other methods of discouraging illegal strikes, lock-outs and intimidation

It would also examine the role of civil court interdicts in such unlawful actions.

He said most existing principles would be retained when the Act was modernised and simplified.

The spokesman said wide consultation would be an important element of this investigation. It would be a time-consuming process, and it was not possible to indicate when it would be completed

# Cosatu plans tough action against LRAA

Reports by  
**MONO BADELA**

THE Congress of South African Trade Unions (Cosatu) has announced plans for a week of sustained action against the controversial Labour Relations Amendment Act (LRAA)

The action, which is to begin on September 1, is to coincide with the parliamentary elections

The week of action was announced by Cosatu general secretary Jay Naidoo at the end of the federation's third biennial congress

Naidoo said the congress had committed itself to rendering the LRAA 'unworkable'

### Worker action

Cosatu would reconvene at the next Workers Summit on August 5 that sustained worker action begins on September 1 and be linked to the elections

The industrial action would also be linked to other struggles waged by the Mass Democratic Movement

"Cosatu will call on other sections of the working class to undertake solidarity action in support of unionised workers," said Naidoo

In line with the demands outlined by February's Workers' Summit, Cosatu has committed itself to the formulation of a Labour Relations Act based on the will of the working class

The congress noted that the LRAA was part of the offensive by capital against the working class

"The LRAA is aimed at weakening unions and allowing capital to suppress opposition by organised workers," said Naidoo

"It is also part of an overall repressive strategy of the state and capital aimed at resolving South Africa's deep economic, political and ideological crisis

"We demand that the state change the legislation to incorporate the right of all workers to form and belong to trade unions of their own

choice  
All workers presently excluded from the LRA, including farmworkers, domestic workers, forestry and public sector workers must be covered by labour legislation said Naidoo

Cosatu also called for the scrapping of all sections of labour legislation that undermine workers rights to job security and their endeavours to establish a democratic trade union movement free of racism

Cosatu also called for the right to strike and to engage in sympathy strikes without dismissal

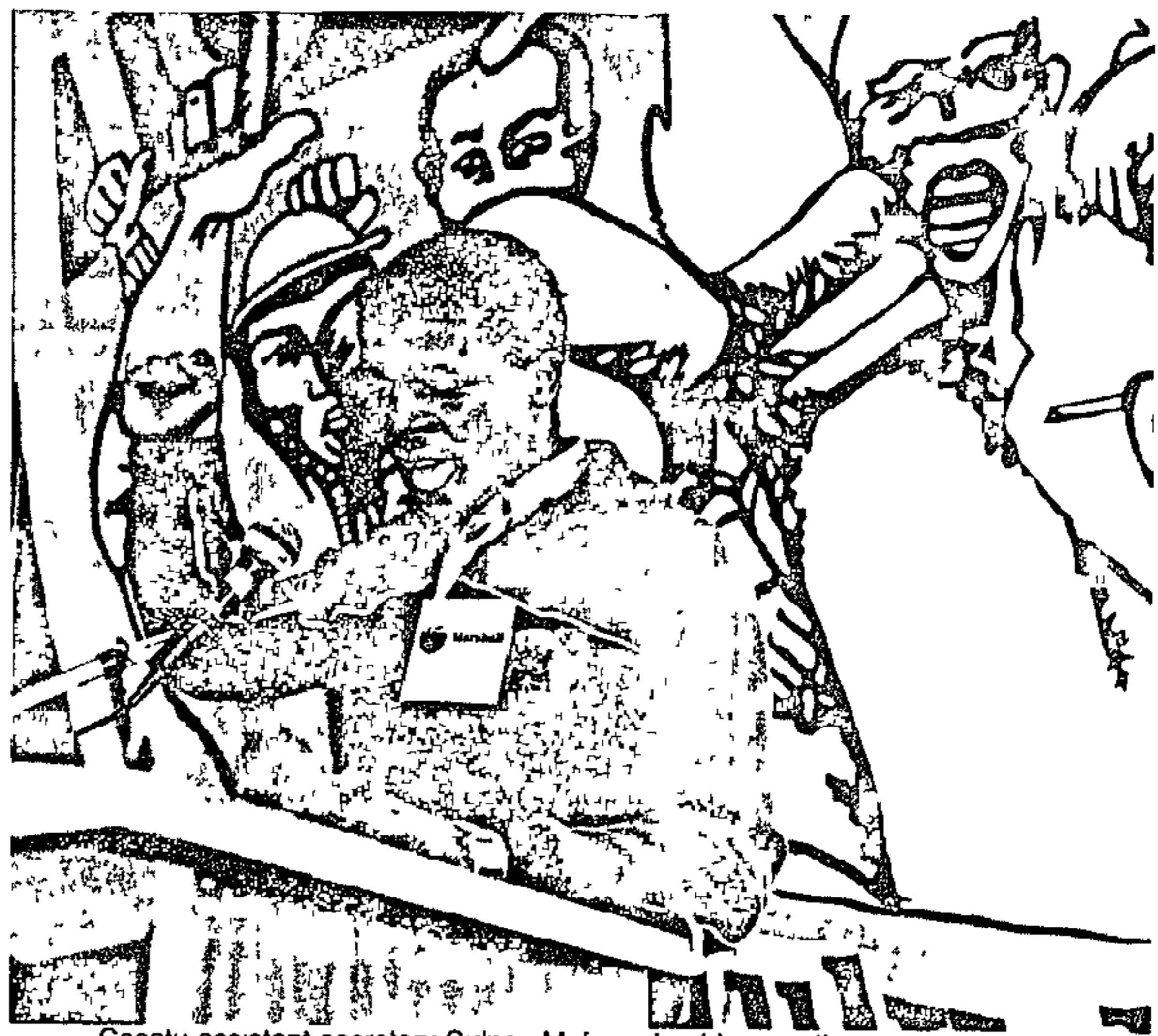
Naidoo said the federation was calling on all its members and all peace loving people in South Africa to boycott the forthcoming general elections to demonstrate a united opposition to apartheid

While the masses of the people were attempting to forge a democratic South Africa the government was attempting to use the September 6 elections to 'whitewash itself

"Its latest five year plan spells disaster for our country. This plan entrenches racism and minority white privilege in the form of group rights

"The government hopes the plan will be the basis for the mobilisation of international and internal white support for its failed reformist solutions," Naidoo said

He said the elections had nothing to do with the real issues affecting the majority of people in South Africa and that Cosatu would continue to assert that permanent and lasting peace could only come through the establishment of a nonracial and democratic South Africa



Cosatu assistant secretary Sidney Mafumadi addresses the congress

## Federation in bid to end union feud

THE Cosatu congress has agreed on steps to resolve the tension in the Commercial Catering and Allied Workers' Union (Ccawusa)

The different factions in the union, who have been in conflict since 1987, have agreed to continue talks on unity with Cosatu acting as mediator

A unity executive from the three groups is to be established and will comprise six people from each group, including Herbert

Mkhize, Vivian Mthwa and Dinah Nhlapu

Four people from Cosatu will serve on this executive in a mediating capacity and maintain neutrality

The executive will deal with and finalise all matters relating to a unified congress to be based on guidelines determined by the Central Executive Committee

It will also deal with interim matters of organisational importance such as negotiations and the

campaign against the Labour Relations Amendment Act

The executive will finalise policy resolutions, a new amended constitution and positions in a unified head office

It will also have powers to finalise the centralisation of finances and to ensure that sectors are organisationally fully catered for in the new union

The objective is to create one national union in the commercial

and catering sector, which will be affiliated to Cosatu

This will lead to joint structures at regional and branch level

The deadline for the completion of all discussions and implementation of all steps is early November, when a national congress of the union will be held

The congress acknowledged that the internal dispute in Ccawusa had not been resolved



# ACTUUNDERSPOTLIGHT

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By LEN MASEKO

**THE Labour Relations Amendment Act will come under the spotlight at rallies to be held at several Transvaal areas this weekend.**

The meetings are organised jointly by the Congress of South African Trade Unions (Cosatu) and National Council of Trade Unions (Nactu).

The rallies are a forerunner to the second Workers Summit which is scheduled to take place on August 4 and 5.

Nactu's president, Mr James Mndaweni, and Cosatu's president, Mr Elijah Barayi, will address the main rally at Shareworld, Johannesburg on Sunday (10am).

Resolutions adopted at these meetings will be taken to the Workers' Summit. Cosatu is to propose to the summit that affiliates of the two federations and independent unions take part in "sustained industrial action" to protest against the controversial labour law.

The two federations will host another rally at



**ELIJAH BARAYI**

Mphatlalatsane Hall, Zone 14, Sebokeng tomorrow

Other meetings will take place on Sunday at

the following venues: Gamatlabane Hall, Potchefstroom (noon); and Jouberton Social Centre, Klerksdorp (9am).

Transport has been organised for union members wishing to attend the Shareworld rally. Buses will leave from the following points at 8am:

Duduza Centre, Sonap Garage, KwaThema Civic Centre, Actonville Hostel, Natalspruit Hospital, Heidelberg Roman Catholic Centre, Tembisa Shopping Centre and Baragwanath Hospital.

# Unions on course for mass action

68/7/7/89  
wmail  
911

TRADE unions representing over a million workers are on course for national strike action which would form a turbulent backdrop to the tricameral elections

Worker action has to be finally endorsed by a labour summit involving the Congress of SA Trade Unions, the National Council of Trade Unions and non-aligned unions. At its congress, Cosatu resolved to recommend to this meeting a week of "co-ordinated and sustained" worker protest from the beginning of September

Cosatu wants the protest to focus on the controversial Labour Relations Act (LRA), the "racist" elections and

By DREW FORREST

general state repression.

Although unionists refuse to preempt the summit by speculating on its outcome, sources say a national stay-away is a distinct possibility. They say employers are unlikely to meet union demands in time, and point out that the campaign urged by Cosatu is directed at more than just the LRA.

Responding to the threat of large-scale industrial action, a key employer spokesman warned of the possibility of a tough management response. SA Consultative Committee on Labour Affairs (Saccola) deputy chair-

man Anton Roodt added that such action could jeopardise ongoing negotiations between the unions and the employers on the restructuring of the LRA.

And in related developments, the government announced yesterday that it had asked the National Manpower Commission to investigate the LRA — and particularly its contentious section 79 (2), which broadens unions' liabilities for damages in illegal strikes — while Saccola and the union movement are to meet for a third negotiating session over the legislation in Johannesburg today.

●To PAGE 2

## Workers take first steps to election stayaway

68/7/7/89  
wmail  
911

Two meetings have already taken place between the employer body and representatives of Cosatu, Nactu and independent unions. South African Transport Services and the National Manpower Commission were also represented at the last meeting.

The unions announced earlier this year that unless there was "significant progress" in the talks, a ballot of their members and national protest action would follow.

Warning that massive industrial action on the LRA could draw "tough action" from management, Saccola's Roodt said it could also "lead employers to consider further discussions with the unions fruitless".

"It would be a pity if a promising process was upset, not on issues of principle, but because of time considerations," he added, arguing that Saccola's success in drawing Sats and the NMC into talks had been an im-

●From PAGE 1

portant step forward

Nactu general secretary Piroshaw Camay confirmed his federation would attend the proposed workers' summit, although its date had not been settled. In terms of the unions' original timetable, the summit was set for August 5, but Cosatu is understood to have asked for an extension to the 18th.

Asked what they would consider "significant progress" in the Saccola negotiations, Camay said the unions wanted a written commitment that employers would uphold the principles listed in a letter of demand to the Saccola on June 1.

These embraced one labour Act covering all workers, including those in the homelands, the right to strike, picket and stage sympathy strikes, statutory protection from unfair dis-

missal, and the scrapping of provisions undermining job security, democracy and non-racism in the union movement.

Other demands were that unions and employers should submit joint recommendations to the state on legislation in keeping with these "basic freedoms" and that management undertake not to use contentious sections of the present legislation.

Dismissing the NMC inquiry into the LRA as "tinkering", Cosatu's assistant general secretary, Sydney Mufamadi, said it did not address the full gamut of the unions' concerns.

"We have lived with the Act for nine months now — this explains the anxiety of our members," he added.

Union spokesmen said that whatever the employer response, the ballot of union members would go ahead, with Cosatu proposing that it take place between July 24 and August 15.

# Labour amendment is under Govt review

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By Mike Siluma,  
Labour Reporter

The Government confirmed in a statement from office of the Minister of Manpower yesterday it is looking into the possibility of revising South Africa's labour laws, with urgent attention being given to changing the clause enabling employers to sue unions for damages arising from industrial action

According to the statement, the Minister had, in line with a long-standing programme to "restructure and consolidate" the Labour Relations Act, requested the National Manpower Commission (NMC) to give "urgent attention" to Section 79(2) of the Act, which placed the burden of proof on the respondent

The inclusion of this section into labour legislation last year "caused practical problems, as trade unions sometimes did not want to assist with the settling of the dispute because of fear of this provision", said the statement.

The NMC has been directed to look into, among other things, the possibility of retaining the status quo regarding the liability for damages in the case of illegal strikes and lock-outs, whether the burden of proof should be shifted, and whether other methods can be found to "discourage illegal actions such as illegal strikes, lock-outs and intimidation"

The promulgation of the new Act sparked one of the most serious disputes between unions and employers. The unions, presently locked in talks with employers, have threatened to declare a national dispute if their concerns are not addressed by September 1

● Joint mass meetings on the issue have been called by the Congress of SA Trade Unions, the National Council of Trade Unions and other labour bodies for this weekend at Sebokeng, (Vereeniging), Potchefstroom and Klerksdorp



# As events speed by, it's all heads down at Cosatu

NOTHING concentrates the mind like the prospect of being hanged, wrote Samuel Johnson — and the same might be said of proposed negotiations on the shape of a future South Africa.

Insiders say the perception that South Africa stands at a political crossroads — and fears of being outstripped by rapidly moving events — lent a special seriousness and pragmatism to the third national congress of South Africa's largest labour federation, the million member Congress of SA Trade Unions (Cosatu), held in Johannesburg at the weekend.

They contrast its businesslike atmosphere and lack of division with the more ideologically polarised 1987 congress, which kicked off with a public dispute between warring factions of the Commercial Catering and Allied Workers Union (Cawu) and votes on no less than four constitutional amendments. Not a single resolution went to the vote this year.

While different ideological tendencies persist in the federation, sources say they are nowhere near as marked as in 1987, which featured acrimonious exchanges between Cosatu's two largest affiliates, the "populist" National Union of Mineworkers (NUM) and the "socialist" National Union of Metalworkers (Numsa).

The flashpoint was Cosatu's relationship with the broader resistance movement, and in particular Numsa's insistence that the unions and other

groupings should "march separately, strike together" — that is, maintain their independence.

This year, similar fireworks were expected around a Numsa resolution on the building of the mass democratic movement (MDM) which contained a call for a class-based alliance excluding forces outside the MDM. The mineworkers favour a broader-based anti-apartheid front.

After tough but, insiders insist, not unkindly debate, the congress made concessions to both positions. It reaffirmed the need for the unions to remain independent, while leaving room for a broad anti-apartheid alliance excluding only big business and those in apartheid structures.

A similar stress on "unity in diversity" can be seen in the resolution on the reconvening of an anti-apartheid conference, to be held by October this year. This emphasises the need to draw in all major anti-apartheid forces outside big business, while affirming that component organisations should retain their identity.

The congress decision to canvas workers' views for a workers' charter to be drafted at a special congress also points to a blurring of ideological positions. The "populist" unions have viewed the idea with suspicion, seeing in it an implicit attack on the Freedom Charter. Significantly, the workers' charter resolution adopted this year came from the NUM.

Observers say the "populist" and "socialist" stands were, if anything, more purely embodied by the Food and Allied Workers Union delegation and Vivian Mwa's faction of Cawu respectively — but stress that union alignments, in most cases, followed no clear pattern.

Another off-target prediction was one holding that the impending merger of two Cosatu textile/clothing affiliates, the 72 000-strong Amalgamated Clothing and Textile Workers Union (Actiwa) and the 105 000-strong Garment and Allied Workers Union (Gawu), would give the "socialist" bloc overall voting control at the congress. Actiwa, one of the few major Cosatu unions not to adopt the Freedom Charter, has a "socialist" perspective, while Gawu's leadership is said to be closer to the UDF.

Sources say their joint delegation had agreed only to speak where there was consensus, and had little to say. They also stress that it is by no means certain that the smaller Actiwa will call the political shots when the unions join forces in September.

What underlies the greater "maturity" of the 1 800 delegates who gathered at the Rand Easter show-grounds at the weekend?

Cosatu general secretary Jay Ndlovu stresses that in 1987 there was "a full scope for differences of opinion between unions of different backgrounds", but that joint action — for example, around the controversial Labour Relations Act (LRA) — had since given rise to a "unifying perspective".

Others say that divisions over the nature of Cosatu's links with non-worker organisations have eased with the confidence which comes with strength. Far from hanging back from alliances, the congress reiterated its determination to restructure and

## Not everyone may be at talks

workers were not the same and that the latter needed their own structures. This had been reinforced by Harwin's attempted merger with Cawu, which was "not capable of effectively organising the catering sector".

In other respects, the Cosatu resolution is seen as a decisive departure, as it sets a deadline for unity and casts the federation in a neutral, mediating role. The Cosatu central executive committee had earlier recognised a merger of the Kganare faction and Harwin as the official Cawu.

Sources say the CEC decision was a major stumbling-block in a series of reconciliation meetings early this year. At about the same time, the union lurched towards greater disunity when Harwin and the Kganare group clashed and went their separate ways.

The latest initiative grew out of a series of meetings involving the three groups called by Cosatu.

with possibilities, the unions don't want to be marginalised and left out on a limb in the process that's unfolding," said one union man.

He stressed that the dominant position within unions such as Actiwa and Numsa was "syndicalist" rather than socialist in the strict sense — both were more concerned with defending workers' rights and organisation than with creating a workers' "populist" wing of the federation has traditionally been less keen on links with black consciousness organisations such as the National Council of Trade Unions. There was no evidence of this at the congress, which endorsed a call for a timetable for a unity process and immediate meetings between Cosatu, Nactu and non-aligned unions at all levels as a step towards one labour movement.

The two workers' summits set by the congress, one to plan the week of sustained action against the LRA and the "racist" elections in early September and the other to assess its effectiveness, were also seen as moves towards further trade union unity.

More than anything else, say insiders, the shifting political climate in the country — vividly exemplified by the Botha-Mandela meeting a week earlier — set the tone of the congress.

Cosatu's official stance is that the state's talk of talks is "empty conditions must be met if it is to establish its bona fides. These are essentially the ANC's terms: the release of detainees and political prisoners, lifting of bans and restrictions on organisations and individuals, return of exiles, withdrawal of security forces to barracks and lifting of the emergency.

But unofficially, sources say, there is a different perception. "People are disillusioned that the situation is pregnant with possibilities, the unions don't want to be marginalised and left out on a limb in the process that's unfolding," said one union man.

state. This was clear from the workers' charter adopted by Actiwa and recommended to congress this year, which far from being a revolutionary document, was essentially a charter of trade union rights.

"They want to ensure that when apartheid goes, they will still be the workers' watchdogs, not the pet poodles of the nationalist movement — as in Zimbabwe," was another comment.

The union source stressed that the current position of both "populists" and "socialists" was essentially a "reformist" one.

"No one's talking about a seizure of power," he commented. "People are appreciating the centrality of the ANC to any settlement — union leaders hope only to influence this process, not to determine its course."

## 'Male chauvinism' edges out sex clause

By CASSANDRA MOODLEY

A TGVU representative said that although the resolution was not adopted in its original form, the issue had been exposed and would be raised at the next congress.

Another TGVU resolution, calling for the promotion of women leadership in Cosatu and its affiliates, was substantially adopted — despite the reported opposition of some male delegates who argued that women should "fight their own battles".

The delegates also held that there was no need to encourage women to join unions because their participation was minimal and unreliable, according to the union source.

A National Union of Mineworkers' resolution to facilitate the revival of the Federation of South African women was adopted, despite feelings within Cawu that existing women structures within Cosatu needed to be strengthened on local, regional and national levels before outside alliances could be formed. On the issue of domestic workers, the congress resolved to support the campaign for the following minimum conditions:

- Minimum wages of R450 a month for skilled workers and R350 a month for unskilled workers, and overtime remuneration of R3,50 an hour
- An eight-hour working day.
- Maternity benefits, including fully paid pre-natal leave of eight weeks and paid post-natal leave of six weeks, with paid days off to attend ante-natal clinics.
- Annual leave of 21 days and 14 days sick leave a year
- A pension fund and decent housing

speared broad-based resistance. Significantly, many more UDF observers attended the 1989 congress than two years ago. They took part in debate, and Ndlovu confirms that the policy hammered out on a range of issues, such as conditions for talks with the state, can be taken as representing the MDM as a whole.

Observers comment that the "populist" wing of the federation has traditionally been less keen on links with black consciousness organisations such as the National Council of Trade Unions. There was no evidence of this at the congress, which endorsed a call for a timetable for a unity process and immediate meetings between Cosatu, Nactu and non-aligned unions at all levels as a step towards one labour movement.

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Dancing the "toy toy"? Workers, one armed with a toy rifle, whoop it up at the Cosatu congress. Picture ANNA ZIEMINSKI, Afrapix

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# Striking a harmonious chord for democracy

INDUSTRIAL democracy will never occur until management accepts the need for strong trade unions, says Christo Nel, a director of PG Bison

Mr Nel, writing in the latest edition of the IPM Journal, published by the Institute of Personnel Management, said that by bringing unions into national forums as equal partners with employer associations to negotiate parameters of social policy and basic bilateral agreements, union members would start believing that their effort today would bring a better future



Mr Nel's remarks strike a harmonious chord with this week's announcement that government is reconsidering the controversial aspect of the Labour Relations Amendment Act that would allow unions to be sued for damages arising from unlawful strike action

The idea has always seemed somewhat silly, especially in the South African situation where industrial democracy struggles to emerge from a 100-year-old Dark Age in labour relations, because it sanctioned a most certain means of provoking worker discontent — destroying their organisation by rendering it bankrupt

It originally appeared to be an attempt to regulate in-company conflict by punitive measures, and also as a back-up to other clauses in the Act which prohibited sympathy strikes

But it has two underlying problems: denial that industrial unrest is a symptom of basic ill-health and a denial of the humanity of workers

The two inter-relate

Strikes and other forms of industrial action occur because the workforce has a problem with some type of management action or inaction

## Prefer peace

They are often problems that have been around many years but which, by combining in unions, employees are now able to do something about through active expression of their collective discontent. But, and this is where the first connects with the second, workers and union officials are part of the human race and generally prefer peace and quiet to strife and grief

Bearing in mind that because protection for strikers is still relatively limited industrial action poses a threat to employees' jobs and livelihood, often strains family relationships and can cause psychological stress, and is not something embarked on lightly or out of sheer bloody-mindedness

Making it possible for employers to sue unions seems to imply the opposite

## Stressful hours

But in general most trade unionists, while being dedicated people who will do their utmost to serve their members' interests, would far rather go home at night than spend long, stressful hours coping with people in the midst of industrial action

They don't cause strikes for the sake of causing strikes. In many instances members strike in spite of officials, who are deeply aware of the possible consequences, advising them not to

But if there is a problem there is a problem, and it seems far more fruitful for everyone concerned to get together and create a solution than to sue the union because bad blood has caused the body corporate to break out in boils

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# Numsa to start Dorbyl strike ballots

IN A dispute linked to dissatisfaction with the Labour Relations Act (LRA), Numsa is to commence strike ballots this week among its 6 000 to 7 000 members at more than 50 Dorbyl plants, a union spokesman said yesterday.

The dispute arose over union demands for compulsory private arbitration in disputes of right such as dismissals, four weeks pay for each year of service in retrenchment cases, a 3c an hour a year service allowance, and 10 days of annual paid leave, in which shop stewards can undergo training.

A Dorbyl spokesman confirmed Numsa claims that the company was bringing legal action against the union over the dispute, but declined to comment further. He said balloting had not begun by yesterday afternoon.

Numsa's Bobby Marie said the demand for arbitration to replace Industrial Court

ALAN FINE

actions on matters like unfair dismissals was the central issue in the dispute.

He said although the matter was originally raised before the September 1 amendments to the LRA, they had now gained added significance.

Numsa wished to avoid wildcat strikes, which were often sparked by dismissal disputes, particularly because of the Act's provisions facilitating damages suits against unions.

BID  
28/7/87

Contrast

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Arbitration was effective, allowed disputes to be settled as quickly as possible, and was also relatively inexpensive.

In contrast, taking such disputes to the Industrial Court was costly, lengthy delays were experienced, and court decisions tended to be inconsistent.



# Govt clampdown feared

Sowetan 26/7/84  
THERE are fears that the Government may impose a clampdown on gatherings called to protest against the controversial Labour Relations Amendment Act, the Sowetan learnt yesterday.  
The fears come after

By LEN MASEKO

the banning of a meeting called to discuss the LRA scheduled for the weekend. The meeting was banned by a Vereeniging magistrate.

(166) The Police Directorate yesterday said the meeting, scheduled to have been held at Mphatlalatsane Hall on Saturday, was banned under the Criminal Procedure Act. The meeting was called by affiliates of the

National Council of Trade Unions (Nactu) and the Congress of South African Trade Unions (Cosatu), and independent unions.

A spokesman for the organisers, Mr Eddie Mbangeni, said police barred about 3 000 people from entering the hall, telling them the meeting was banned. They were ordered to disperse.

He said organisers, who were taking legal advice, would call another meeting soon.

Meanwhile the Government has warned that it will investigate Cosatu's proposal to other unions that workers should embark on "sustained industrial action" from September 1, in protest against the LRA and the forthcoming elections.

The damages clause in the LRA - it allows companies to sue unions for compensation in the event of illegal strikes - is receiving urgent attention, the acting Minister of Manpower has said.

Mr Eli Louw said in a statement that this section of the labour law was causing problems because trade unions sometimes washed their hands of actions of their members for fear of being sued for damages by management.

The Minister has asked the National Manpower Commission (NMC) to review the legislation and recommend changes.

...age behind, for several days.

...at most weekends and after hours, a spokesman said  
● See Page 11.

# Unions to meet over labour Act

By Mike Siluma,  
Labour Reporter

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261 7189

The banning of trade union mass meetings to discuss the Labour Relations Amendment Act (LRAA) is to be discussed on Thursday by the National Council of Trade Unions (Nactu), the Congress of SA Trade Unions and unaffiliated unions

This comes after the decision by police to prevent a meeting of about 3 000 workers from taking place in Sebokeng, Vereeniging, last weekend

Nactu's general secretary, Mr Piroshaw Camay, said the federation's members had suggested a number of ways to obviate the problem of the banning of meetings

"The banning of meetings means our members will not be able to deliberate on the (Act)," said Mr Camay

The banning of the Sebokeng meeting, called jointly by the unions, represents the first incident of direct State intervention in the dispute over the Act

The meeting was one of several called to protest against the Act and to gauge workers' feelings on the new labour legislation

One of the organisers, Mr Abie Mbangeni, said police prevented workers from entering the Mphatlalatsane Hall on the grounds that the meeting was banned even though no objections had been raised when the hall was initially booked for the meeting. He said police ordered about 3 000 workers who gathered outside the hall to disperse

A statement by police said "The local magistrate issued an order in terms of the Criminal Procedure Act prohibiting the meeting. The order was served on the organiser of the meeting"

● The Government said at the weekend that it would investigate the threat by Cosatu that it would recommend to the forthcoming Workers' Summit that workers embark on "sustained action" in September if union objections to the Act were not satisfactorily addressed



Part of the crowd at the anti-LRAA rally at Shareworld in Johannesburg

## State, unions set to clash

UNIONS are gearing up for action over the controversial Labour Relations Amendment Act and the September parliamentary elections.

Balloting for national industrial action which Cosatu has proposed should coincide with the September elections, began at several factories throughout the country this week.

In addition to discussion at factories and within locals, unions are planning to mobilise workers at anti-LRAA rallies.

Several rallies took place in the Transvaal last weekend and rallies are being planned for other parts of the country.

It seems likely that the planned action will lead to a showdown between the labour movement and the state.

Minister of Law and Order Adriaan Vlok this week released details of what he claimed was the action proposed by the Cosatu congress.

A spokesperson for the minister said security police were investigating whether the Cosatu proposal contravened the security laws or the state of emergency.

A rally which was to take place in Sebokeng last weekend was banned.

The order was served on the Cosatu regional secretary for the Western Transvaal, Zwelinzima Vavi, hours before the rally was due to begin.

Vavi said that the last-minute banning almost resulted in violence, as thousands of workers

who flocked to the meeting were loathe to disperse.

Another rally in Klerksdorp was banned by police after the meeting had begun.

The bannings were condemned at a joint Nactu-Cosatu rally held at Shareworld outside Soweto last weekend.

Nactu general secretary Piroshaw Camay told the meeting that the proposed industrial action could involve between three and five million workers.

Meanwhile, employers last week warned that the proposal for industrial action was detrimental to further progress being made in negotiations which have been taking place between employers and representatives of Cosatu, the National Council of Trade Unions and independent unions.

The deadline for a written response by employers to unionists' proposals is before the workers' summit, scheduled to take place next weekend.

Nactu has not yet responded to a request from Cosatu that the summit be postponed until later next month.

An earlier summit held in February this year was attended by representatives from more than 40 unions.

The present course of action against the LRAA by the labour movement stems from recommendations made by delegates to the summit, described as a "significant move towards working-class unity" by Cosatu general secretary, Jay Naidoo.

166 (166) South 27/7 - 2/8/89.



LABOUR RELATIONS ACT (166)

**Keep it simple** *Final 28/7/89.*

Acting Manpower Minister Eli Louw this week will formally invite submissions to the National Manpower Commission (NMC) on ways to "modernise and simplify" the Labour Relations Act<sup>a</sup>

The NMC will then recommend a "re-structured and consolidated" Act, as various amendments since 1956 have rendered it complicated and somewhat clumsy, according to Louw

Existing principles will "mostly" be retained, but "it is inevitable that certain aspects will be reconsidered afresh" The minister points out the NMC has already been asked to address existing problems over the registration of trade unions, and whether the same legal principles should apply to large as well as small enterprises

While the NMC gets to work on the Act as a whole (the promulgation date cannot be determined as the process is long and complex), Louw says certain aspects require

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(166) *Final 28/7/89.*

more urgent attention

Specifically, Section 79 (2) This, under certain circumstances, shifts the burden of proof from applicant to respondent in claims for damages from illegal strikes or lock-outs It has caused practical problems as unions sometimes shied away from assisting in settling a dispute for fear of having to cough up

The NMC has therefore been asked to determine whether existing provisions should be retained regarding indemnity against damages claims in legal strikes and lock-outs, liability in the case of illegal strikes and lock-outs, whether the burden of proof should be shifted, if a civil interdict is necessary in these circumstances, and whether there are other ways to discourage illegal strikes, lock-outs and intimidation.

This would seem to go some way towards meeting union objections to the Act. ■

wmail (166)  
28/7-3/8/89.  
**Unions set date  
for summit on  
week of action**

By **EDDIE KOCH**  
and **DREW FORREST**

A MASS rally of workers from the country's biggest trade unions is set to take place late next month to discuss plans for a week of action in protest against the Labour Relations Act.

The decision to push on with the summit takes place against the background of warnings by Law and Order Minister Adriaan Vlok that the unions' planned action was under police scrutiny.

Delegates from the Congress of South African Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) — who met yesterday to thrash out plans for the summit — agreed that the meeting be held on August 26 and 27.

The decision comes in the wake of news that at least three regional rallies to discuss the labour law were halted by police at the weekend. Organised workers also began holding ballots in factories across the PWV to mobilise support for national action against the controversial law.

The new dates for summit, originally planned for August 5, were agreed on after Cosatu decided at its congress this month to ask for the rally to be postponed. Nactu delegates, however, said formal approval of the new dates had to be given by the federation's membership.

"The unions agreed to write to the SA Consultative Committee on Labour Affairs (Saccola) to demand that no report-back meetings on negotiations over the Act be interfered with and the summit be allowed to go ahead," said a union representative



**In a precedent-setting meeting at Shareworld in Johannesburg at the weekend, members of the Congress of SA Trade Unions and the National Council of Trade Unions thrashed out issues surrounding the workers' summit to be held at the end of August.**

Picture: **CEDRIC NUNN, Afrapix**

Cosatu and Nactu reported this week that rallies to protest against the act were halted by police in Vereeniging, Secunda and Klerksdorp. The meeting in Vereeniging was banned by a local magistrate, said Cosatu.

This is the first time police have intervened in the dispute between unions and employers over the Act, indicating the government's concern over Cosatu's plans to link the labour protests to a defiance campaign over the September elections.

The new date for the summit, however, raises the question of whether unions will be able to implement a programme of action before the polls

take place on September 6. It is believed a major reason for the postponement was to allow employers time to respond to organised labour's demands over the law.

Saccola, which represents most employer organisations, said after talks with the unions last Friday that it was committed to giving a considered response as soon as possible. It is understood the intention is to produce a statement committing employers to a set of labour relations principles before the summit.

Decisions taken at the summit will clearly depend on whether the employers make substantial concessions to the labour movement.

# Thousands to protest

By Robyn Chalmers

THOUSANDS of trade unionists will meet next month to protest against the Labour Relations Act (LRA)

The Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) say the second workers' summit will be held on August 26 and 27

Observers fear that the summit may not happen because of warnings by Law and Order Minister Adriaan Vlok to the Mass Democratic Movement (MDM) and the halting of similar rallies in regional areas

Mr Vlok claims that a draft resolution put forward

at the Cosatu national congress this month called for action preceding the September general election

He warned the MDM, of which Cosatu is a part, to desist from violence and intimidation, or face the consequences

Cosatu denies that the MDM plans violent rallies. It says "Insofar as the MDM has planned any actions, these have been openly canvassed and are non-violent in their nature"

One of these actions is the

second workers' summit to discuss plans for action against the amended LRA.

Cosatu says: "We resolve to fully participate in implementing the recommendations of the workers' summit and to propose co-ordinated and sustained industrial action in line with the demands put forward by Cosatu, Nactu and the independent unions

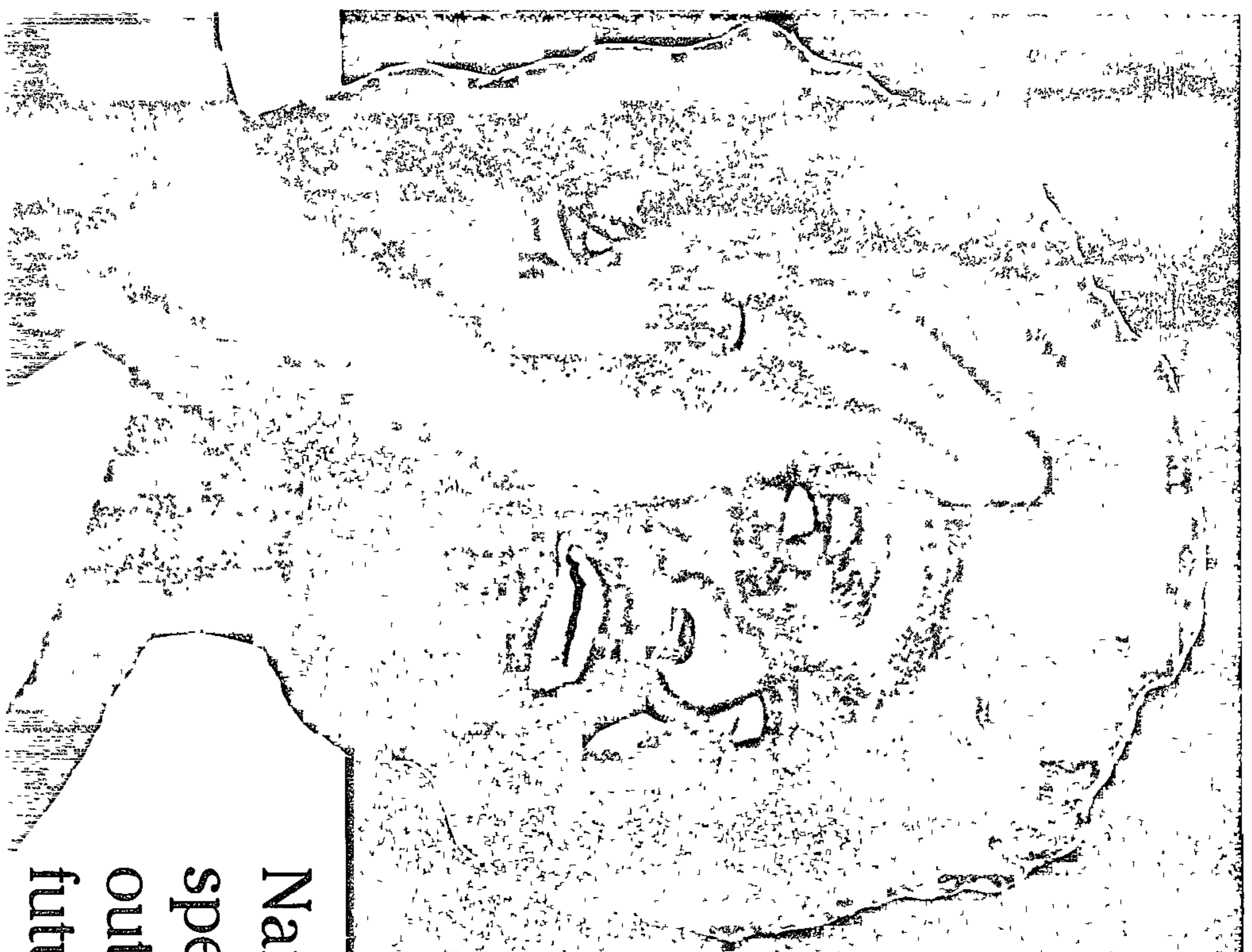
"Cosatu will recommend to the workers' summit that the sustained action begin on September 1."

Acting Manpower Minister Eh Louw has invited submissions to the National Manpower Commission

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S/TIME 30/7/89



# Unite for power



**Naidoo  
speaks  
out on  
future**

By **CONNIE MOLISI**

~~166~~ 166

**C**OSATU's third national congress two weeks ago was a watershed, coming at a time when crucial issues were facing the democratic forces, said general secretary Jay Naidoo.

Naidoo told City Press in an interview "The congress derived its significance from the

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**Employers**

**cannot  
exonerate  
themselves  
from the  
attack by the**

# future of SA

THE MASS  
DEMOCRATIC  
MOVEMENT  
LAUNCH

... employers and State benefit from poverty.

Naidoo told *City Press* in an interview: "The congress derived its significance from the overwhelming unity and spirit of resistance and defiance, and resolutions were taken on important issues facing the people."

On political negotiations, Naidoo said "The Mass Democratic Movement has never opposed genuine negotiations. There has not been any sign on the part of the government to negotiate. The MDM is sceptical about what could be empty sounding words from Pretoria."

"The government will have to create a climate for negotiation that allows free political activities. We set conditions necessary for such a climate. If these conditions are met, it will be a signal that there is seriousness to negotiate."

The bottom line for Cosatu was that "any negotiated settlement will have to address the basic needs of our people, from provision of housing and education to health care."

"These conditions serve as important catalysts to test the sincerity of the government to negotiate, because at the moment there is tremendous international pressure to reach a political settlement."

"The government is incapable of meeting the bottom line of our one person, one vote demand. It is faced with a deepening legitimacy crisis. The reform strategy - a cosmetic effort to maintain apartheid - has failed to win that block traditionally seen as moderate."

"The congress has noted that it has to canvass support with the broad community to unite a whole range of anti-apartheid forces around a unifying perspective of one person, one vote."

A programme of action would have to be developed that not only united the core forces of the MDM but defined the terrain of the struggle itself.

"A convening committee has already been suggested to set up debates to determine the context and form of a new alliance - with organisations ranging from the churches, the UDF, Azapo, Nactu, Cosatu and black business people."

"The conference, to be held in October, will be part of this process to build anti-apartheid forces."

The only organisations to be excluded were big business because

**6 The Mass Democratic Movement has never opposed genuine negotiations but is sceptical about Pretoria.**

## FROM THE attack by the Labour Relations Act on the unions.

they have not yet shown opposition to apartheid in concrete terms, said Naidoo.

On the call for week-long protest action against the Labour Relations Act (LRA), Naidoo said the Act had been used against trade unions.

It was significant that all laws in South Africa had been passed by a racist parliament and supported by major employer bodies, he said.

"Employers cannot exonerate themselves from the attack by the LRA on unions. In the past nine months the LRA was used against us not a single employer suspended the use of the LRA, as we had called for."

Naidoo did not say what form the protest action would take as this would pre-empt discussion with other groups. The recommendation of the congress would be taken to the worker summit in August to canvass consensus.

"Unless employers break with apartheid there will never be a LRA which is acceptable to workers. The spirit of apartheid is unacceptable. No one wants to accept poverty and suffering much longer."

"Our view of one federation and 'one union, one industry' is our most important weapon. We have to defend our position. To pursue this the congress mandated the constitutional structure of Cosatu to consult with Nactu and the independent unions."

"There is more that unites us than divide us. It is in the context of concrete struggles against the LRA that the basis of unity is built, instead of having unity made up by leaders at the top."

"An important achievement is the level of unity we have achieved within Cosatu itself. The prospects for unity in the commercial and catering sector is an important advance."

On the anti-apartheid coalition, Naidoo said the process had already begun through the peace initiative in Natal, the worker summit and unity in sports.

Privatisation should be recognised for what it was, said Naidoo. It led to a loss of jobs, increases in service charges and was a political strategy to deprive a post-apartheid government of the necessary resources to reconstruct the economy and address the needs of the people.

"Our policy on disinvestment remains as resolute as before. It is important to canvass international pressure against the government. Both employers and the state are committed to apartheid because they benefit from poverty."

"The South African economy is part of the Western economy and heavily dependent on its technology. The disastrous economic and political policies of this country are responsible for the suffering of our people."

International pressure was the last weapon of non-violent change left to force the government to negotiate, Naidoo said.

By C Molusi, 204 Floff Street Extension, Selby



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# Cosatu protests to go ahead

BLACK trade unions had no option but to press ahead with protest-action against apartheid and the Labour Relations Amendment Act, Cosatu general secretary Mr Jay Naidoo said in Durban at the weekend.

Addressing a conference on labour law, the Cosatu official said union members had become increasingly sceptical of big business support in their attempt to dismantle apartheid.

**By LEN MASEKO**

"With employers reluctant to support action against apartheid, we have no option but to pursue our non-violent, peaceful protest," Naidoo said, referring to the protest against the controversial labour law and apartheid proposed by Cosatu.

Saccola chairman Mr Bobby Godsell urged

Cosatu and Nactu to continue their talks with employers with a view to reaching "a consensus".

Asked whether employers will take action against workers who took part in the campaign proposed by Cosatu, Godsell said the response from employers would not be "sympathetic" if the protest took place before talks between Saccola and the two federations had been exhausted.

## Chairman

Dr Van Zyl Slabbert, chairman of the Institute for a Democratic Alternative for South Africa, said the political battle between the Nationalist Party and the Conservative Party centred on the fundamental future of this country.

He said this was one of the important issues that would have to be addressed in the debate on the future of this country.



# Workers 'have right to protest against elections'



By Mike Siluma, Labour Reporter

A prominent industrial relations expert, Mr Bobby Godsell, cautioned the Government yesterday against suppressing peaceful anti-election protests.

Addressing an SA-German Chamber of Commerce and Industry luncheon in Johannesburg, the Anglo-American industrial relations and public affairs director referred to the "enormous responsibility" of unions in particular to ensure that the protests remained peaceful.

Mr Bobby Godsell said businessmen had to "observe a deep distortion" where everyone but blacks would be allowed to vote.

"It is expected that this would evoke anger and frustration (on the part of blacks) ... There is a challenge to employers and the State to demonstrate that peaceful protest is possible in South Africa, and for black South Africans.

"Protesting peacefully is a basic right in a democratic society and has basic obligations. The State has to think carefully before banning meetings," he said.

## PROGRESS

"The challenge to unions is to make peaceful protest peaceful. It should not be an exercise in confrontation and polarisation."

Mr Godsell expressed the hope

that talks between the SA Employers' Consultative Committee on Labour Affairs (Seccola), of which he is chairman, and black unions on changes to South African labour law would lead to progress.

He said South Africa was now "formally and irreversibly on the march towards a non-racial democratic future".

"I believe the current talks will begin to show positive results in the weeks ahead on at least some of the issues," said Mr Godsell, adding that it was in the interests of Saccola, the unions and the Government that the parties devised labour legislation accepted by all three parties.

*[Handwritten scribbles and signatures]*

# Sactu calls for unity

(166)  
Sactu  
3-9/8/89

THE South African Congress of Trade Unions (Sactu) has called on workers to use the workers' summit due to take place this month as a means to unity

In a statement issued after the meeting of the national executive committee of Sactu, the organisation called on the Mass Democratic Movement to build the alliance between workers and the rest of the community

Meanwhile, balloting for national industrial action in protest against the Labour Relations Amendment Act is well underway

The action which will probably coincide with the September elections may involve between three and five million workers

The workers' summit due to take place this weekend has been postponed until August 27.

# DEFIANCE!

By CHIARA CARTER and MONO BADELA

A SHOWDOWN is looming between the government and the Mass Democratic Movement (MDM) following the launch of a peaceful mass defiance campaign this week

The campaign includes the defiance of restriction orders on individuals and organisations, balloting for national industrial action against the Labour Relations Amendment Act, protest action at educational institutions and mass refusal to observe laws segregating facilities

It is expected to culminate in a "week of mass united action" from September 1 - 6 when widespread protests are expected to take place against the tricameral parliamentary elections, according to spokespersons for the MDM

On the eve of the campaign, Law and Order Minister Adriaan Vlok warned that the government would not tolerate the "undermining of public order"

Vlok said the authorities would adopt a wait and see attitude but were ready to act if necessary

Spokespersons for the MDM this week emphasised that the protest, reminiscent of the defiance campaign of the 1950s, was intended to be peaceful and that it was not specifically aimed at disrupting the elections

In a statement issued in Cape Town on Wednesday the MDM said the campaign would be directed against "apartheid laws" and would address "the needs and demands of the people"

"We are saying we can no longer jail ourselves nor accept segregation and racial division nor stand silent in the face of the crushing economic problems of the mass of our people. In this light we reject the tricameral fraud and call for a boycott of the elections," the statement said.

#### Nearest hospital

Present at the press conference in Athlone were several activists restricted by the Minister of Law and Order

They were Zoli Malindi, Joseph Marks, Joey Marks, Christmas Tinto, Amy Thurmon, Mzonke Jacobs, Dorothy Zihlangu, Mountain Qumbela, William Thomas, Willie Hofmeyr, Roseberry Sonto, Clinton Bronn, Trevor Manuel, Mbulelo Sipi, Grootboom and Derek Jackson.

Their defiance of the restrictions imposed on them is expected to start on Sunday after a service at the AME Church in Athlone according to spokespersons for the MDM

The MDM's challenge to the state began with thousands of people taking part in the "Nearest Hospital Campaign" in Durban and the Transvaal this week.

In Natal, 120 patients were admitted to Durban's Addington hospital after more than 2 000 people led by the UDF's national chairperson Curmuck Ndlovu, converged on the hospital on Tuesday

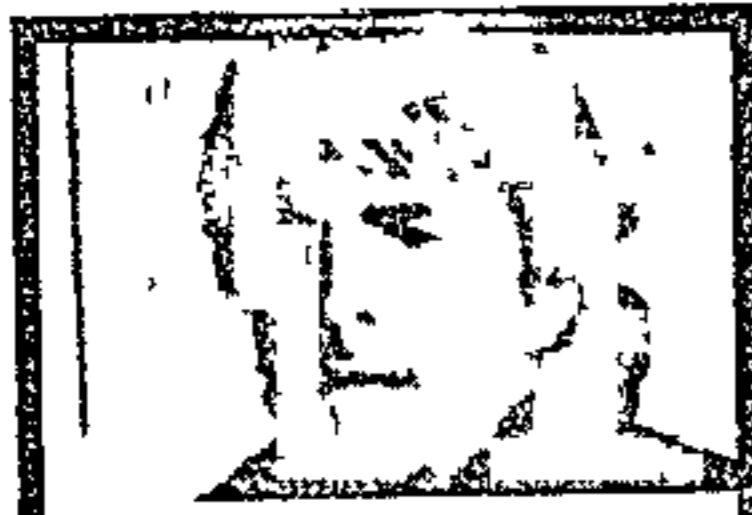
About 100 black patients were treated at hospitals on the Reef on Wednesday

Transvaal Provincial spokesman Mr Jan Loubser reported that 55 black patients had been admitted for treatment at the Johannesburg Hospital

## AREAS PANIC

Landlord's death leads to eviction fears

— Page 3



## MOVIE PLANS

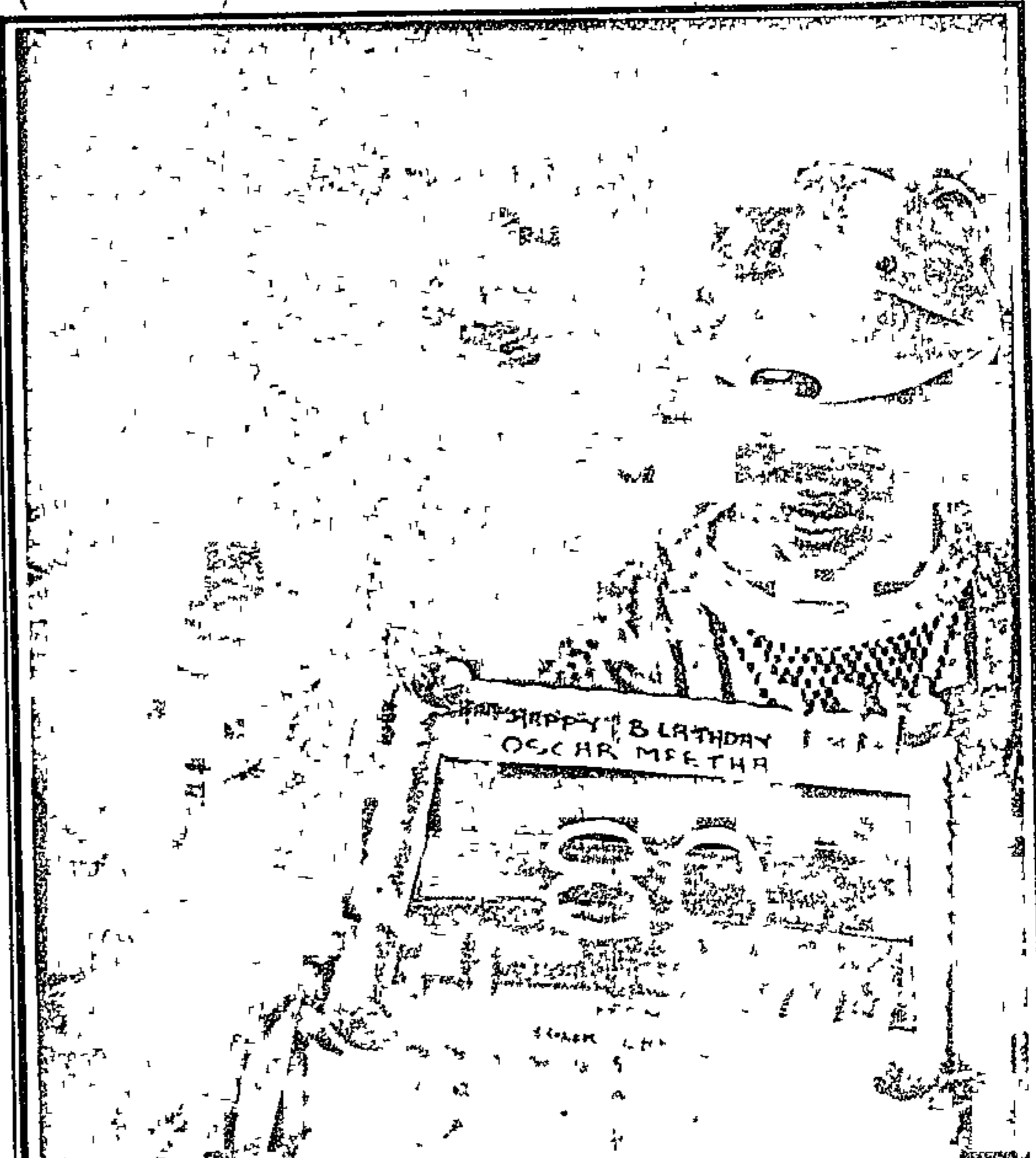
Don Johnson has eyes set on high school

— Page 9

## MEMORY LANE

The Nelson Mandela of the 1950s

— Page 12



HAPPY BIRTHDAY OSCAR ... Mpetha's daughter Esther with his grandsons Malunguza, 5, and Nkosana, 7

## Jailed Mpetha turns 80

VETERAN trade unionist Oscar Mpetha celebrates his 80th birthday on Saturday in his hospital "prison" ward with wishes and calls for his immediate release coming in from all over the world.

In Cape Town protests over his continued incarceration are planned as part of the defiance campaign.

The Food and Allied Workers Union, for which Mpetha worked for several decades, will hold demonstrations at most of its factories throughout the country

The union also distributed thousands of pamphlets containing a tribute to Mpetha.

MOIRA LEVY reports from London that Mpetha will receive greetings on Saturday from friends and

supporters throughout England. Each personalised message will be included on a giant birthday card to be delivered to the South African embassy

Mpetha's birthday will also be marked by demonstrations in London and Glasgow, Scotland

Pickets are also expected to be held outside the South African Embassy in central London and at Nelson Mandela Place in Glasgow

### SEE PAGES 8 & 9

Themba Mpetha, Oscar's youngest son, will address a crowd expected at the London picket. It will be also addressed by SACTU speakers and representatives from the British Trade Union Council

A motion is to be put to the British parliament calling on prime minister Maggie Thatcher to intervene for Mpetha's release

TO PAGE THREE

P.T.O.

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**THE WORLD**

# A rebel's twin returns to a country which has learned to hate

JOAQUIN SAMAYOA is one of the many leftist exiles who have quietly come back to El Salvador in the past year to test the political waters.

Like the others, Samayoa moves uncertainly between home and work, casting glances over his shoulder. He seldom ventures out at night.

But while all returning exiles are at risk, Joaquin's is a singular predicament. He is the identical twin of guerrilla leader Salvador Samayoa, spokesman for the Farabundo Marti National Liberation Front.

Even at 38, the Samayoa brothers look remarkably alike. But because of his stints in the mountains, Salvador has aged more quickly than Joaquin. Stanford graduate school has made Joaquin softer than his brother.

Joaquin, a psychology professor at the University of Central America, said he returned to El Salvador for two reasons: to work peacefully for social change in his country and to regain control over his own life.

After nearly a year back home, he is still not sure that he will be able to do either. Since Joaquin returned, the government has passed from the centrist Christian Democrats to the right-wing Nationalist Republican Alliance, which believes it needs tougher laws to crack down on opposition groups it considers terrorist fronts.

And the Farabundo Marti guerrillas, meanwhile, have stepped up their attacks in the capital.

The civilian killings have created a sense of confusion in the capital and a fear of retaliation against leftists and the families of known guerrillas.

Salvador agreed to serve as minister of education in the civilian-military government that took power after a coup in October 1979. Joaquin, with a master's degree from New York's Columbia University, was settling into a teaching career.

Then Salvador broke the news. Along with civilian junta member Guillermo Ungo and most of the cabinet, Salvador resigned from the government on January 2, 1980, to protest against military repression. Six days later Salvador announced he was joining the armed struggle.

Salvador had warned Joaquin days before and advised him to go into hiding. As Salvador made his announcement, Joaquin drove across the Guatemalan border into exile. He made his way to a Jesuit community in Nicaragua, a country that had just

*The twin brother of an El Salvador guerrilla returns from exile to a country more embittered than ever by ten years of war.*

**MARJORIE MILLER reports**

undergone its own revolution.

"I thought Nicaragua was a good place to start trying to understand what my brother was fighting for," Joaquin said.

He found work at the Nicaraguan Ministry of Education and began to study Salvadoran politics. Then he moved to Costa Rica.

Salvador, meanwhile, was in a safehouse in the capital and working in the urban underground of the Popular Liberation Forces, one of five groups that now make up the Farabundo Marti Front.

Joaquin said the only time he has ever had an intuitive experience involving his brother, was when he dreamed Salvador had been captured. He had been arrested that afternoon.

Blindfolded, in the basement of the National Police building, Salvador was interrogated for 30 hours. Police put a gun to his head and told him he had two choices — to tell what he knew about other guerrillas or to die.

Two weeks later, Salvador was taken from jail blindfolded in the middle of the night, "the way they do when they are going to 'disappear' you", he said. But the police took him to another police headquarters and, eventually, to the airport with his father.

They were flown to Costa Rica and were to continue on to Spain, where Salvador was to be given asylum. But in Costa Rica, Salvador told his father he would return to the guerrilla movement.

Last August, Joaquin moved back to El Salvador. He was stunned by the intolerance that had taken root in the years he was gone. He thought that nearly a decade of war would have made people anxious to negotiate, willing to make concessions for peace. He found just the opposite.

And Salvador is now the one who worries about possible reprisals against his brother. But Joaquin says he is following his conscience, as Salvador did nearly a decade ago. "I feel an obligation to work for peace," he said. — Los Angeles Times

19 Soweto 7/8/84

# Unions meet

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JOINT rallies of Cosatu, National Council of Trade Unions (Nactu) and independent unions have been planned for this Sunday in Natal and Transvaal.

The rallies are "part of the ongoing campaign against the Labour Relations Act" and will culminate in a planned "workers' summit".

# Return our land first - Azanyu

Source 18/89 -



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THE return of the land to its rightful owners should be top of the agenda should negotiations come about.

This was said by the acting secretary of the Azanian National Youth Unity, Mr Mayaya Molefi, at a press conference in Johannesburg yesterday.

He said his organisation had realised that the "enemy's methods of repression" had opened the way for "opportunists and imperialists" to push for a "Muzorewa-type of settlement".

By MATSHUBE  
MFOLOE

"We call on the oppressed, exploited and dispossessed masses to be vigilant and not to allow themselves to be co-opted into a bourgeois order which would not change their social, economic and political conditions," he said.

Mayaya lashed out at the Labour Relations Amendment Act which he said had declared "war on the working class"

"Labour laws are land wars and we stand by the African working class in their fight against the Act by assisting by whatever means at our disposal," he said.

A message of support in honour one of the imprisoned Pan Africanist Congress leaders, Mr Jeff Masemola (58), was read and an appeal was made to the international community to launch a concerted campaign for his unconditional release, including that of his colleague, ANC leader Mr Nelson Mandela.



# The LRA a year on

THE September 1988 amendments to the Labour Relations Act have "transformed the LRA from an instrument of regulation into one of oppression". This is the verdict not of Cosatu, but of the widely read Employment Law journal edited by lawyers John Brand, Martin Brassey and Edwin Cameron

The latest edition is devoted to an assessment of the Act just weeks before the legislation's first anniversary. The anniversary, because of the timing of the general election, also coincides with Cosatu's threatened week of action against the Act and the election

SA's collective bargaining legislation, the journal observes, had previously striven for a neutral set of rules of the game, resulting in "scrupulous equivalence between capital and labour in the Act"

"This acted as a natural brake on anti-union enactments, the medicine could not be made too foul if employers' organisations were to drink it too," it says.

The most serious failing of the amendments, it argues, is that they have been pervaded, corrupted and discredited by partisanship. "We find neutrality blithely discarded. At times equivalence is jettisoned and no effort is made to disguise what is being done."

Employment Law lists what it sees as some of the most obvious examples of this

The Labour Relations Amendment Act (LRAA) provides that it is an unfair labour practice (ULP) for a union to call for a boycott, but nothing is said about employers who blacklist union members

It is also a ULP for unions to insist on a majoritarian bargaining structure (whereby the majority union is regarded as the sole representative of the workforce), but not for an employer to do so if he wishes

The journal also argues that special duties imposed by the LRAA actually lighten management's load compared with what existed before. These include provisions related to

dismissals, retrenchments and selective re-employment

It further argues that in many cases where the principle of equivalence has been met, such as where the ULP definition prohibits extra-statutory closed shops, the reality is that only unions are really affected, making the way they operate inherently unfair

The journal accepts the need for changes. There is a good argument, it says by way of example, for limiting secondary strikes. But, it says, this would require a quid pro quo like affording a degree of statutory protection from dismissal for strikers

What SA needs, it argues, is a system where there is broad consensus between the parties about the rules of collective bargaining

## Cynicism

The amendments, by tilting the law against the unions, have done serious harm to the standing of the Industrial Court, which spent the 1980s gradually earning the respect of both capital and labour, the journal says

The court, it argues, was, with some setbacks, slowly becoming accepted as a better option than industrial action for resolving certain disputes. Now unions' cynicism had reached a point where the March Worker Summit resolved that they should seek ways of avoiding its use

The amendments may have brought short-term benefits for employers, it says, "but in the long term the cost is industrial peace"

The trend towards "opting out" of the LRA (as demonstrated by the recent Numsa/Dorbyl agreement on private arbitration) is not in itself a solution, the authors argue

"Private regulation may be the better alternative in a particular case, but for society as a whole the two (private regulation and state intervention) should co-exist.

"The systems are not contradictory but complementary, the former has precedence, but the latter must govern if it fails"



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# Traffic grinds to halt as workers march

ABOUT 10 000 Cape clothing workers took part in demonstrations last Friday

The protests against the Labour Relations Amendment Act and to coincide with wage negotiations took place at about 50 factories several of which had not seen industrial unrest for more than 50 years

The demonstrations brought traffic to a virtual standstill in Salt River where workers from the giant Rex Trueform factory marched through the streets

Meanwhile votes are streaming into union offices around the country as millions of workers throughout South Africa prepare to take industrial action within a fortnight against the controversial LRAA

Unionists this week reported that preliminary vote counts indicate overwhelming worker support for the action, due to coincide with the parliamentary elections

A Garment and Allied Workers Union spokesperson said all of the 20 000 Gawu members in the Western Cape who have so far voted said yes to industrial action

They are among thousands of workers in the Peninsula who have already cast their votes in favour of action

Only 20 out of 1 800 members of the Transport and General Workers' Union who have balloted in Cape Town voted no a union spokesperson said

More than three quarters of the members of the National Union of Metal Workers of South Africa voted in favour of action at the 26 Cape Town companies where voting has already taken place

And a spokesperson for the Chemical Workers' Industrial Union said less than one percent of the union's 2 000 members in Cape Town voted against action

## Ballots

About 3 000 members of the Paper, Print, Wood and Allied Workers Union (Ppwawu) and 800 members of the South African Domestic Workers' Union (Sadwu) have also voted already

Special committees have been established to count votes by members of the Food and Allied Workers' Union (Fawu)

A Fawu spokesperson said that more than half the union's 10 000 members in Cape Town and 25 000 members in the Transvaal have so far voted

Voting is also currently taking place among members of several other Cosatu affiliates, as well as by unions affiliated to the National Council of Trade Unions and independent unions

The Amalgamated Clothing and Textile Workers' Union of South Africa (Actwusa) has not balloted its members

Actwusa regional secretary Ebrahim Patel said the union was attempting to force employers to agree to exclude controversial clauses of the LRAA, but that so far no companies had agreed in the Western Cape

Patel said Actwusa would target companies which did not reach agreement with the union

Trade unions are linking the anti LRAA campaign to other activities of the national defiance campaign as well as to current disputes



ABOVE Members of the Chemical Workers' Industrial Union demonstrates outside the MCG factory to protest the dismissal of a shop steward and the LRAA



LEFT Workers, belonging to the Gawu, vote at Bibbette factory

# 'Yes' to action



Members of the Food and Allied Workers' Union vote outside the Jungle Oats factory

By CHIARA CARTER

UNIONS are gearing up for national industrial action against the controversial LRAA

Balloting among members of unions affiliated to Cosatu and Nactu is due to finish by the end of this week and all indications point to a landslide vote in favour of action

In Cape Town thousands of workers are expected to attend a mass rally at the University of the Western Cape stadium at 6pm next Tuesday

Several anti-LRAA rallies have already taken place in the Transvaal

A joint shop stewards meeting in Cape Town last week established seven industrial area committees to co-ordinate action within specific industrial areas

## Independent

A second workers summit is due to take place next week at Shareworld in the Transvaal

About 750 worker delegates representing unions affiliated to Cosatu and Nactu and independent unions are expected to attend the summit

Also invited are 80 observers from community organisations belonging to the United Democratic Front, the Azanian Peoples Organisation, the Azanian National Youth Unity and the New Unity Movement

The landmark summit will decide on what kind of action workers will take against the LRAA and how long the action will last

Cosatu has stressed that the anti LRAA campaign is part of the fight by workers for a living wage and the battle by communities for better living conditions

The campaign is linked to the Mass Democratic Movement's defiance campaign

The MDM has dubbed September 1-6 the week of united mass action

## XHOSA CONVERSATION CO-ORDINATOR

The National Language Project is a non profit educational project running Afrikaans literacy, English and Xhosa conversation courses. The project needs a full time Xhosa speaking person to act as Xhosa Conversation Course Co-ordinator. The co-ordinator's work will involve

- assisting in the training and support of Xhosa Conversation tutors
- developing learner-centred Xhosa courses
- developing written resources and audio-visual aids

### ● general office administration

Applicants need to have a good structural knowledge of Xhosa and working experience with community-based organisations/trade unions would be an advantage. The NLP will provide the support for the new co-ordinator in terms of methodology training should this be necessary.

The NLP runs evening classes in Xhosa conversation and consequently, the co-ordinator's hours of work would need to be arranged accordingly. Salary R1 300 per month. Closing date for applications 31 August 1989. Written applications together with curricula vitae should be sent to

National Language Project  
P.O. Box 378 Salt River 7925  
Tel (021) 472761

## Mobilising in the rush-hour

IN THE crowded carriage of one of the rush hour trains that snake across the Cape Flats commuters gather around a man dressed in blue overalls

He is urging them to vote in their factories for action against the Labour Relations Amendment Act (LRAA)

As the train draws into a station the commuters break into a union marching song

Their voices drift through the train windows and down the platform

The scene is becoming increasingly common in Cape Town as worker leaders take their cue from Johannesburg unionists and use the trains — long the domain of travelling evangelists — as a means of mobilising workers to join the battle against the LRAA

The campaign against the LRAA — set to peak next month — comes almost a year after the government pushed the act through, despite attempts by big business and unions to reach an accord

While the act was still in bill form, it prompted the biggest stayaway in South Africa's history when about three million workers stayed home in a protest which no

one was legally allowed to call

The June stayaway brought employers hastening to the negotiating table but this rapprochement was shortlived

After the act was passed on September 1 last year companies lost no time in making use of its provisions

In retrospect, unionists say that they squandered much of the strategic advantage gained by the June stayaway by relying on negotiations with Saccola to remedy the situation

Another flaw in last year's strategy was that action was concentrated on a few days rather than being sustained

It was only in August that Cosatu managed to mobilise a week of demonstrations and rallies

Unions soon began to feel the effect of the act which have been described as the greatest attack on the rights of organised workers ever

The act legalises lockouts as a legitimate bargaining tool, outlaws sympathy strikes and product boycotts, and gives employers the right to sue unions for loss of produc-

tion

It makes it more difficult for workers to strike, bans repeat strikes gives employers the right to go to court to prevent strikes, and recognises minority unions

Excluded from the act are millions of domestic farm and public sector workers

On March 4 and 5 this year more than 700 worker delegates from 40 trade unions attended a workers summit in Johannesburg

The delegates represented more than 1,5 million organised workers and crossed the usual ideological divisions

The current anti LRAA campaign stems from the recommendations of the summit

The Cosatu congress in July decided to recommend to the second workers' summit due to take place at the end of this month, that workers launch co-ordinated and sustained industrial action to support unions' demands

The congress recommended that this action coincide with the September elections

Meanwhile several meetings have taken place with Saccola, but the employer body has not met the unions' demands



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18-24/8/89  
wmaie

# Anti-strike act only prolongs the bus strike

By CARMEL RICKARD,  
Durban

THOUSANDS of commuters left stranded by a bus drivers' strike in Durban should direct their irritation at the new Labour Relations Act.

Its controversial new provisions have made negotiations in the strike more difficult and could have delayed a back to work settlement.

Hundreds of drivers and other employees of the Durban Transport Management Board have refused to work since Wednesday morning, leaving an estimated 200 000 commuters a day without transport.

The strike, which is costing the city R500 000 each day in lost revenue, concerns wages and related issues as well as the forum in which the dispute should be settled.

General manager of DTMB Marshall Cuthbert said the dispute was referred to the industrial court after a conciliation board failed to solve the problem. The industrial court was to hear the issue on August 31 and September 1 and he said he knew nothing of union or worker discontent about using the court to settle the matter.

However, the workers said they did not want to go to the court and had indicated this to management some time ago.

They said the court could take "up to 12 months" to give its ruling, and then would make an order retrospective for only six months.

However, initial contact by management with the workers' unions produced a strong disclaimer from the unions whose officials insisted they were not responsible for the strike.

They said they would approach their members on the question of returning to work only if management put in writing that they accepted the unions were not responsible.

Drivers are also insisting the unions were not involved in the strike.

"There were no officials when we took the decision to stop work," said one. "We did not want them there as it would cause problems for us and them."

He said that under the new Labour Relations Act management could claim compensation from unions for losses sustained through a strike. To avoid this the drivers acted without the involvement of the union.

Late yesterday the strikers were given an ultimatum to return to work by today or be dismissed.



(166A) cover 20/8/89

# Castro threatens delay

## Unita rebels' attack to blame

CUBAN President Fidel Castro has threatened to delay the withdrawal of Cuban troops from Angola because his soldiers have been attacked by rebels

In a letter to UN secretary-general Javier Perez de Cuellar, Castro accused Angolan rebels of attacking Cuban forces, the official Prensa Latina News Agency said in a report monitored in Mexico City

"These criminal and irresponsible actions could have serious consequences," Castro said in his letter to the UN leader "They could influence in an adverse way the compliance with the timetable on withdrawal of Cuban troops from Angola"

Prensa Latina said the letter was published in *Granma*, Havana's Communist Party daily

Cuba has agreed to a phased withdrawal of all its troops out of Angola by July 1, 1991. It has been helping Angola's Marxist government fight Unita guerrillas

Unita has been fighting the government since Angola gained independence from Portugal in 1975

"On the morning of August 14 a group of 15 to 20 armed subversives of Unita ambushed a Cuban truck 24 kilometres north of Cubal, province of Benguela," Castro's letter was quoted as saying

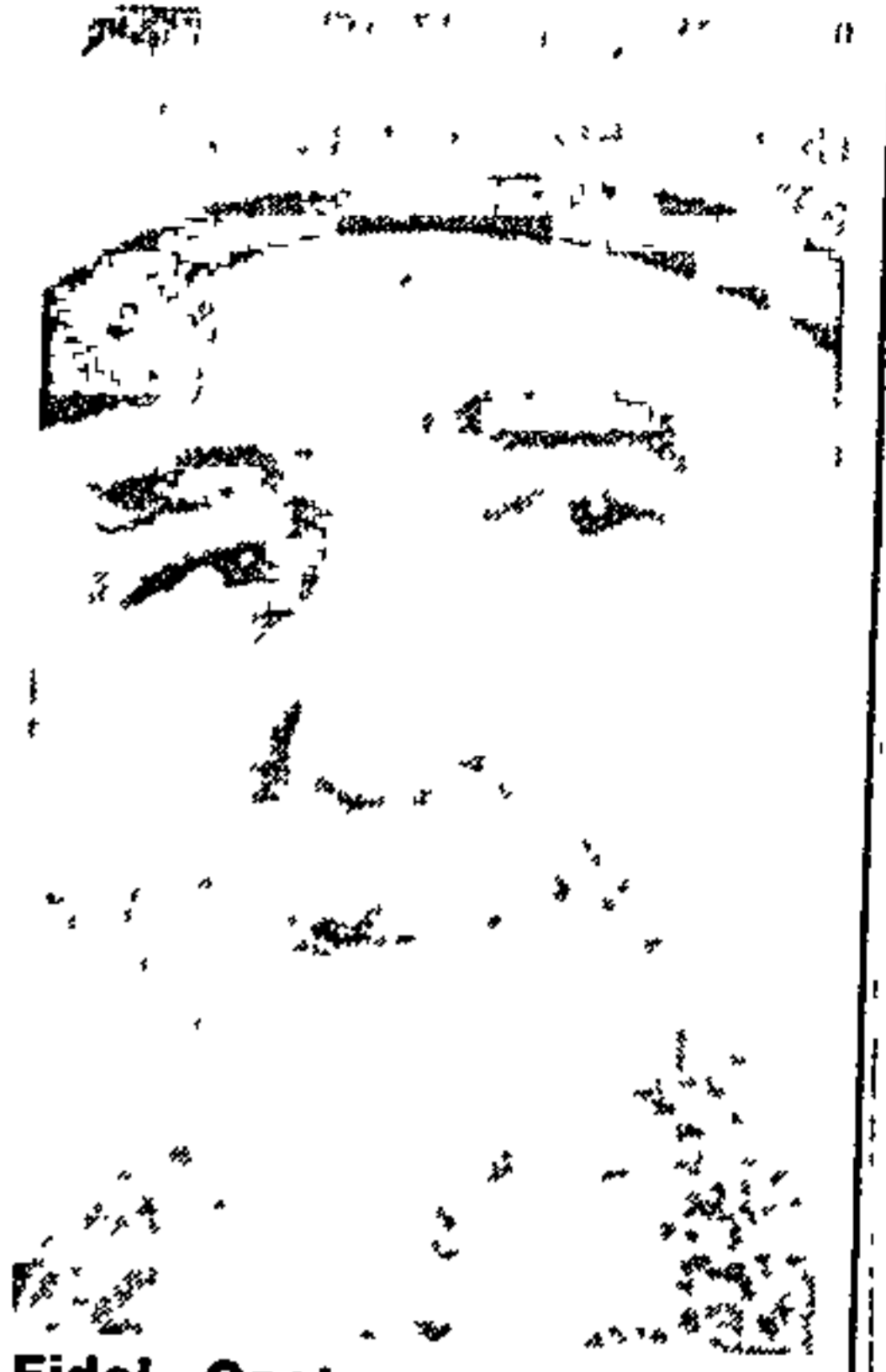
Castro said six Cuban soldiers

were killed in the attack

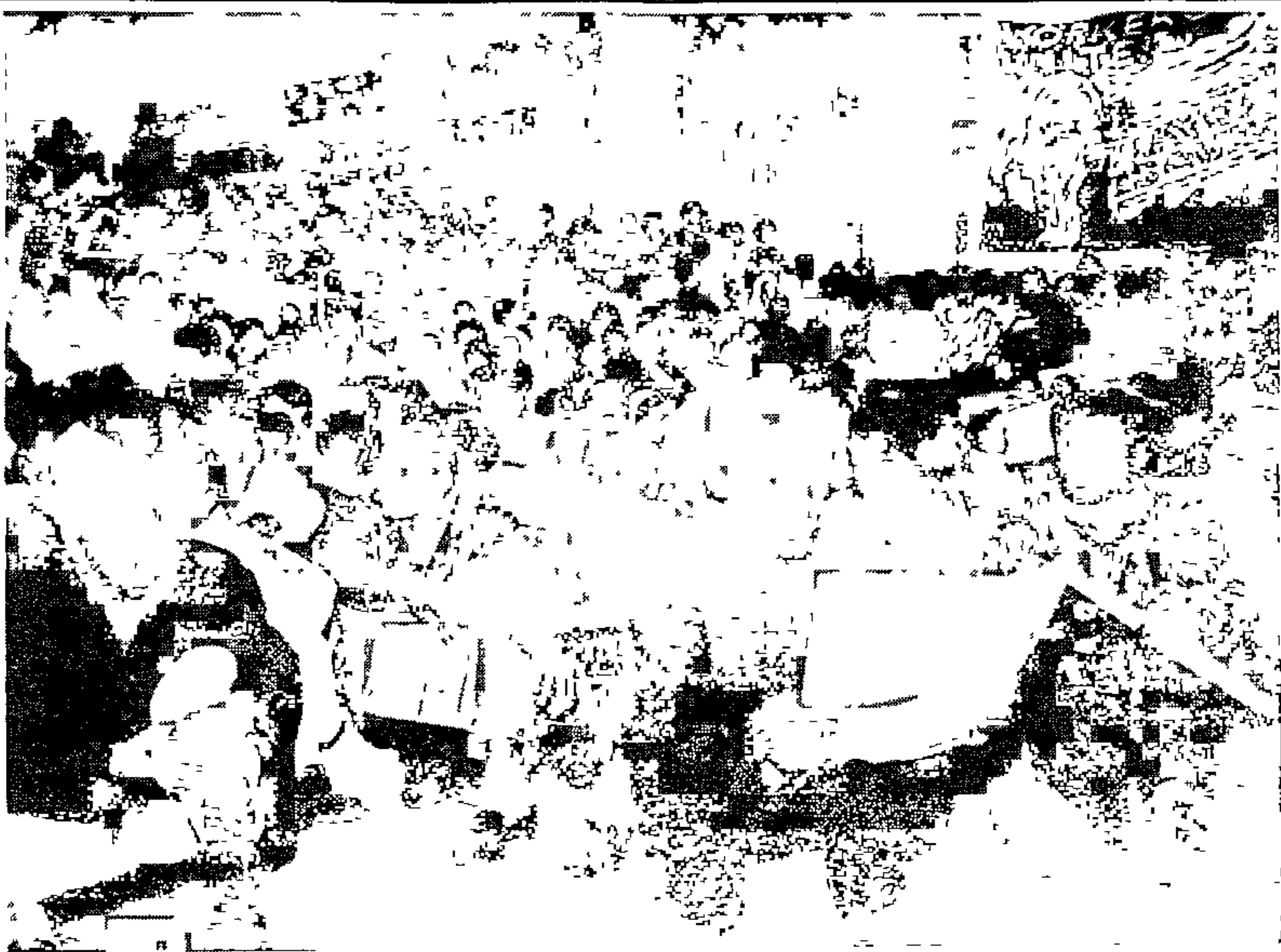
"Because of this act, the Cuban government wants to reiterate that it will act in whatever manner guarantees, in whatever circumstance, the security of its internationalist combatants in Angola," Prensa Latina quoted the letter as saying

Cuba's deputy Foreign Minister Ricardo Alarcon Quesada, confirmed there were about 50 000 Cuban troops in Angola before the withdrawal. About 1 000 have died there in the past 10 years, according to the report from Cuba's Politburo

Western estimates are that 5 000 Cubans have died in Angola - Unita claims that the figure is higher. - Sapa



Fidel Castro... may miss 1991 deadline.



**ANTI-LRAA RALLY:**Part of large crowd of workers who attended a protest meeting against the Labour Relations Amendment Act at UWC this week

MORE than 10 000 people attended rallies organised to protest against the Labour Relations Amendment Act in the Cape this week.

The rallies came on the eve of a landmark workers' summit which is due to take place in Johannesburg this weekend

About 750 delegates from the country's two largest trade union federations as well as from independent unions are expected to attend the summit, where the unions' plans for action against the LRAA will be finalised

In Cape Town, about 3 500 people packed the student centre at the University of the Western Cape on

# Workers urged to take action against LRAA

166 South

24-30/8/89.

Tuesday night for an anti-LRAA rally

They were told by Cosatu's regional secretary, Nic Henwood, that negotiations with employers had been unsuccessful

Henwood said it was important that workers did not repeat the mistake of last year when they stayed at work while the trade union federations negotiated with Saccola

"We know from strike action that bosses only listen to workers when they are faced with action," Henwood said

He said that despite a decision by the National Council of Trade Unions (Nactu) to participate in the campaign, there had been little co-operation from the federation in the Western Cape.

### Build unity

He appealed to workers to take the campaign into their workplaces and to help build unity

"Our fight against Botha's labour law is at the same time a struggle to unite all organisations

"The union is not the office-bearers or the officials, it is you the workers. Unless you are active in your unions, we will not win our campaign or build unity among workers," said Henwood

PE News Agency reports that about 7 000 people attended a joint Nactu-Cosatu rally in Port Elizabeth last weekend

They were watched by a strong contingent of police, but no incidents occurred



Cosatu regional-secretary Nic Henwood

# Workers set to fight Act

WORKERS are preparing to organise action against the Labour Relations Amendment Act (LRAA) at the Second Workers Summit in Johannesburg tomorrow, as part of their campaign to get the "labour bashing" legislation scrapped.

At least 900 delegates from SA's two large black trade union federations, Cosatu and Nactu, and from the independent unions, will attend the summit at Shareworld, near Diepkloof, this weekend.

SA Consultative Committee on Labour Affairs (Saccola) chairman Bobby Godsell told the trade unions last week it would receive the response of the employers' federations to their demands over the Act before the start of the summit.

No response had been received by the unions last night.

The LRAA sparked a three-day worker stayaway — the country's largest ever — in June last year to protest at promulgation of the Act.

At its congress this year Cosatu proposed a week of protest against the LRAA, starting on the first anni-

ADELE BALETA

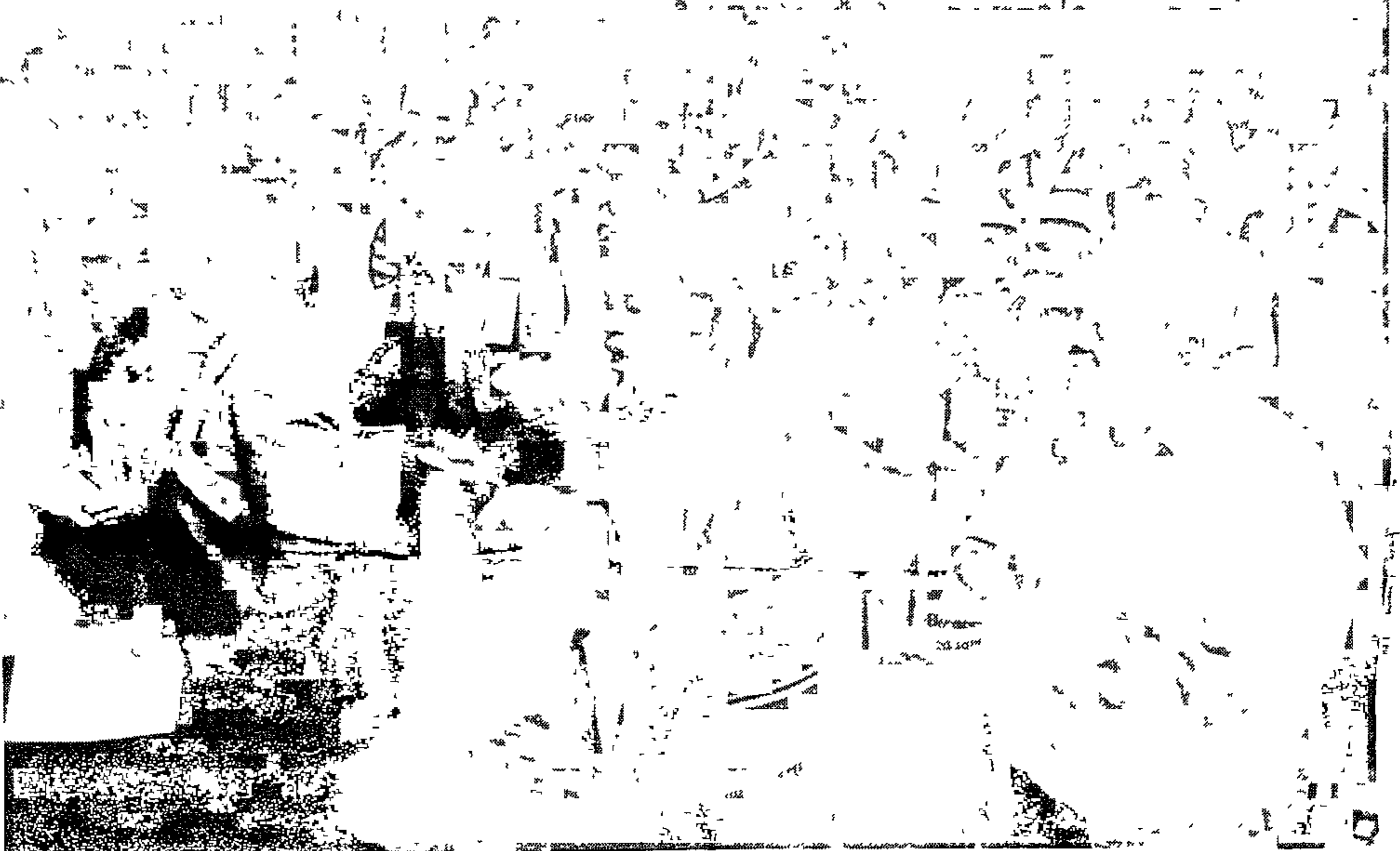
versary of its promulgation on September 1 until the tricameral elections on September 6.

Cosatu spokesman Neil Coleman said yesterday the summit had been called to decide on the nature of the protest. He said workers were committed to the week-long action, which was linked to the MDM's defiance campaign, and Saccola's response was unlikely to stop the action.

*166* *Blown* *Demands 24/89*  
The action would only be halted if the LRAA was scrapped immediately, he said.

The union demands over the Act, sent in a document to Saccola, relate to matters such as the right to strike and picket, dismissals, recognition of majority unions, retrenchments, the use of arbitration in place of the Industrial Court and the inclusion of farmworkers, domestic workers, public sector employees and workers in the homelands under the Act.





Workers at a rally last month prepare for this weekend's summit

By MOKGADI  
PELA

THE GOVERNMENT'S much-criticised Labour Relations Act has, ironically, acted as a catalyst to unite the entire black labour movement.

Power struggles within labour have apparently been forgotten and once-warring factions are now showing a united front. This will be seen at the second Workers' Summit scheduled for this weekend at Shareworld in Johannesburg.

Workers will come from the Congress of South African Trade Unions (Cosatu), the National Council of Trade Unions (Nactu), and independent trade unions

# Worker unity is on the horizon

*Sowetan 25/8/89*

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Following the legalisation of black trade unions, as a result of the recommendations of the Wiehahn Commission in 1979, the question of unity

has been the most pressing issue facing them

Attempts at unity date back to 1981. There were the talks between the Council of Unions of South Africa (Cusa), the Federation of South African Trade Unions (Fosatu) and the Azanian Confederation of Trade Unions (Azactu) five years later.

Instead of achieving unity, however, three streams became identifiable. These were Cosatu, which was later to adopt the Freedom Charter, Cusa, which seemed politically non-aligned, and Azactu which was oriented towards the Africanist and Black Consciousness schools of thought.

In 1986 at Broederstroom a new baby was born when Cusa and Azactu merged in what was to be known as Cusa-Azactu and later Nactu.

The LRA resuscitated joint action by Nactu and Cosatu, as demonstrated in the protest by the two federations which saw black workers staying away from work for three days in June last year.

There is still suspicion, mistrust and fear of one another in these unions. It is therefore not surprising that one of the issues on the agenda this weekend will be "the building of working class unity" which will involve analysis of why unions are divided.

Labour expert, Mandla Seleane, once said "Black workers are divided firstly because the Government wants it so. It suits our rulers when we scratch one another instead of concentrating on what matters."

He said it was only through practical involvement with one another that suspicions would dis-

appear and workers would acknowledge each other's right to exist.

The Workers' Summit and joint campaigns against the LRA could one day give birth to one federation. When the first summit took place in March Nactu did not attend officially. Eleven of its affiliates differed with the mother body and ended. This time round Nactu's representation will be complete as the entire federation will be attending.

This weekend's summit will probably deal with some of the recommendations of the first one. Among those were the call on workers to formulate their own LRA, find ways of not using the Industrial Court and to make recommendations on demands to SACCA and other employer organisations. The demands were to include the right to strike and picket; recognition of majority unions, the right to sympathetic strikes and the right of unions to challenge dismissals made without proper hearings.

There has also been talk of the summit taking a decision on "sustained action". It is not clear whether such a decision would "action" to coincide with the elections on September 6.

Also in line with the recommendation of the first summit, 20 representatives of various political organisations will attend this weekend's event with a speaker from each ideological tendency addressing the workers.

This summit might just be the dawn of the unity that has been eluding the trade union movement for a long time.



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# Labour Act: Once a safeguard, now a 'tool of oppression'

WHEN a supreme court judge this year described the Labour Relations Act as a "pernicious" piece of legislation, he may not have realised just how prophetic his words might be

"Its (the LRA's) meaning is unclear and its effect is uncertain," said Mr Justice Curlewis "In other words, the resolution of any particular problem that comes before the industrial court will depend entirely on the length of the chancellor's foot"

That pronouncement, from a judge who is not well known for making radical statements, came as unexpected support for trade unions which have long warned that arbitrary amendments made to the LRA last year would have the effect of undermining industrial harmony.

This weekend those unions, who represent some two million workers, will rally in Johannesburg to put the finishing touches to a programme they say has been devised to "defy and demolish" the law.

And labour lawyers this week warned that, instead of laying a bed-rock for sound labour relations, the changes to the Act have already begun eroding country's system of col-

While union leaders are planning their campaign against the amended labour law, lawyers warn that the Act is eroding the system of collective bargaining. By EDDIE KOCH

lective bargaining

Said one attorney "The nature of the amendments, together with the way they have been put into practice by management and the courts, leave no doubt that they were designed to kick the hell out of the unions"

Labour lawyer John Brand reached a more considered — but very similar — conclusion in a paper presented to a seminar on industrial relations in Johannesburg last week

The original Act, passed after the Wiehahn Commission's recommendations 10 years ago, had managed to stay scrupulously neutral between capital and labour and had earned the grudging respect of even the most militant unions, Brand said

But because of changes enacted in terms of the Labour Relations Amendment Act in September last year "a

once worthy statute has been transformed from an instrument of neutral regulation into one of oppression"

The law lays down a rigidly defined code of unfair labour practices. These dilute the procedures employers were obliged to follow before sacking workers, they emasculate protections that workers had won against victimisation during lay-offs; and they dispense with the worldwide principal that "last in first out" is the best way to select employees for retrenchment.

"Boycotts are forbidden — not even that most innocuous species of collective action, the canteen boycott, escapes the net. Forbidden too, at a stroke, are secondary, sympathy and intermittent strikes"

Such provisions, says Brand, make government claims that the law protects both employers and labour "like the laws of Paris in the famous aphorism, preventing rich and poor alike from sleeping under the bridges of the Seine"

However, a more damaging feature of the statute is the way it has been used by employers to undermine collective bargaining and to heighten conflict on the factory floor.

Under the new law, parties can now apply to the industrial court for urgent interdicts against industrial action, even if a union has followed procedures required to make a strike legal.

These can be granted *ex parte*, without the union even being present to state its case, and the industrial court has been lavish in awarding them.

"The industrial court," says Brand, "has tended to ignore the fact that in a market economy an inability to ultimately resort to industrial action, whether in the form of a strike or lockout, makes collective bargaining a hollow and ineffective institution. The consequence of this is an inevitable resort to industrial action particularly of the wildcat variety"

When the Act was first passed, unions complained most vociferously about a clause which allows employers to sue for production lost during a strike — and places the onus on the union to prove its innocence. However, although there have been some threats of litigation, employers have not made much use of these powers

But the mere presence of the clause in the statute has had the effect of drumming up industrial strife

## Summit to plan worker reaction

ABOUT 900 trade union members and political activists will attend the workers summit in Johannesburg this weekend to devise a plan of action against the Labour Relations Act.

The one-million-strong Congress of South African Trade Unions has already resolved, at its congress in July, to mount a week of protest against the law to coincide with the general elections.

The federation will be joined by the National Council of Trade Unions and a number of independent unions.

At their first summit, the coalition of unions promised protests and strike action if employers did not make "significant progress" in meeting their demands around the law.

These included calls for the right to strike without fear of dismissal; recognition of majority unions and no attempts to foster minority unions; the right of workers to stage strikes in sympathy with other employees; negotiations over plans to retrench and use of the "last in first out" principal during lay-offs.

Although a number of meetings have taken place between the labour alliance and the South African Consultative Committee on Labour Affairs since April, the

By EDDIE KOCH

employer organisation responded formally to the union demands late on Wednesday.

Given the lack of progress in negotiations, it is probable that the unions will go ahead with their plans to stage a mass protest in early September.

The precise form that the action will take is likely to take up most of the discussion at the summit.

But prior to the summit a number of unions have been discussing the possibility of more active forms of protest: sit-in strikes, worker marches and placard demonstrations.

The summit will be attended by 20 observers from each the main extra-parliamentary political groupings in South Africa. These are: the mass democratic movement, the black consciousness movement, the Africanist movement and the unity movement.

Each of the three union groups will send 250 delegates. These will all be rank-and-file workers and officials will not be allowed to address the gathering or vote on decisions taken.

# Focus on Workers' Summit

TRADE union interest this weekend will be focussed on the Workers Summit in Johannesburg

There is a dual significance to the event it's probably the first major gathering of unionists in which officials will play no part, and is also a strong indicator of the desire for a united approach to issues among groups which have often been in severe ideological and physical conflict

About 750 delegates are expected to attend, representing about 2,5 million workers from unions in the Congress of South African Trade Unions (Cosatu), the National Council of Trade Unions (Nactu) and a group of independent unions

Also attending will be delegates from the United Democratic Front, the Black Consciousness Movement, the Pan-Africanist Movement and the New Unity Movement

Each of the four political tendencies will be speaking at the opening and are expected to give unqualified support to the summit and the campaign against the Labour Relations Act

Main topic on the summit's agenda will be plans for action over the Labour Relations Amendment Act (LRAA) Allied to this will be discussion on building working class unity and state action against unions and unionists

Unionists see these issues as inter-related

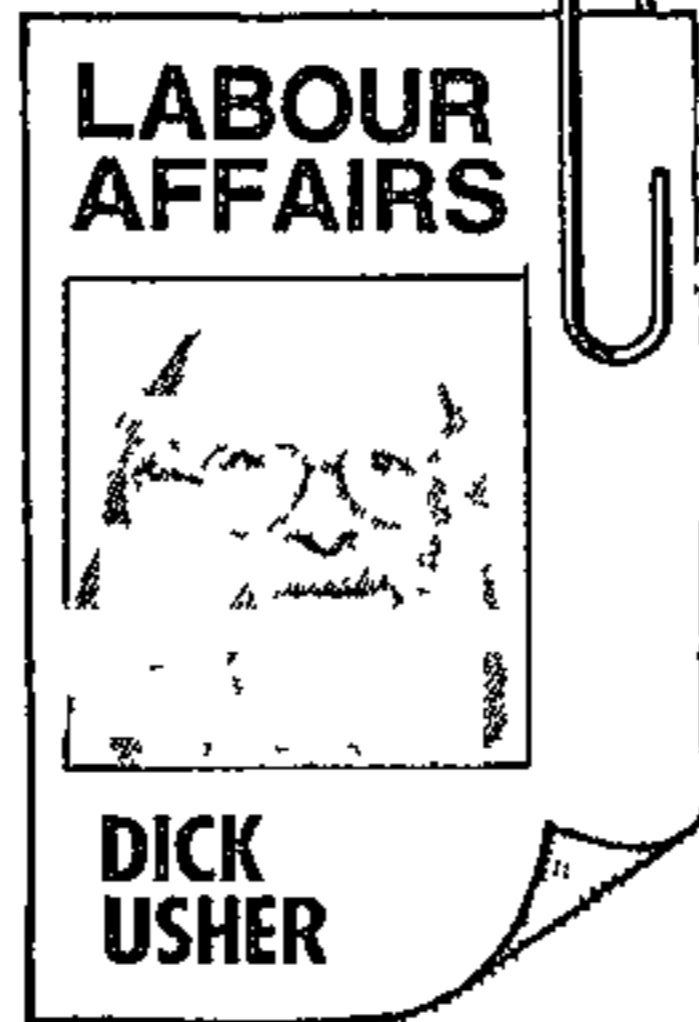
The Act is seen as an attack on gains made by workers in the past decade and on the organisations they have built up Because this is viewed as an attack on the working class in general, class unity is necessary to combat it and hence the summit has drawn in as many representative organisations as possible

At the same time, action by the state, such as detentions of unionists and community leaders and restrictions on Cosatu and its allies, such as the UDF, are seen as working in conjunction with the legislative measures

Other actions by unknown elements such as the bombing of Cosatu House, the bombing of Community House, burglaries and vandalism at union offices are viewed as further attacks on the workers' movement.

The growing consciousness of unity was assisted by the passage of the Act because, together with restrictions on Cosatu, it helped bring home an awareness that the matters which divided worker organisations were less important than those which united them

The past few weeks have been marked by a series of activities round the LRAA campaign, including balloting on support for planned action and a series of rallies in centres around South Africa





# Heavily armed cops watch union summit

By **CONNIE MOLUSI**

SCORES of heavily-armed police descended on Shareworld in Johannesburg during yesterday's meeting of major black trade unions there.

Although a police order restricted discussion to the Labour Relations Act and allowed only union-affiliated people to attend, about 800 delegates from the Congress of South African Trade Unions, the National Council of Trade Unions, and independent labour organisations were present.

Police armed with shotguns and teargas barricaded two exits from the meeting place.

They also filmed the proceedings.

A joint statement by Cosatu, Nactu and independent trade unions, condemning the restrictions, said: "We want to tell the Commissioner of Police and Minister of Law and Order they will not intimidate workers. On the contrary, it makes us more determined to press ahead with action against the Labour Relations Act until it is scrapped."

Sapa reports that Nactu's James Mndaweni told delegates: "We are determined to crush the Labour Relations Amendment Act."

## The era of baasskap over, says Barayi

"We are also going for the final goal - that of total liberation of our country and people."

He said the outcome of the September 6 elections was irrelevant.

"The concept of negotiations between the PAC, ANC and government is on, regardless of which leader takes control."

Cosatu's Elijah Barayi said the summit ushered in a new era in the struggle against racism and bigotry.

"We say to Mr FW de Klerk: your era of baasskap is now over, we will now impose an era of peace and stability in our country."

Meanwhile acting State President FW de Klerk said at the opening of the Pretoria Show yesterday that without peace, stability and law and order, economic growth would be impossible.

A riot situation would not be allowed to arise, he warned.

While the table for peace was laid in SA, the

ANC and PAC alliance had instructed a UDF and Cosatu delegation to Lusaka to create an atmosphere of unrest until the election, Law and Order Minister Adriaan Vlok told a police generals' meeting in Pretoria yesterday.

This was to enable the ANC to force government to hold talks on ANC conditions, he said.

Lives and prosperity would be protected with the forces at government's disposal, he added.

In a statement from Harare, the ANC condemned government's crackdown on anti-apartheid opponents and said Pretoria had declared war on peacemakers.

Meanwhile, police said two people died in unrest incidents on Friday.

A delivery driver was killed at Gugulethu when his vehicle was set alight.

At Nonzwakazi, De Aar, an 18-year-old youth was shot dead by police when six people stoned police, the report said.

Two bombs were found in the ceiling of a University of Natal residence yesterday, police said.

University maintenance staff found two large coffee tins containing explosives, timing devices, detonators and batteries, police said.

City Press 27/8/89

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# Workers 166 lauded

THE exiled Pan Africanist Congress yesterday lauded the worker summit taking place at Shareworld Johannesburg, saying the deliberations would have a strong bearing in changing the situation in South Africa.

In a message to the summit, the PAC's secretary for labour, Mr Lesaona Makhanda, described the talks as "timely in view of the crisis created by the regime".

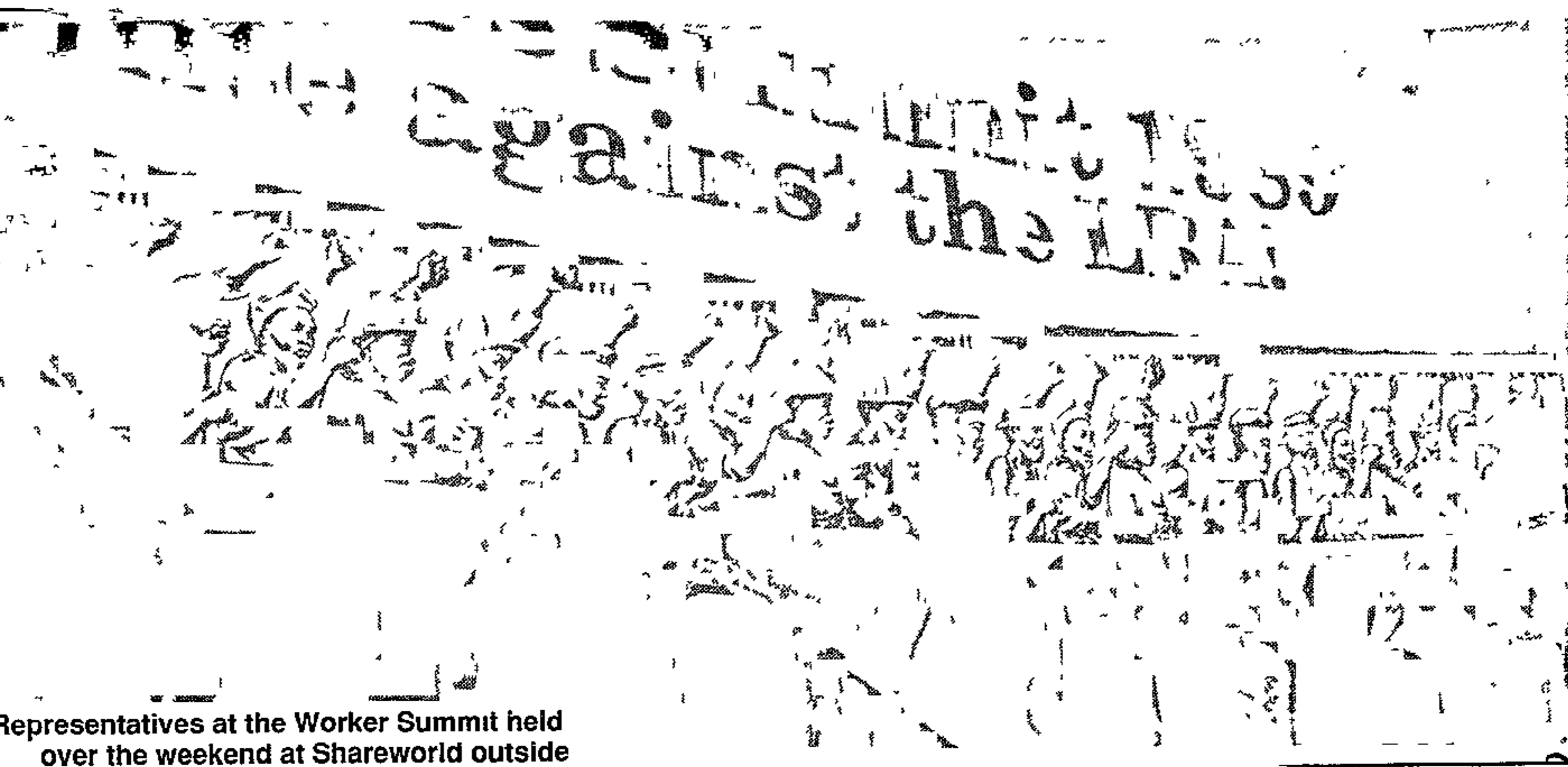
Dealing with the Labour Relations Amendment Act, which the unions contend severely curtails workers' rights, Mr Makhanda said the legislation threatens the existence of labour federations as the voice of the workers.

## *Sonnet 2/18/89* Police

In another statement of support, the Black Consciousness Movement of Azania (BCMA) said it noted the provocative presence of the police despite law and order not being under threat. The movement said it wished to reiterate its support for the realisation of the aspirations of the black working class as the presence of police perpetuated what they described as "bosses' interests".

Sowetan 28/8/89 (166)

Representatives at the Worker Summit held over the weekend at Shareworld outside Soweto.





# Sept 6 stayaway anticipated

Own Correspondent

JOHANNESBURG — A range of employers said yesterday they were anticipating anything up to a three-day work stayaway leading up to election day, September 6

This follows the weekend worker summit which was prevented by restrictions from discussing details of what the July Cosatu congress termed a "week of action" against the election and the Labour Relations Act.

Anglo American director and Saccola chairman Mr Bobby Godsell said he hoped the unions would keep separate planned actions against the act and the elections respectively.

Consultant Mr Andrew Levy said employers were expecting stayaways and demonstrations. Most had taken the attitude that it was "expected and par for the course", although smaller employers were more likely to react strongly.

*24/8/87 (20/11/87)*  
A retail group spokesman, who asked not to be named, said his company was expecting a "two or three day stayaway" up to and including September 6. However, he stressed, this was speculation.

He expected mass dismissals as had occurred after the June 1988 stayaway. "But maybe some will be more relaxed and understanding given the wider political context" of the anticipated action, he said.

Toyota personnel director Mr Theo van den Bergh, recalling the two-day stayaway at the 1987 election, said it would be "unrealistic" not to anticipate a repeat next week.

• A Vereeniging magistrate yesterday prohibited a planned meeting of shop stewards representing Cosatu, Nactu and independent union affiliates scheduled for last night in the town.

THE conflict between companies and unions or rather managements and employees is an inescapable ingredient of the workplace

It should be resolved by management and workers themselves on the shop floor without any State interference

This is the assertion of Professor Clyde Summers a Pennsylvania University academic presently visiting this country

Any government intervention in the interface between management and unions exacerbated conflict, he said

"Any dispute resolution procedure must take place at plant-level because failure to do this will result in the dispute being resolved by strikes Summers told more than 300 delegates attending a conference on labour law in Durban at the weekend

The conference whose theme was "The Private Regulation of Industrial Conflict" was attended by representatives of management and trade unions

At issue was whether private regulation of labour conflict should not be encouraged to keep State interference at bay

Union delegates and some labour lawyers saw the controversial Labour Relations Amendment Act (LRA) as an example of government intervention

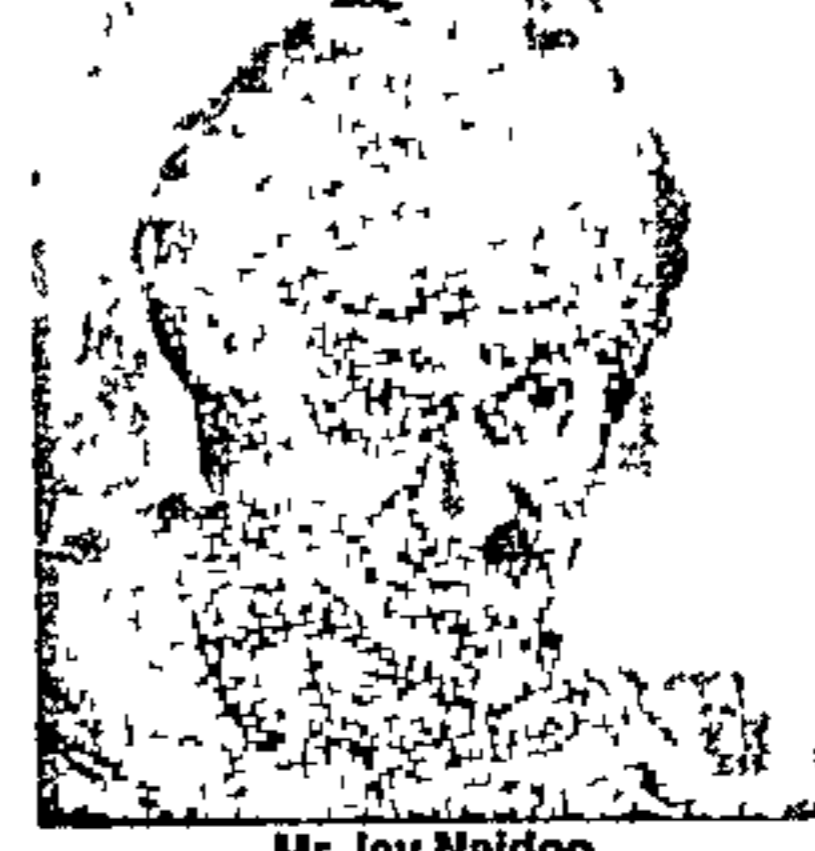
The American professor warned against having decisions of adjudication reviewed by courts or judges 'who know nothing about the workplace issues

To avoid this, unions and management had to design their own dispute resolution procedures

2 views about politics on the shop floor



Mr Peter Wrighton



Mr Jay Naidoo

# Leave bosses and unions to fight it out, govt is urged

Sowetan 4/8/89

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By LEN MASEKO

the latter, Fourie said.

Although there was a natural conflict of interest between management and workers delegates felt that the two parties could pursue their relationship - or disputes - on their own through mechanisms such as mediation arbitration the industrial council system and the Industrial Court

## Disputes

But doubt was raised at the viability of resolving disputes through such methods as the Industrial Court mediation and arbitration

Trade unionist Mr John Copelyn said debate in union circles centred on whether they should choose the court or private arbitration to resolve the disputes of rights

Calling for the privatisation of the Industrial Court Copelyn said "criticisms centre on the fact that we have no influence whatsoever over appointments to the court and that appointments are perceived to be of people who are of low judicial

industrial relations questions"

He said. "More often, arbitration will be less attractive where a particular dispute is only one manifestation of a much wider and longer-term conflict between parties in which their interests or rights are being advanced by a more complex set of strategies and tactics than those which are evident from any single dispute

"Unions and employers will tend to shy away from the arbitration of a particular dispute where this will project unfavourably into these strategies" Brown said.

## Politics

He said the very certainty of arbitration in such situations was a major factor causing parties to reject it

There seemed to be increasing resentment in the employer circles on being inundated with what they termed as "the political agenda" on the shopfloor While they conceded that there were political problems in this country, employers believed shop floor issues should be separated from the political ones

Premier group chairman Mr Peter Wrighton said although he understood why unions were tackling both labour and political matters, the labour movement should understand that businessmen held divergent political views

Cosatu's general secretary Mr Jay Naidoo, said unions would continue to confront managements with both labour and political demands because there was collusion between the State and business

This collusion he said had resulted in the promulgation of the LRA which sought to crush unions



Smith 3/18-8/9/89

SQU



**TENSION:** A heavy police presence marked the recent Workers' Summit in Johannesburg

AS the defiance campaign gained momentum throughout the country, South Africa's two largest trade union federations together with independent unions met in Johannesburg last weekend.

The workers' summit was convened to orchestrate organised labour's protest against the Labour Relations Amendment Act (LRAA).

And it showed the determination of the progressive trade unions to fight the LRAA described by one unionist as "the greatest threat to the gains won by South African workers yet".

The summit also indicated how the threatening alliance of state and capital has encouraged a growing co-operation between workers from different traditions and tendencies.

#### Advance

The 800 summit delegates displayed T-shirts and banners bearing the insignia of unions which have previously been deeply divided in terms of ideology and approaches.

The presence of Nactu was in itself a significant advance from the situation

## 'A step towards unity'

in February, when the federation pulled out of the first workers' summit at the eleventh hour on the grounds that it needed more time to discuss the issue.

Observers thought this decision was linked to the fear of the Africanists who dominate the federation's leadership, that they might lose the one legal base which Africanism has within South Africa.

Eleven unions defied the federation and attended anyway, as did several workers from other Nactu affiliates.

Nactu's flagship, the Media Workers' Association of South Africa subsequently reversed its position and came out in favour of attending the summit.

The presence of the Nactu delegates this time around indicates how the federation's leadership had to climb down when faced with a storm within its ranks.

#### Mobilising

Meanwhile, Nactu has been working alongside Cosatu in mobilising against the LRAA. This co-operation has extended beyond that which occurred last year with the three-day stayaway.

Nactu leaders have appeared alongside Cosatu speakers at mass rallies and the federation has participated in joint committees to strategise the campaign.

In the Western Cape this co-operation has been sketchy, verging on non-existent. But this is probably linked to the internal problems which the federation has in this area.

Similar problems have emerged within the weaker Cosatu affiliates where the level of mobilisation has not been strong in all regions.

The establishment of a joint co-ordinating committee at the summit is indicative of the way in which the anti-LRAA campaign is building unity in action.

Delegates to the summit said that they were able to talk to each other and that they saw this as the first step towards a united labour movement.

The absence of officials at the summit helped this process by excluding the rivalries that characterise relationships between many officials.

But unity is more than just speaking to each other or working alongside one another.

There remain serious ideological differences between the various groups which mean that Cosatu's dream of a single federation will not be achieved overnight.

Nevertheless the anti-LRAA campaign is a move towards realising that dream.

(Comment by C Carter, of 95 Sir Lowry Rd, Woodstock.)

## Exiled union salutes summit

INTERNATIONAL labour movements including the exiled South African Congress of Trade Unions (Sactu) supported the historic workers' summit held in Johannesburg.

Sactu extended greetings to what it described as a "momentous workers' summit".

The 200 000-strong Union Communication Workers of Great Britain said in a message "Your summit marks another major step forward for black workers and we confidently expect the day will soon come when your struggle will be triumphant and there will be justice, democracy and equal rights for the people of South Africa".

The 400 000 strong Union of Shop, Distributive and Allied Workers (USDAW) based in Manchester, also sent greetings of solidarity and encouragement for the success of the second workers' summit.

The National Union of Teachers, representing 180 000 teachers in England and Wales, also supported the convening of the second workers' summit.

The Amalgamated Engineering Union (AEU), the biggest British manufacturing trade union and an affiliate of the International Metal Workers Federation, IMF in London, also sent fraternal greetings to delegates who attended the summit.

Other messages of solidarity came from the Azanian National Youth Unity, the National Graphical Association (NGA) in the United Kingdom, the Society of Telecom Executives based in Middlesex, the Inland Revenue Staff Federation in London, The Fire Brigades Union in London, the ISS Labour Committee (University of Natal), the Association of Democratic Journalists (Johannesburg), the Black Consciousness Movement of Azania in Harare, and from the Northern Transvaal People's Co-ordinating Committee.





Delegates at the historic Workers' Summit defied the restrictions imposed on them by displaying banners, chanting slogans and singing freedom songs

# Militant mood marks summit

DELEGATES at the historic workers' summit in Johannesburg last weekend committed themselves to peaceful ongoing protest action against the Labour Relations Amendment Act

After the meeting, delegates emphasised that though the constant police presence might have prevented the summit from finalising details of the action the commitment to action had not changed

This follows Cosatu's recommendation to the summit that all progressive trade unions undertake a week of protest action during this period

The most likely form such protest action will take seems to be a two day stayaway probably at the beginning of next week

Scores of police descended on the summit which took place at Shareworld near Soweto

They were met by a crowd of about 800 delegates representing 2.5 million workers. The delegates had come to the summit to map out a new strategy against the controversial LRAA

### Racism and bigotry

In his welcoming address Cosatu president Elijah Barayi said the summit ushered in a new era in the struggle against racism and bigotry

'We say to Mr FW de Klerk Your era is now over We will impose a new era of peace and stability in our country'

Nactu president James Mndaweni said that it did not matter what the outcome was in the September 6 election

The election is unimportant to us as the De Klerk-Malan military clique will still oppress us

The concept of negotiation between the PAC ANC and the government is just not on regardless of which leader takes control We believe our struggle must continue unabated, said Mndaweni

During the summit police dressed in protective clothing and armed with shotguns and teargas dispensers barricaded two exits from the arena where the summit took place and a police video team filmed both the speakers and the crowd

### Restriction order

A confrontation was avoided when the general secretaries of Cosatu and Nactu successfully persuaded police not to enter the arena and dispersed the chanting and singing worker delegates

Tensions continued to run high throughout the two day conference

Last Friday the Commissioner of Police issued a last-minute restriction order on the summit

Non-union members were barred from attending, discussions were confined to the LRAA campaign, the meeting could only be held between 9am and 5pm, and no flags banners stickers or pamphlets not related to the Labour Relations Act could be distributed

The delegates defied the stringent restrictions by displaying huge banners waving placards, chanting political slogans and singing freedom songs

On Saturday night the Rand Supreme Court dismissed an application by Cosatu and Nactu for an order barring police from the summit

In a strongly worded resolution the summit noted that employers continued to use the offensive clauses of the LRAA to undermine rights which workers had won over the years

The delegates said the government was committed to a campaign to harass the militant trade union movement in an attempt to curb worker activities

(Report by M Badela, of 52 Simmonds St, Johannesburg)

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Hundreds of delegates attended the workers Summit at Shareworld at the weekend to map out strategies against the Labour Relations Act

# UNHAPPY BIRTHDAY

## Unions united against Labour Relations Act

One objection the feature of the new law is that an interdict can be granted even without applying the *and ultra vires* rule (both sides of the story being heard)

Another feature is that which allows employers to sue unions for loss of production as a result of industrial action

Unions have also complained that the 50 percent plus one rule which applied for union recognition has since been eroded by the new legislation. Today the Act speaks of any number

If this situation persists it would mean that many unions could organize workers in the same company and these could be used to break union strength

The resolutions at the two workers summits showed the brick labour movement was determined to fight until the act was scrapped or the controversial sections were removed

Judged by the increased militancy of black workers against the attitude of the Government and employers, it seems the first anniversary of the LRA which today will soon be followed by interesting developments in both the labour and political fields

**THE controversial Labour Relations Amendment Act - which is one-year-old today - may have been intended to curtail trade union power but instead seems to have united workers across ideological boundaries, thereby increasing their power**

The two Workers Summits one on March 4-5 and the other last weekend brought rival labour federations Cosatu and Nactu together demonstrating the potential power of labour which the LRA might not be able to curb

Initially some employers thought the LRA favoured unions through such instruments as the Industrial Court which they perceived as passing questionable judgments

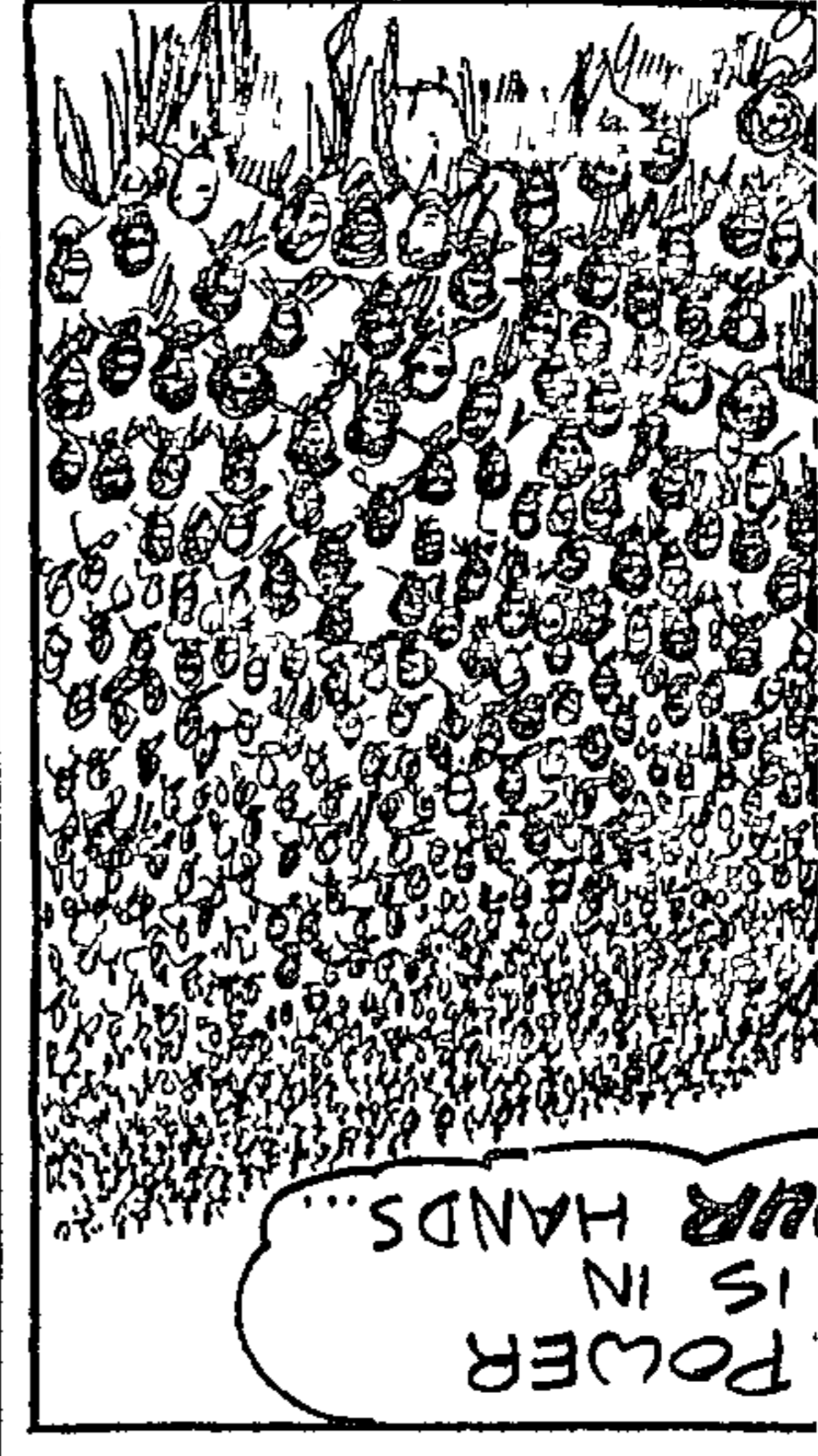
After subsequent amendments made to it employers welcomed the law enthusiastically hoping that unions would no longer be in a position to flex their muscle as freely as they had done in the past

The new law is likely to bring employers more shop floor problems than they have experienced before

As is presently the case political issues which management insisted should not be mixed with labour issues have now featured a few times in negotiations with the South African Consultative Committee on Labour Affairs (SCLA)

Both labour federations protested against the legislation when it was introduced

**By MOKGADI PELA**



**Bosses can sue for lost hours**

**Interdicts**

In June last year there was joint action by both Nactu and Cosatu which saw black workers staying away from work for three days

Stecola was in fact given an ultimatum reject the LRA or face industrial action on a national scale

The new law forbids sympathy strikes

Another feature of the law is the way it has been used by employers to determine collective bargaining

Under the new law parties can now apply to the industrial court for urgent interdicts against the industrial court for industrial action even if a company and these could be used to break union strength

Political comment in this issue by Aggrey Klaaste and Joe Thlooe Sub-editing, headlines and posters by Sydney Mathuku. All of 61 Commando Road Industria West Johannesburg

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**A mood of defiance**

The restrictions placed on last weekend's second Workers' Summit — which was watched over by the police — effectively quashed any notion of issuing direct political protest calls by the unions (which form part of the MDM)

Arguing that "September 6 represents the continued state of repression of the oppressed and that community and political organisations are prone to taking protest action," the summit declared that its members "seek an urgent consultation with all political and community organisations to formulate a joint programme of action in opposition to State repression"

Union sources, asked about a rumoured work stayaway to protest against the election, say they do not rule out "any possibilities," adding "It is up to the workers and the community to decide" So factory demonstrations and other forms of traditional worker action in the run-up to voting should not be ruled out

A draft resolution on "State repression against the union movement" said, among other things "our members will continue to intensify our struggle against all forms of repression, exploitation and oppression from whatever source. campaign for the release of all detainees, political prisoners and the lifting of the emergency and for a democratic and united SA"

The summit was nearly halted when a union official refused to provide a security man with an electric socket for his video equipment. The official said the unions were

paying for the electricity and that the police should find and pay for their own The atmosphere at the venue at Shareworld grew dangerously tense at times Union sources claimed that the police served the MDM well by having a unifying effect on delegates with sometimes deep ideological differences

The summit, claiming that "Saccola and other employers continue to delay negotiations on the demands of the unions," also resolved to "continue to mount a campaign of non-violent peaceful protest against the Labour Relations Act," even though it agreed to "continue negotiations with the employers" and to "monitor the progress made with employer organisations"

Regarded as an achievement is the fact that the summit saw, for the first time, unionists who work in the same industrial sector sit down to make policy jointly The resolutions were drawn up after the 500 delegates broke into groups representing particular sectors (such as food, transport and mining)

According to Cosatu, the summit represents a new degree of maturity and self-restraint in the labour movement Another summit focused on building unity is planned



DESPITE THE BEST EFFORTS OF THE STATE, UNIONS FROM ACROSS THE SPECTRUM HOLD A SEMI-CLANDESTINE SUMMIT

**M**IDWAY between Soweto and Johannesburg there is a place called Shareworld where people from the black township and the white city are meant to meet and build bridges together

Last weekend the entertainment complex, which has a Mediterranean facade and a false ocean next to an abandoned mine dump, provided a bizarre backdrop for a strange encounter between black workers and the police

A coalition of trade unions had hired a hall at Shareworld as the venue for a worker summit to devise a programme of action to fight and defy the country's controversial labour law

But in the early hours of Saturday morning a convoy of yellow troop carriers pulled up next to the artificial beach and unloaded hundreds of policemen.

By 9am, when the first busloads of workers arrived, the parking lot had been turned into a bivouac and the arcade inside the centre was bristling with men in blue uniforms armed with R1 rifles, sten guns and teargas grenades

A colonel informed union leaders that restrictions had been imposed on the meeting: no flags, banners or

## Beside the fake sea, a war of wits by cops and workers

stickers, no speeches that did not deal with the Labour Relations Act no person who was not a member of a trade union, and no talking — or singing — after 5pm

Chris Dlamini, vice president of the Congress of South African Trade Unions (Cosatu), refused to read the order to the assembled workers and informed the officer that, as the order was drawn up by them, the police should read it out

The colonel declined and, with the restrictions unannounced, the meeting began. In his opening address, James Mndaweni, president of the National Council of Trade Unions (Nactu), set the tone by calling for the "armed struggle against the racist regime" to continue

Meanwhile labour lawyers tried to negotiate for the armed contingent to leave the premises. The two legal teams locked in earnest talks, shuttled up and down the passage outside the hall before an agreement was reached. If there would be no more defiance, the police would withdraw to their base in the parking

*Long before the first busloads of workers arrived at the worker summit last week, armed police had installed themselves in the parking lot. But thanks to a crafty combination of legal and tactical manoeuvres, the workers still managed to hold their meetings right under the noses of the law*

**EDDIE KOCH reports**

lot. But their attorney, accompanied by four men to protect him and two others to operate a video camera, would stay behind to monitor proceedings

At previous meetings the unions always came with their lawyers and their legal arguments and this was unfair as we are not lawyers ourselves," said Captain Eugene Opperman, police liaison officer, after the meeting. "We have now decided to field advocates in situations where

Emergency laws might be challenged by legal means"

While the legal bargaining restrained the police and created some breathing space for the unions, it also presented worker delegates with a thorny problem

Union office bearers had presented to the summit the results of ballots that had been held at factories around the country. The report said some 250 000 workers voted in favour of action against the law and it was now the urgent task of the house to decide what form this should take

But how to do so beneath the watchful eyes of the video camera and the band of policemen, who by now had found a corner for themselves in the gallery above the hall?

While union lawyers were busy applying for an urgent order from the Supreme Court to remove the police, worker leaders came up with an inventive tactic

In order to contain ideological splits between the Cosatu, Nactu and independent unions, a joint planning committee had, from the start, stipulated

that only rank-and-file workers could take part in debates and that all union officials would be excluded

The organisers had also planned, on the second day of the rally, to disperse the union delegations into eight smaller groups according to the economic sectors they organise in. This was designed to create solidarity across unions and promote detailed discussion about resolutions due to have been tabled on the first day of the summit

Instead, the organisers decided to adjourn the mass rally and to split into small units on day one. The groups met in different parts of the complex. Each elected a chairperson and a "scribe" to minute the discussions while other delegates acted as go-betweens to ferry messages and suggestions between the sectors

The police, unable to film eight different meetings at once and clearly unenthused by the low-key tone of the discussions, appeared to lose interest

Besides, their officers had gone off to contest the court application and someone had brought along a portable black-and-white television set to monitor a different event: the first rugby test between the Springboks and the International 15

White policemen, some of them with rifles and gas masks still strapped to their bodies, crammed into a small office next to the meeting to watch the game. If the South Africans win this one, I think we'll be safe," quipped a union official. Black members of the force lined up with workers at fast food outlets in the arcade or rubbed shoulders with them at the urinal in the men's toilet

Before the 5pm deadline on Saturday, Mndaweni announced the chairpersons and scribes from each sector should form an impromptu co-ordinating committee that would meet that evening "without the company of our uninvited guests" to draft a joint set of proposals

After another wrangle with union officials, the police allowed the workers to stay on the premises beyond the 5pm time limit — "as long as there is no singing" — so that they could collect their take-away meals before boarding buses to the hotel

Meanwhile back at the supreme court, police showed their film of Mndaweni's speech in order to counter union claims that the police presence was obstructing a bona fide meeting. Mr Justice Leveson ruled the police had good reason to suspect the restrictions on the summit would be violated and dismissed the application with costs

But by that time the vital debates had already taken place and, in any case, the judge ruled that the summit could continue between 9am and 5pm on the next day

On Sunday morning, with a much smaller contingent of police present, the workers reconvened in sectors. Couriers bustled between each discussion group and by lunchtime, a few hours ahead of schedule, a sophisticated programme of resistance had been thrashed out

The scheme included plans for talks with employers and a protracted set of strikes, demonstrations and overtime bans to back union demands. The official press release after the summit did not reveal any details, saying only that a "peaceful" and "sustained" programme of protest against the law had been devised

By a crafty combination of legal measures, tactical retreats and open defiance, the unions had thus successfully devised a set of tactics right under the nose of the security police

In addition these decisions had emerged from an intensely collective process, making it difficult for the authorities to victimise any particular individual or group for the action

Whether the unions will successfully carry out their ambitious scheme remains to be seen. What they have already demonstrated is a remarkable ability to respond creatively to the adverse — and bizarre — conditions that exist under the State of Emergency



A strange encounter. Police came dressed for battle but the workers out-talked them

Picture ANNA ZIEMINSKI, Afrapix

LAST weekend's summit resolved to oppose the Labour Relations Amendment Act and intensify the struggle against state repression

Workers also discussed united action against the LRAA and the building of working class unity

About 750 delegates from the Congress of South African Trade Unions and the National Council of Trade Unions attended. A number of independent trade unions were also present

Despite the large police contingent, the summit endorsed a number of resolutions including

● Mount a campaign of peaceful protest against the LRAA and to sustain such action until workers demands were met

● "Continue negotiations with employers" and "monitor the progress made with employer organisations so as to decide on future action"

● Hold report back meetings for members at local, regional and national structures

● Hold urgent consultation with political and community organisations to "formulate a joint programme of action in opposition to state repression" with regard to the September 6 elections

Working class unity was high on the agenda and the summit committed

## The crucial first steps towards labour unity

itself to holding discussions in industrial sectors at local and regional levels between workers from Cosatu, Nactu and independent unions to discuss forging unity

The national co-ordinating committee was called on to outline objectives and deadlines, monitor progress of discussions and set a date for a summit "focussing on building working class unity"

State repression against the trade union movement was also addressed. Workers resolved to continue to intensify the "struggle against all forms of repression"

Specifically, the campaign against the LRAA would continue, restrictions placed on non-violent mass action would be resisted, and workers would campaign for the release of all detainees and political prisoners and the lifting of the State of Emergency

The police presence at the summit, state monitoring of the summit and the videoing of the proceedings was condemned

Delegates representing the three

main ideological groupings — mass democratic movement, black consciousness and Africanist — attended the summit as observers. They had been invited to address the summit but restrictions prevented non-union members from speaking at the summit

Meanwhile employers have predicted anything up to a three-day work stayaway leading up to next week's election day

Labour consultant Andrew Levy said employers were expecting stayaways and demonstrations in the run-up to the election. He added that most employers believed it was "par for the course", while smaller concerns were likely to "react strongly"

Toyota personnel director Theo van den Bergh said in view of the stayaway around the 1987 election it would be "unrealistic" not to expect similar action next week

Peaceful protest action against the LRAA was also formulated at the summit, which may include industrial action and a ban against overtime

The decisions taken at this second

workers summit reflected a maturity in the way union chose to oppose the labour law

The decision to mount a sustained period of protest rather than a one-off demonstration of strength like the stayaway against the Labour Relations Amendment Bill in June last year, entailed new strategic thinking

While the programme devised at the summit entails some degree of overlap with the defiance campaign the delegates clearly decided the struggle against the LRAA should form a separate and autonomous programme

It is also significant that the unions decided to continue the process of negotiation with the South African Consultative Committee on Labour Affairs, the employer body which represents major employer groups. Some observers believe disagreement among workers would cause unions to abandon this process at the summit

The state clamped down on the labour movement when a Vereeniging magistrate banned the Vaal shop stewards report back meeting

In keeping with the resolution on state repression Cosatu, Nactu and the Orange Vaal General Workers union announced this week they would defy further restrictions placed on such meetings



# Ulundi revives a harsh law Pretoria's scrapped

By CARMEL RICKARD, Durban

ONE of the most controversial laws ever on the South African statute books, recently scrapped after decades of protest, has been re-enacted by kwaZulu, and now forms part of Ulundi's own legislation.

Section 5 (1) (b) of the Black Administration Act of 1927, was used by Pretoria to banish individuals and groups of people to any part of the country on the say-so of the president referred to in the legislation as the Supreme Chief.

"Black spot" removals and the banishment of troublesome individuals were both carried out under this Act, which sparked strong opposition from 1927 when it was introduced until 1986 when it was scrapped.

The act provided that the Supreme Chief could if he "deemed it expedient in the public interest", order any tribe, portion of a tribe, black community or black to "withdraw from any place to any other place". The order lasted indefinitely and could be implemented "without prior notice to any person concerned".

This section, scrapped along with the Influx Control Act three years ago, has now been re-enacted by kwaZulu. The minister of justice, in consultation with the chief minister and the cabinet, has been given those banishment powers vested in the "supreme chief" of Pretoria's legislation.

The new kwaZulu law has the additional proviso that it is effective from March 27 1987.

In a paper written over 20 years ago, David Welsh, then senior lecturer, now professor of law at the University of Cape Town, traced the history of this much hated section

At the time the Act was introduced the then South African Minister of Justice, Tielman Roos, spoke openly about how useful the law would be, "The Supreme chief gets the power in the fullest sense of the word that a chief would have if there was one chief for the whole of the natives. I regard it as of the very greatest importance that those powers should be conferred upon the governor-general, not only in respect of natives who are living under the tribal system, but also over detribalised and exempted natives ... who, in many cases, are the principal agitators in South Africa today. If you have the power to remove them from one place where they do mischief to a place where they do not do mischief, what a useful provision that would be."

He gave a clue as to the circumstances under which the law would be used when he urged MPs not to be "too squeamish" in approving the wide powers of the bill. These powers, said Roos, would be used in a quasi-punitive way in "cases that verge on sedition, but which cannot be proved in a court of law".

Commenting on its re-introduction onto the kwaZulu statute books, Welsh said this week it was "disgraceful" that it should be resurrected.

"How does this square with (Kwazulu's) support for the Indaba bill of rights? It is a glaring inconsistency"

kwaZulu's Justice Department was asked for comment on the re-introduction of the law, but had not replied at the time of going to press



BUSINESS

# Papers reveal employers plan to hamstring unions

STARTLING details of how major printing firms plan to avoid dealing with representative black trade unions by making use of the Labour Relations Act to circumvent collective bargaining have been revealed in documents leaked to the *Weekly Mail*.

Minutes of a meeting of employers in the printing industry, marked "strictly confidential" and leaked by sources in the industry, explain the employer strategies which led to the effective collapse of the national industrial council for the printing industry this year.

Labour lawyers have warned that the amendments to the labour law are making it increasingly fashionable for management to undermine industrial councils, the mainstay of this country's statutory system of collective bargaining, to avoid bargaining with militant unions.

The document examines in detail the implications of an application by the Paper, Printing, Wood and Allied Workers' Union (Ppwawu) to join the industrial council and outlines a sophisticated set of strategies to frustrate the union's operations.

Ppwawu is an affiliate of the one-million-strong Congress of South African Trade Unions (Cosatu).

A section of the document says the consequences of Ppwawu being admitted as a bargaining partner to the council include:

- "Smaller employers at Ppwawu's mercy"
- "National disputes — national strikes"
- "Probability of the Satru (the South African Typographical Union — a less militant union that has been a member of the council for 60 years) hijacked by Ppwawu"
- "Making of political and social demands"

In July this year the employer federation stuck to the letter of the document, giving notice that it would leave the council from January 1990.

The document contrasts starkly with employer claims at the time that they were pulling out because the council was not effective in resolving disputes and that two-tier bargaining, at both plant and national levels,

was becoming cumbersome. Ppwawu has lodged an industrial council hearing to challenge a decision by both the South African Printing and Allied Industries Federation and Satru to refuse the Cosatu union membership of the council. No date has yet been set for the hearing.

The document acknowledges that "the industrial court will admit them anyway" and notes that the best option in the circumstances would be for the employer federation to withdraw from the council — thus effectively making it redundant.

"The collapse of the industrial council will adversely affect some 45 000 workers, many of whom are still unorganised," says Ppwawu national organiser Rob Rees.

"Employers will soon take advantage of the absence of minimum conditions and wages to introduce long hours and reduce the already low wages that exist."

Ppwawu is challenging the decision on the grounds that the move, which will leave the industry without a mechanism for negotiating wages and conditions of employment, constitutes an unfair labour practice. The move also affects vast pension and medical aid funds that are administered by the council for the industry.

No date has been set for this hearing. The employer document notes that the amended Labour Relations Act provides for a method of regulating wages and conditions of employment without having to deal with Ppwawu. "Use section 51 (a) of the LRA on a regional basis to enter Recognition Agreements with Satru and then apply to the Minister of Manpower to promulgate these agreements," it says.

The section of the Act stipulates that where no industrial council exists employers can unilaterally make recommendations for wages and conditions of employment to the minister, who then only has to consult the wage board for the region before gazetting the regulations.

"This is a possibility which has not been fully explored in South Africa yet," says the document. "One thing is certain — the federation cannot and should not negotiate on behalf of members if this route is followed because we could then have regional industrial councils and face the same threat as we do currently."

The employer federation's executive director, CWF Sykes, was not available for comment.

## Documents leaked to the Weekly Mail detail how management in the printing industry set out to undermine trade unions' bargaining power. By EDDIE KOCH and HILARY JOFFE

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But employers' earlier support for the system has turned in some cases to active hostility, Brand says. Industrial councils have declined in number from 103 in 1984 to 95 in 1988. Employers have often encouraged the decline on the grounds that the system is a statutory form of regulation which stifles free enterprise. But, says Brand, too often this is "simply a cloak for an insidious attempt to defeat effective collective bargaining."

The state, too, has "by administrative action assisted in subverting the industrial council system". Brand points out the minister refused this year to promulgate parts of the metal industry agreement — in particular, the agreement between employers and unions that May Day should be a paid holiday.

Brand argues against employers' argument that the industrial council system runs counter to the principles of privatisation and deregulation. "The industrial councils, he says, 'are the fruits of private collective bargaining and the application of the soundest principles of industrial democracy. They are not conditions decided upon by the state and imposed on its subjects'.

"For free marketers the private regulation of wages, working conditions and worker benefits should be cause for celebration not regret," he adds, pointing out that the alternative would inevitably be regulation by the state.

"The question free marketers need to ask themselves is, do they want labour and management to decide on minimum standards for themselves by collective bargaining or do they want a wage board to fix the standards for them," Brand says.

Meanwhile the battle over national level collective bargaining has been waged in other industries this year. It has been a central issue in the dispute between Numsa and employers in the motor industry, where manufacturers have been rejecting union demands for a national bargaining forum.

And earlier this year the industrial council for the hotel industry in the Witwatersrand region collapsed. It had been dominated by Southern Sun group and the Carlton Hotel who felt it was unnecessary to attend the council because they had plant-based agreements with the Hotel and Restaurant Workers' Union (Harwu). Small hotels, who were disgruntled with the kinds of decisions of the council, also broke away.

Now the unions are among the strongest supporters of the system — industry level bargaining has meant many African workers have obtained not only significant wage increases at industry level, but also pension, medical aid, unemployment and other significant benefits.

The National Union of Metal Workers (Numsa) is one such union. It had gone on to the national industrial council for the metal industry reluctantly in 1983 but this year signed the main industrial council agreement for the first time.

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It was Kaizer Chiefs in the second leg of the JPS Cup final yesterday when they beat Moroka Swallows 2-1 in the brand new R90 million First National Bank stadium at Crown Mines - Johannesburg. The Amakhosi won 4-1 on aggregate, having won the first leg 2-0. It was the first game at the stadium, the new home of the National Soccer League. More than 70 000 fans cheered their heroes in an exciting match. Yesterday's goals came from Andries Mpondo (Swallows) and Doctor Khumalo and Shane McGregor (Chiefs). See back page. Pic: MIKE MZILENI

# Police raids as workers protest LRA

By CONNIE MOLUSI

WORKERS countrywide held protests on Friday against the Labour Relations Act whilst police raided the Cosatu and Nactu head offices in Johannesburg.

Cosatu general secretary Jay Naidoo's house was searched for almost three hours. Cosatu staff and members of affiliates were briefly arrested

after demonstrating outside the building

Naidoo said it was "Cosatu's democratic right, in an apartheid society which denies the majority of its people a say in the decision-making structures of government, to speak out and act to advance the political interests of its members."

Cosatu reported that two of its officials, Zwelinzama Vavi and Amos Masondo were de-

tained on Friday

regional congress due to take place today was restricted. Nactu reported that 8 000 of its members demonstrated against the LRA in Transvaal plants and factories

More than 1 000 workers at a Unilever plant in Boksburg, the scene of a police raid on the offices of Nactu president James Mandaweni earlier in the

week, were waving placards.

Cosatu members at three Carlton Paper plants in Rooderpoort, Wadeville and Enstropoort, extended their LRA protest to include a demand for the release of two workers allegedly abducted from the Rooderpoort plant by suspected white right-wing men

South African Coordinating Committee on Labour Affairs

(Saccoff) spokesman, Bobby Godsell, said there were peaceful protests at a number of companies. He said Saccola was waiting for the response of Cosatu and Nactu to a Saccola proposal on the LRA

The Steel, Engineering Industry Federation of South Africa (Seifsa) said there were peaceful protests at about 20 companies

PEOPLE AT THE TOP  
ARE ON THE MOVE  
SEE PAGE 17

MANPOWER  
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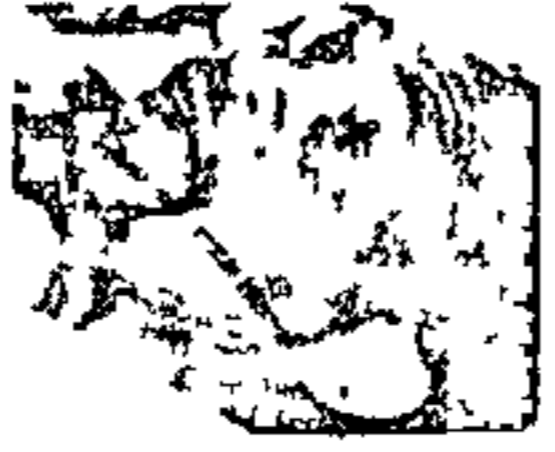
PAGES AND PAGES OF THEMES JOBS IN SOUTH AFRICA

# Industrial court irks bosses and unions

LAST weekend's workers summit did more than confirm trade-union opposition to the Labour Relations Amendment Act (LRAA)

It again highlighted union dissatisfaction with the industrial court. One of the demands Cosatu (Congress of South African Trade Unions) and Nactu (National Council of Trade Unions) has repeatedly put to employer body Saccola (SA Consultative Committee on Labour Affairs) is that arbitration be used instead of the industrial court.

For once, trade unions employers and lawyers agree. They are unhappy about the industrial court, arguing that



Enough trouble call for united trade-union action

It has become too interventionist and inhibits the bargaining process. It also appears to be severely understaffed. One can understand why — the court received 3 838 cases in 1988 compared with 2 042 two years earlier. Of the 3 838 cases last year, the court was unable to settle 1 314.

It has also been involved in an increasing number of urgent interdicts. The National Manpower Commission (NMC) report tabled in Parliament in April this year shows employees and employers applied for 189 urgent interdicts last year as opposed to 76 in 1987.

The increasing number of cases coming before the court reflects both the growth of clashes between employers and trade unions and a swing to the law's being used as a first and not last resort. Labour lawyers and firms specialising in labour law have grown at an astonishing rate. Many employers and consultants are highly critical of this trend. Among them is Chamber of Mines senior general manager of external relations Johan Liebenberg. He believes

that the legal profession has benefited enormously from the Wehahn reforms. Because of the trend to legal solutions he says old fashioned emotional collective bargaining is being phased out.

Recent developments appear to indicate that employers and unions are finding ways around the Industrial Court. Dorbyl's recent decision to refer dismissal cases to private arbitration is one example. Dorbyl adopted this course only after 7 000 National Union of Metalworkers of SA (NUMSA) members at 50 of its plants threatened to strike. It did however reserve its right to have re-

course to the court should it be unhappy with the decision of the arbitrator. The demand for private arbitration has been heard repeatedly at union employer meetings. Reasons put forward for this by unionists at the work ers' summit included dissatisfaction with the arbitrary and inconsistent nature of court judgments.

In addition high costs of litigation and the difficulty of gaining access to the court played a part. Private arbitration was pushed recently by Amalgamated Clothing and Textile Workers Union (actwusa) general secretary John Copejyn. He says the unions believe they are unable to influence court appointments and the court is reluctant to reinstate unfairly dismissed workers as reasons for this

Although employers appear to be accepting the concept of contracting out of the LRAA particularly on rights disputes there are some disadvantages to private arbitration. Mr Copejyn says because arbitration awards are private they cannot set a precedent or be quoted as a guideline for other parties not involved in the proceedings.

The industrial court does play a vital role in society but a review of its functions may well be in order especially in the face of increased union militancy. Although unions are becoming more militant they also appear to be draw-

ing closer together. The fact that both Cosatu and Nactu attended the work ers' summit was amazing enough. A new initiative was adopted at the summit. It resolved to unite workers across the political spectrum through a Cosatu Nactu and independent unions National Co-ordinating Committee.

Cosatu president Elijah Barayi made it clear that he hoped united action against the LRAA would allow greater co-operation between Nactu and Cosatu the goal being one federation for all unions. Amid the spirit of co-operation and peaceful protest, it is hoped that some clear-cut decisions will be taken on the LRAA soon. Employers and workers have lost too much both in terms of cash and in trust.



# Mystery of 'false votes'

By REHANA ROSSOUW

IT was a case of "thanks for the congratulations -- but no thanks" for at least three Bonteheuwel residents involved in an election mystery

Mr Paul Scott of Vyeboom Street, Mrs Milita Gray of Elder Street and Ms Gillian Hayward of Firethorn Street, all received letters from the Labour Party candidate, Mr Patrick C McKenzie, congratulating them for having cast their votes.

None of them had voted

The letters were signed by McKenzie, whom they had never met.

"On behalf of myself and the community, I wish to express my sincere appreciation that you came to cast your vote," said McKenzie in his letter

"You know my record and my work and therefore I am appealing to you to encourage the rest of your family and friends to come and vote for me tomorrow

"I really need their vote. We must and will win this election and therefore I would appreciate your assistance."

Scott said he had confronted McKenzie with the letter and demanded to see the voters' roll to check if his vote had been recorded.

"McKenzie refused to show me and said I must bring a lawyer if I want to see," Scott said

"I can't afford to pay a lawyer and even if I did get one now, it would be too late as my vote would already have been counted

"Maybe that's why the percentage poll was so high in Bonteheuwel," said Scott

McKenzie said the letters to Scott and Hayward were a "mistake" and he had sent another letter to them, apologising

He denied that there had been votes cast for them

He also denied that he knew who had voted for him in the secret ballot, but said he had sent letters to everyone who had come to vote



# Workers hurt in anti-LRAA action

By CHIARA CARTER

THE widespread industrial action at factories and businesses throughout South Africa since last Friday has been the most sustained in the country's history.

The protests followed the call by the workers' summit for national protest action against the Labour Relations Amendment Act and elections

A spokesperson for the Congress of South African Trade Unions said that thousands of workers took part in work stop-

LEFT. MDM supporters took to the beaches in a peaceful protest in Durban  
BELOW. The PTA of Sunnyside Primary in Athlone took a firm stand against their school being used as a polling station

pages and demonstrations in major centres throughout South Africa.

He said that police took action against hundreds of workers who protested on the Witwatersrand

In the Western Cape a worker was hospitalised and several others seriously injured in clashes

A Cosatu Western Cape spokesperson said more than 1 000 workers were baton-charged and teargassed after they had taken part in street demonstrations in Paarden Eiland, Ndabeni and Matland on Friday.

He said that two workers were injured in the incident

The protesters were members of the National Union of Metalworkers of South Africa, the Chemical Workers' Industrial Union, the Amalgamated Clothing and Textile Workers Union of South Africa and the South African Municipal Workers Union (Samwu)

A Cape Town City Council employee was hospitalised after police took action against about 150 Samwu members who marched outside the council depot in Ndabeni.

The march was part of protest action taken by Samwu members at nine council depots as well as at the Civic Centre

In Epping Industria a water cannon was used against hundreds of metalworkers who were demonstrating in the streets, and workers from McCrawl Timbers were beaten after they also protested outside the factory

Demonstrations and stoppages also took place at several other Epping factories including Bokomo, Duens, Darybelle, Premier and Pepsi

At the FNP factory in Epping, workers refused to handle egg yolks from Lemoenkloof farm where about 60 workers are on strike

More than 1 000 members of the Health Workers' Association downed tools to take part in protests at Groote Schuur, Somerset and Woodstock hospitals

In the Boland, about 1 000 members of the Paper, Print Wood and Allied Workers' Union (Ppwawu) stopped work for two hours

There was also a two-hour stoppage at the Matco supermarket in Paarl.

About 2 000 construction workers at several companies also downed tools for two hours

Members of the Transport and General Workers Union took protest action which varied from stoppages to go-slows

There were also demonstrations by workers at the University of the Western Cape, Cape King Foods in Bellville, factories in Montague Gardens and at four factories organised by the Chemical Workers' Industrial Union

A Garment and Allied Workers Union spokesperson said that Gawu members took part in lunch-time demonstrations at factories throughout the Peninsula.





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# Calls for stayaway today go unheeded

**The Argus Correspondent**  
JOHANNESBURG. — Calls for a stayaway today in protest against the Labour Relations Act and in memory of Black Consciousness leader Steve Biko seemed to have gone unheeded

In an interview National Council of Trade Unions (Nactu) general secretary Mr Phiroshaw Camay confirmed that there had been a call for a national stayaway but it seemed as though the response to the call was not encouraging.

"There was a call for stayaway today, and it appears to have failed. Apparently the call has gone unheeded, there's confusion because of the position taken by various organisations," said Mr Camay.

## CALL FOR PROTEST

Mr Camay said Nactu was closely monitoring the situation around the PWV area, and would make a detailed statement later.

A Press statement issued by Nactu first assistant secretary Mr Cunningham Ngcukana yesterday said the union federation and its allies had made a call for protest against the LRA today, but "communities and workers will decide on what form of action to take".

Mr Ngcukana said that besides the Workers' Summit call for a national day of protest against the Labour Act on October 6, there were separate calls for September 5 and 12 for protests.

"For all intents and purposes, (these) were not summit dates but calls by the Mass Democratic Movement and Nactu and its allies," he said.

The nation-wide commemoration services planned for today in honour of Black Consciousness leader Mr Steve Biko is expected to go ahead as scheduled.

# Cosatu denies stayaway 'rumour'

CAPE TOWN  
12/19/87  
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JOHANNESBURG — Nactu and Cosatu publicly disagreed yesterday on purported plans for further protests timed for today, as the two federations geared up for the resumption of their negotiations with employer federation Saccola on the Labour Relations Act.

Nactu, which did not support last Tuesday's work stayaway, announced today's planned action "against the LRA". Today is also the 12th anniversary of the death in detention of black consciousness movement (BCM) leader Steve Biko. Nactu said the August 26 worker summit had resolved on such action. However, Cosatu general secretary Jay Naidoo said there was no truth in "rumours" that Cosatu or the mass democratic movement (MDM) had called for a stayaway today.

The Nactu/BCM protest got underway yesterday with a picket by about 100 chanting Azapo supporters outside a Johannesburg branch of First National Bank against the bank's sponsorship of the recent international rugby tour.

Saccola chairman Bobby Godsell said yesterday companies with which he had been in contact "do not expect a stayaway of any size".

Both Cosatu and Nactu announced they had postponed until September 22 other protests, including a two-week "withdrawal of purchasing power from white business" and an overtime ban.

# Businesses welcome proposed trading licence deregulation

Own Correspondent

JOHANNESBURG — Most businesses will no longer require trading licences and will be able to determine their own trading hours in terms of a draft proclamation which will appear in the Government Gazette tomorrow

These measures are due to come into effect on January 1, next year and will become law a year later when the Draft Businesses Bill is enacted

The proclamation, expected to benefit small businesses and street traders most, is being gazetted to speed up government's deregulation process.

The only exceptions to the move are those businesses involved in the preparation of food, which will still require trading licences

In addition, restrictions on Sunday trading will remain in place

Privatisation Minister Dawie de Villiers said in a statement yesterday that the Draft Businesses Bill, published in April, could "at the earliest" be put into operation only in 1991

He was thus recommending to the State President that as an interim measure a proclamation based on it be promulgated in terms of the Temporary Removal of Restrictions on Economic Activities Act

De Villiers said while the proposed proclamation suspended the require-

ment of a trading licence for most businesses, they would still have to comply with other applicable rules and licencing laws

"Individuals will have to place less reliance on official control for their protection" he said

Competition Board chairman Pierre Brooks said once comment on the draft proclamation had been received, the necessary adjustments would be made and it would be submitted to the State President for his signature

Businesses big and small have welcomed the move

Assocom economist Bill Lacey said small businesses would benefit the most from the implementation of the measures

Nevertheless, Assocom welcomed the announcement as an important step in the deregulation process, although it still remained committed to the complete deregulation of shop hours

Pick 'n Pay chairman Raymond Ackerman said he welcomed any freeing of licences, particularly for the small trader, who was a crucial part of SA's future and should be encouraged

African Council of Hawkers and Informal Businesses president Lawrence Mavundla described the move as a step in the right direction



## Print union (16b) to discuss 'mass action'

From MONO BADELA

JOHANNESBURG — The controversial Labour Relations Amendment Act (LRAA) will be high on the agenda when more than 150 delegates representing some 40 000 workers in the paper, printing and wood industry hold their third national congress in Soweto this weekend

The theme of the five-day congress is "Organise, Educate, Consolidate for Mass Action"

Paper, Printing, Wood and Allied Workers Union general secretary, Siphso Khubeka told SOUTH that besides the LRAA, the union would discuss resolutions on several issues ranging from the ANC's constitutional guidelines, Freedom Charter to women's issues

He said issues to be discussed by several commissions also include the role of the Mass Democratic Movement (MDM) in bringing about change in South Africa, Namibia, Save The Patriots' Campaign, Ppawu's education policy, Living Wage Campaign, International Links and foreign funding and the strengthening of Cosatu

Ppawu, an affiliate of Cosatu, recruits its membership from forestry, sawmills, woodworking paper-making and printing industry

The five-day congress ends with a mass rally to be held at Shareworld outside Soweto on Sunday

ANC stalwart and former trade unionist, Harry Gwala, now receiving medical treatment in London, has been invited to be a guest speaker.

His speech will be read on his behalf during congress. A speaker from Namibia will brief delegates on the latest situation regarding the implementation of Resolution 435

B1 Day 15/9/89 (166)

# Sympathy strikes under scrutiny at LRA discussions

**THE** right to strike, including sympathy and intermittent strikes, the rights of agricultural and public sector employees, and homeland legislation are the most "problematic" areas in union/employer discussions on the Labour Relations Act.

This emerged at the resumption of talks in Johannesburg yesterday between employer federation Saccola and Nactu, Cosatu and several independent unions. National Manpower Commission chairman Frans Barker also attended the talks.

Although the talks were designed to allow each side to get clarity from the other on proposals already tabled, Nactu assistant general secretary Cunningham Ngcukana and Saccola secretary Freyda Dowie concurred on the major issues to be tackled.

Ngcukana said the "real negotiations" would begin next week. Dowie agreed, saying it was hoped that the next round, scheduled for Thursday and Friday, would produce something concrete.

Ngcukana said the most perturbing aspect was the non-participation of the SA Agricultural Union, Sats and the Commission for Administration.

The unions were taking the posi-

ALAN FINE

tion that any eventual written agreement with Saccola on changes to the Act must also be binding on the state and agricultural sectors, he said. Most employees in these sectors are not covered by the LRA and the Basic Conditions of Employment Act.

Dowie said the parties had agreed they would try swap a new set of written documents by Tuesday.

In its submissions to the unions on the rights of workers not covered by the LRA, Saccola agreed all employers and workers should have "their key rights defined in labour legislation."

It added the structures through which these rights should be exercised must reflect the economic and structural circumstances of the sector concerned.

Saccola rejected union demands that workers be entitled to participate in sympathy strikes, as it was unfair to take action against an employer not directly involved in a dispute.

In response to proposals that employers should ignore homeland laws disadvantageous to unions, Saccola said employers must operate within the law "as it currently exists".

The Industrial Court is wiling under a two-pronged legislative and administrative assault — and the long-term loser could be industrial peace in the country

This is the view of unionists and labour lawyers who warn that unions, particularly the more powerful ones, are turning from the institutional resolution of conflict to the use of collective muscle

There was widespread employer discontent over the Industrial Court in the mid-Eighties. But union disillusionment has rarely run so deep. In an unprecedented move in March this year, the labour summit, representing about 1.5 million workers, urged unions not to use the court.

We are reconsidering our approach to the court and in some circumstances have decided not to use it," said the National Union of Metalworkers' Jeff Schreiner

Often a pace-setter, Numsa led the unions into the court

Of current concern is the Government's refusal to extend the contract of Industrial Court president Dr Daan Ehlers, a man with a record of enlightened judgments who has voiced misgivings over the impact of last year's Labour Relations Act (LRA) amendments on the court

Insisting he was told he would be kept on until a replacement was found, Dr Ehlers suggests he was sidelined because of differences with Manpower Director-General Mr Joel Fourie over the controversial amendments. Mr Fourie denies this

Labour sources say the reining in of the court followed pressure from State security forces during the countrywide upheavals of 1986 a time of militant union rhetoric

# Disillusioned unions

The alleged forcing out of the Industrial Court president has heightened concern about this vital institution, reports **DREW FORREST**

They see the appointment of Mr Fourie as part of a rightward swing in State labour policy and the LRA amendments as primarily his brainchild

Branding this 'an absolute misconception', Mr Fourie said his only role had been to forward comments on the Bill to the parliamentary standing committee

Top labour lawyer John Brand said that until the amendments, the Industrial Court had enjoyed grudging union respect. But the

new law had distorted its jurisdiction by forcing its hand in vital areas

Most crucially, it had codified "unfair labour practices", previously a matter of court discretion, in a manner highly favourable to employers

'Even a lawful strike may now be unfair. To be safe from court action, a strike must be primary, procedural, lawful and non-intermittent. These may be the most drastic strike curbs in the Western world,' Mr Brand said

The result, he said, had been a stream of employer interdicts against strikes this year, many of them granted without hearing union argument.

Numsa's Mr Schreiner said the "ridiculous"

lous' appeals procedure, which allowed employers to stall applications for years, was another key union grievance

Lawyers and unionists also complain that, either through ignorance of its key role or to clip its wings, the court is starved of resources and that this is reflected in poor recruiting and adjudication

We consider many of the appointees incompetent,' Mr Schreiner said

Two court members are said to have failed Bar exams while another was adviser to the former far-rightwing unionist, now Conservative Party MP Mr Arrie Paulus

And, according to Mr Brand, while some of the judges had acted for management

when practising lawyers, none had acted for the new unions

Rejecting claims that the court faced a 'crisis of legitimacy', Manpower's Mr Fourie said the LRA amendments had redressed the uncertainty surrounding the unfair labour practice concept, which had unfairly favoured the unions

On the quality of court staff, he stressed that members were better paid than other civil servants doing equivalent work

As they needed no knowledge of criminal or civil law, the question of Bar exams was irrelevant

"As they deal with more labour disputes, the court's members are more expert in labour matters than any practising lawyer," he added

Mr Fourie said Government statistics indicated a drop in strike levels since the LRA was amended



# Labour unrest mounts

By Drew Forrest

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Industrial unrest is mounting in the run-up to the overtime ban called by organised labour to protest against the Labour Relations Amendment Act.

The two-week ban is scheduled to start on Friday.

Sapa reports Federated Chamber of Industries labour adviser Mr Gerrie Bezuidenhout as saying that an unofficial go-slow appeared to be underway in some companies

Star 19/9/87

Mr Vincent Brett of the Associated Chambers of Commerce and Industry said the protest was resulting in "different forms of action which are not co-ordinated from the top".

September 20 1989

**South LABOUR** (166)

# Workers plan overtime ban

SOUTH Africa's two largest trade union federations this week announced details of further countrywide protests against the Labour Relations Amendment Act which are due to take place later this month.

Cosatu general secretary Jay Naidoo said the protests would include a national ban on overtime and a "withdrawal of purchasing power from white businesses".

Naidoo said the starting date for both protests had been rescheduled from September 13 to September 22 following a meeting of the Cosatu executive and a meeting between Cosatu and the National Council of Trade Unions (Nactu) last week.

The postponement was to allow employers adequate time to respond to workers' demands and to give union members time to prepare for the protests.

The duration of the consumer boycott had also been changed from a month to a fortnight, Naidoo said.

According to sources, discussions



Cosatu's Jay Naidoo

are currently taking place within Cosatu about using the consumer boycott to target specific companies who have used the LRAA.

The boycott was originally proposed by Nactu and the September 12 date was chosen to coincide with the anniversary of Steve Biko's death.

Meanwhile, this week there was confusion over whether there was a stayaway call for September 12, Biko Day.

Naidoo categorically denied that the MDM had called for a stayaway

but Nactu sources claimed Cosatu had gone back on an agreement to commemorate the day.

The protests follow a two-day stay-away last week by an estimated three-million workers throughout the country.

More than sixty percent of the workforce in the Western Cape participated in the stayaway which was the largest protest of this kind ever in South Africa.

A Cosatu (Western Cape) spokesperson said that following the stayaway a few cases of dismissals had been reported largely from retail stores such as Pick and Pay and Checkers.

Most employers appeared to have adopted a "no work, no pay" approach, he said.

This week workers in factories throughout the Western Cape wore black armbands and held services to commemorate those killed in Cape Town last week.

A joint shopstewards meeting in the Western Cape this week called on workers to support the week of mourning by attending all memorial services and funerals, taking part in demonstrations and lighting candles from Wednesday to Sunday.

The meeting called for a full and impartial investigation into police action in Cape Town last week.

11/23/66 21/9/66  
**Boycott  
on white  
businesses**

~~Own Correspondent~~ 1/66

**JOHANNESBURG** — A national consumer boycott of white-owned businesses is to be officially implemented from tomorrow in line with the decision of last month's Worker Summit proposing "sustained action" against the Labour Relations Act (LRA)

The summit was attended by delegates of Cosatu, Nactu and independent unions which together represent about 1.2 million workers

Employer federation Saccola secretary Mr Friede Dowie yesterday said employers considered the planned action a breach of good faith bargaining. The matter would be raised at the next round of LRA negotiations with the unions scheduled for tonight

Nactu general secretary Mr Piroshaw Camay said yesterday that the consumer boycott was being supported by the Mass Democratic Movement.



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# Unique meeting over Labour Act changes

Star 22/9/89

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Like much else in South Africa, the current talks between bosses and workers over a new labour law dispensation have a quality of uniqueness. In effect, historic enemies are jointly supplementing the law-making process.

The talks — between the SA Consultative Committee on Labour Affairs (Saccola), representing most employer bodies, and the Congress of SA Trade Unions (Cosatu), the National Council of Trade Unions (Nactu) and other worker bodies representing over a million workers — aim to produce joint submissions to the National Manpower Commission on changes to the Labour Relations Act (LRA). Some changes are planned for the next session of Parliament.

Much is at stake. Union fury over last year's LRA amendments has already sparked two stayaways, and today the unions launched an overtime ban to protest against the Act.

Joint employer-worker proposals would be a major influence on the legislators, but full consensus is unlikely. What can the talks achieve?

## Five problem areas

In a letter asking the State to hold back certain of the amendments last year, unions and employers singled out five problem areas. Rapid progress is possible in four, says Saccola chairman Mr Bobby Godsell.

Chief among them is the LRA's infamous section 79(2), which broadens unions' liability for damages by creating a presumption of union "agency" in illegal strikes. Meant to deter wildcat stoppages, it has deterred union involvement in settling them, and most big employers agree it has to go.

Other key areas of consensus, according to Mr Godsell, are on the restrictive time limits for dispute resolution and racial union registration procedures.

But all is not sweetness and light. There are marked differences over the definition of unfair labour practice in the Act — specifically over the fairness of sympathy strikes, which unions consider

Trade unions and employers are meeting again this week over the controversial Labour Relations Act. What are the possibilities — and limitations — of their highly unusual encounter? **DREW FORREST** reports

a vital weapon, but which employers reject.

In addition, unions broadened the battlefront in June this year by shifting their focus from the amendments to the entire Act. Calling for a new LRA, covering workers in the homelands and in the farming, domestic and public sectors, they demanded that the SA Agricultural Union (SAAU), SA Transport Services (Sats) and the Commission for Administration (CA) join the Saccola debates.

Employers doubt the merits of one Act for all, adding that only when Sats privatises are its employees likely to fall under the LRA, and that political pressures rule out full union rights for farm-workers in the short term.

The CA has shunned the talks, and while Sats and the SAAU have attended, sources say they are unlikely to reappear.

The broad union demands have highlighted other differences. In a recent document, Saccola said employers should be able to recognise minority worker bodies — a major union bugbear — and reacted to union demands for statutory job security and maternity and redundancy rights by saying these belonged in the collective bargaining arena.

Such seem to be the short-term prospects — the question is: are they good enough to keep the unions talking?

Employers fear that an "all-or-nothing" approach could lead unionists to abort the Saccola talks. "If you insist on agreeing everything before you agree on anything, you don't usually agree on much," says Mr Godsell.

The unions respond that it is unrealistic to expect indefinite worker tolerance of the existing LRA. "We want a very clear and definite response to our demands," warns Cosatu's Mr Jay Naidoo.

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# Protest begins today

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*Sowetan 22/9/87*  
THE withdrawal of buying power from businesses starts today, with the length of the protest now extended from two to three weeks. The withdrawal will start simultaneously with a work overtime ban which, according to the organisers, will continue

indefinitely. The campaign is part of the "sustained action" decided upon by Cosatu, Nactu and unaffiliated unions at a recent Workers' Summit in protest against controversial amendments enacted in the Labour Relations Act (LRA). Employers have con-

demned the protest, saying such actions would not increase employers' willingness to participate in the negotiations - in which they are already taking part anyway - to resolve the LRA dispute. The unions said employers - in response to the overtime ban - were using such "aggressive tactics" as threats of dismissals and court actions.

Own Correspondent

JOHANNESBURG — Employer federation Saccola has suspended its participation in talks on the Labour Relations Act with Cosatu and Nactu because of the union-initiated anti-LRA overtime ban and consumer boycott of white business

A major retailer said at the weekend that it was still too early to measure the impact of the actions officially launched on Friday. However, it has clearly taken a grip in the Eastern Cape, where a boycott began prematurely 12 days ago.

Saccola told the unions at meetings on Thursday night and Friday that it was unwilling

*Cape Times 25/9/89*  
~~10/10/89~~ (166) ~~10/10/89~~  
**Employers  
halt talks  
with unions  
over ban**

to continue negotiations on the act

The employer federation has resolved to seek mandates from its constituents — 11 of South Africa's largest employer organisations — as to whether it should continue talks in the face of these actions.

Saccola secretary Mr Friede Dowie said last week that employers considered the ban and

boycott an act of bad faith, coming as they did in the middle of negotiations.

At the weekend, Nactu general secretary Mr Piroshaw Camay defended the union initiative. "They (Saccola) want us to lay down our weapons while they retain the ability to use the act against us," he said.

He said the overtime ban would be reviewed on October 6. He warned that the only way of ensuring that it ended was for employers to either reach agreement with the unions on amendments to the act by then, or to place a moratorium on the use of its repressive provisions.

The boycott is scheduled to end on October 6.



3/25/84  
**Probe into  
union rights for  
farmworkers**

By Drew Forrest

A committee comprising Parliamentarians and organised agriculture has been set up to weigh the "sensitive" issue of trade union rights for farmworkers, the new Minister of Manpower, Mr Eli Louw, has announced

Addressing a press conference in Pretoria last week, Mr Louw said the committee would enable interested parties to "negotiate and come forward with suggestions" on the issue

**PARAMOUNT**

While he was willing to hear representations from any quarter, the views of those in the farming industry were paramount, Mr Louw said

The exclusion of farmworkers from the Labour Relations Act is a major union complaint

Mr Louw said he had appointed a private advocate to investigate the Industrial Court, but rejected suggestions that the court was in crisis

## Anti-LRA campaign intensifies

The labour movement is to intensify its campaign against the Labour Relations Act (LRA), despite the threatened collapse of talks with employers on the legislation

In a threat to ditch the talks entirely, the employer body, Saccola, reacted to last Friday's launch of a trade union overtime ban and consumer boycott by breaking off discussions, to consult its members. The talks are aimed at joint submissions to the Government on the LRA —  
Staff Reporter

(166) Sk 25/9/89

# Saccola suspends labour talks

EMPLOYER federation Saccola has suspended its participation in talks on the Labour Relations Act with Cosatu and Nactu because of the union-initiated anti-LRA overtime ban and consumer boycott of white business

(166) ALAN FINE

of SA's largest employer organisations — as to whether it should continue talks in the face of these actions

A major retailer said at the weekend it was still too early to measure the impact of the actions officially launched on Friday. However, it has clearly taken a grip in the Eastern Cape where a boycott began prematurely 12 days ago.

Saccola secretary Friede Dowie said last week employers considered the ban and boycott an act of bad faith coming as they did in the middle of negotiations.

Saccola told the unions during meetings on Thursday night and Friday it was unwilling to continue negotiations on the Act.

At the weekend Nactu general secretary Piroshaw Camay defended the union initiative. "They (Saccola) want us to lay down our weapons while they retain the ability to use the Act against us," he said.

The employer federation has resolved to seek mandates from its constituents — 11

□ To Page 2

## Talks suspended

□ From Page 1

viewed on October 6. The boycott is scheduled to end on October 6.

The retailer, who did not wish to be identified, said it would be possible to assess the effect of the boycott only later this week.

He said tighter economic conditions had caused a substantial decline in consumer spending over the last six to eight weeks, and it was difficult to tell whether the boycott had played any part in this.

It was clear, though, sales in the Eastern Cape had suffered significantly more, when compared to the national pattern.

East London's CBD Association Chairman, Frank Bishop said at the week-end the consumer boycott of businesses has hit retail trading in the area by about 10% in less than a fortnight.

Bishop said most businesses affected were furniture trading outlets and chain stores with a large percentage of black customers.

He said East London's CBD was one of the first trade areas to desegregate.

He felt it was disappointing the "generally liberal" Border area appeared to have been singled out by the boycott planners.

He called for immediate negotiation with the organisers and described the implementation of the boycott against the East London CBD as "an arbitrary" way of tackling a problem. Retailers were keen to meet with the people or groups behind the boycott, he said.

"The buzz word these days is negotiation. But we have a problem because we do not know who the organisers are. As an association we were never told what problems the organisers had with us," said Bishop.

□ In a statement yesterday the Chemical Workers Industrial Union (CWIU) said all its members at BP's East London and Cape Town plants have embarked on an overtime ban as part of the Cosatu/Nactu anti-labour relations act campaign.

CWIU said management was attempting to persuade workers to call off their action.



# Boycott begins to bite in retail sector

BIDAM  
26/9/89 SIPHO NGCOBO  
and ALAN FINE

THE trade-union backed consumer boycott of white-owned businesses, designed as a protest against the Labour Relations Act, was beginning to affect major retail stores, leading retailers said yesterday.

Stores that confirmed they were beginning to feel the effects of the boycott included Pick 'n Pay, Checkers, Dion and the Edgars Group.

Employer organisations and Cosatu and Nactu said the impact of the simultaneous call for an indefinite, national overtime ban was still being assessed.

At least one company has won an Industrial Court interdict against the ban, while other applications may be in the pipeline.

Cosatu Witwatersrand regional secretary Ariel Mabalane said it had been decided the boycott on the Reef would continue for an extra seven days beyond the scheduled two weeks. He added it had been decided to defy interdicts granted against the overtime ban.

Pick 'n Pay chairman Raymond Ackerman said the effect of the consumer boycott varied from slight to medium. Staff purchasing had dropped in a lot of areas and customer purchasing in some. He was unable to give figures of turnover losses.

Checkers MD Clive Weil said the effects of the boycott were noticeable only in East London and other eastern Cape areas. He said it was contrary to Checkers policy to divulge statistics.

Dion MD Jannie Els said his company's stores suffered an overall 10% loss in turnover on Friday and Saturday when the boycott began. He said he would be in a position to give yesterday's figures today.

Edgars Group MD Vic Hammond, whose group of stores includes Sales House and Jet, said the consumer boycott was noticeable in the Johannesburg CBD. "I do not have figures yet but from the look of things some people are adhering to the boycott. I was in the Johannesburg CBD on Saturday

## Boycott

and noticed that it was empty."

Meanwhile, East London's CBD Association chairman Frank Bishop said his organisation was still prepared to negotiate with the boycott planners but said the task was almost impossible since the planners were faceless.

"Wanting a meeting with these guys is like wanting a meeting with God. Just like God, they do not have telephone numbers nor offices where they could be contacted," said Bishop.

Spokesmen for the FCI and Seifsa said they were still awaiting reports from

BIDAM  
26/9/89. □ From Page 1  
members on the extent of the overtime ban. And Cosatu and Nactu officials said they were awaiting feedback from their regions and affiliates.

Transvaal Mattress was granted an interdict last week against the Paper, Printing Wood and Allied Workers' Union.

Industrial Court spokesmen said another four notices had been received in respect of urgent applications against overtime bans. However, these had not been carried through and it was possible the matters had been settled out of court.

# Court rejects SAB appeal in major test case on union overtime bans

IN A major labour relations test case on the legalities of overtime bans, the Appellate Division yesterday rejected an appeal by SA Breweries (SAB) in the matter involving the Food and Allied Workers' Union (Fawu).

Mr Justice J A Smalberger found an overtime ban did not constitute a strike. The decision comes in the wake of a number of contradictory judgments by divisions of the Supreme Court and the Industrial Court.

SAB contended the ban on overtime amounted to a strike and that, if this was correct, such a strike would, pursuant to

the terms of the Act, and particularly section 65, be unlawful.

Mr Justice Smalberger's judgment — with Chief Justice Corbett and Judges van Heerden, Milne and Steyn concurring — hinged on whether the collective refusal to work overtime to pursue a demand constituted a strike as defined by the Act.

"What is essentially at issue is whether the refusal to work overtime by the employees amounted to a refusal or failure by them to continue to work or to resume their work," Mr Justice Smalberger said.

He said it was common cause that, though employees regularly worked over-

time, they were not contractually obliged to do so.

Though the definition of a strike was not limited to breaches of contract, it would be impossible to define what constituted work "normally or usually" performed.

Furthermore, he said, the term "work" should be narrowly interpreted because under common law no employee can be compelled to perform work he is not contractually obliged to do.

"The right of workers to withhold labour they are not contractually obliged to per-

form is an important weapon they possess in the bargaining process. It assists them to organise their labour power effectively in negotiations," Mr Justice Smalberger said.

Although there were cogent arguments that could support a contrary view, Mr Justice Smalberger said the principles and considerations he had mentioned were, to his mind, decisive.

Future decisions of the Industrial Court will have a crucial bearing on the effects of this decision.

Fawu attorney Kuben Pillay said it re-

mained to be seen whether the court would

ALAN FINE

override this decision by determining that overtime bans could be unfair even if they were not unlawful.

Fawu assistant general secretary Mike Madlala lauded the judgment.

However, SAB human resources director Rob Childs said the judgment highlighted a loophole in the LRA. SAB hoped it would not now be forced to make overtime contractually compulsory to overcome it.

He said any collective action to induce an employer to meet a union demand "should be preceded by negotiations and conciliation". He hoped unions would agree to do so before invoking overtime bans.

Cosatu praises 'watershed judgment'  
**Overtime: Choice**  
lies with workers

CM-7/nt 27/9/89

JOHANNESBURG — Cosatu has lauded as a "watershed judgment" a decision by the Appellate Division of the Supreme Court to uphold the right of workers not to work overtime.

In its decision handed down yesterday morning, the Appellate Division in Bloemfontein ruled in favour of the Cosatu-affiliated Food and Allied Workers' Union (Fawu) and found that South African Breweries (SAB) could not force workers to work overtime if they were not contractually bound to do so.

A year ago, SAB took the union to the Supreme Court here, but lost the case. The company then appealed to the Appellate Division.

"Under the common law,

no employee can be directly or indirectly compelled to perform work he is not contractually obliged to do, no matter whether in refusing to do such work he acts individually or collectively with others, and irrespective of the reason or purpose for such refusal," said the judgment.

The court said this right not to work overtime was an important weapon workers possessed in the bargaining process.

Cosatu said the watershed judgment "vindicates our position on the overtime ban."

"The decision to call a national overtime ban taken at the second Workers' Summit was taken against the backdrop where the majority of workers are disenfranchised and many members

victimised through the new LRA (Labour Relations Act)"

Cosatu said it wished to warn employers who threatened legal action to heed yesterday's judgment.

Earlier, SAB said the ruling highlighted a loophole in labour legislation.

"We believe that any collective refusal to work, including voluntary overtime, to induce an employer to meet a union demand, should be preceded by negotiations and conciliation," said Mr Adrian Botha, a company spokesman.

"We hope the labour law will be amended in the interests of labour peace. We also hope that until it is amended, trade unions will agree to negotiate and conciliate before invoking overtime bans" — Sapa



Star 27/9/89

# Court ruling strengthens unions' hand

By Drew Forrest 166

In a watershed ruling, the Appellate Division yesterday upheld workers' right to impose a boycott on overtime where there is no contractual duty to perform it.

The judgment, on an appeal by SA Breweries, will greatly strengthen the hand of the trade unions in their current national overtime ban. It has prompted SAB to call for changes in the Labour Relations Act "in the interests of labour peace".

Binding on all ordinary courts, it is likely to influence the Industrial Court in deciding whether to grant employers interdicts against the ban, lawyers said.

The appeal was against a Rand Supreme Court judgment last year. This had rejected an SAB application for an overtime ban by Food and Allied Workers Union members to be declared an unlawful strike.

Upholding that decision, the Appellate Division ruled that an overtime ban was not a strike and that employers could protect themselves against such action only through contracts with employees.

Reacting to the ruling, SAB said it hoped employers would "not now be forced to make overtime contractually compulsory". It called for amendments to labour legislation to plug the "loophole" highlighted by the ruling.

*[Faint, illegible text, likely bleed-through from the reverse side of the page.]*

By CHIARA CARTER

WHAT'S a nice white working class boy from Wotton doing demonstrating against the Labour Relations Act and why does he have a National Council of Trade Unions T-shirt in his wardrobe?

The answer lies in Chemical Workers' Industrial Union (CWIU) member Mike Ryan's experiences as a fighter and turner during the 1976 national uprising

"In 1976 I was conscripted to serve in Angola nine days after the birth of my first child," he says

"I felt bitter at having to fight a war I did not believe in. And South Africa was burning. The events of that year made me think hard, just as the photograph of a man stoned to death in Crossroads made me think

"I realised that violence by the state to suppress the majority of South Africans was not the solution. The answer lay in a peace based on justice in this country

His work experience over 15 years led him to support the Mass Democratic Movement and socialism

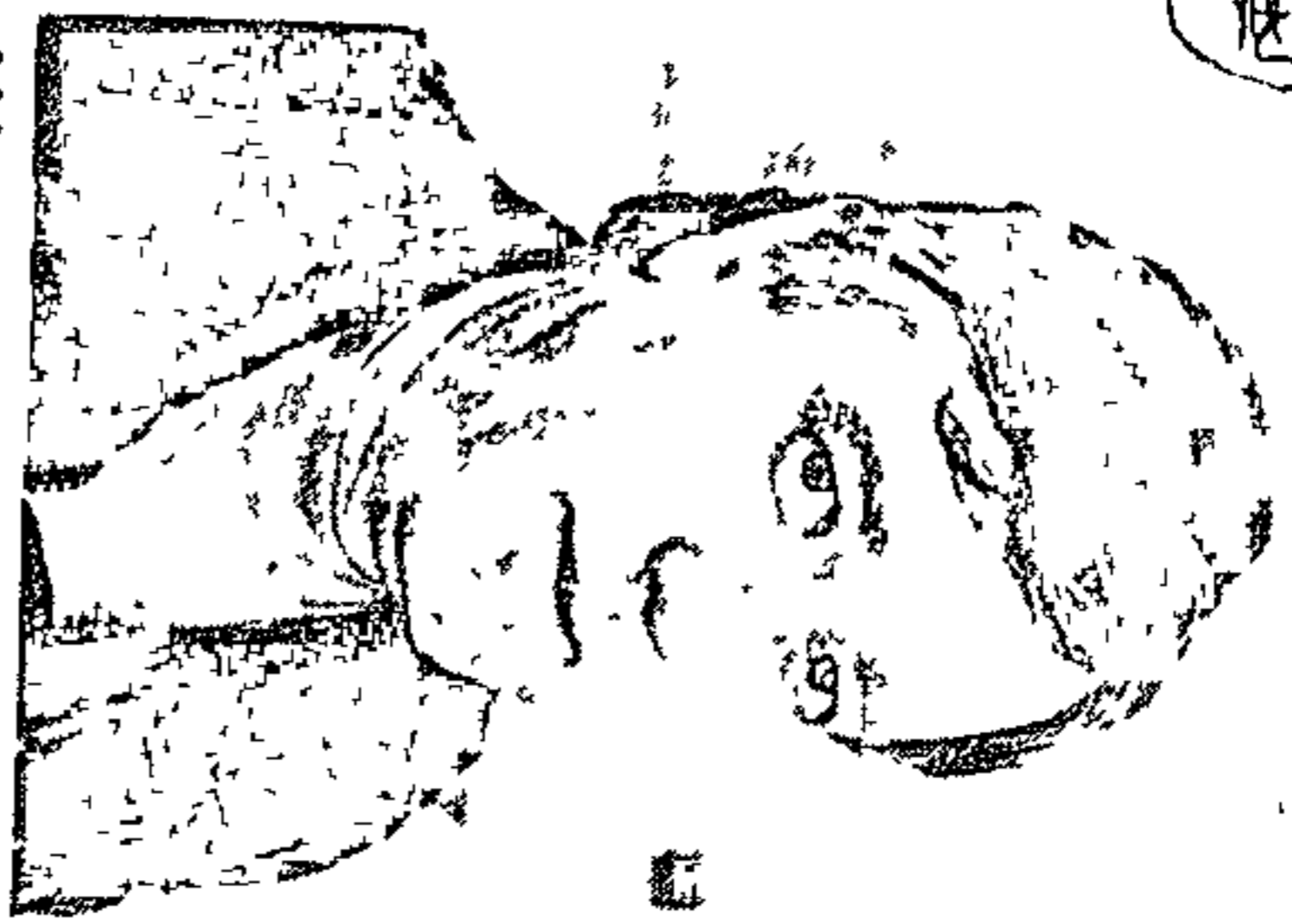
"Because I was oppressed as a worker, I noticed the oppression of others, not only as workers but as black South Africans

"I come from a very ordinary working class background. I grew up in Wotton which is a solidly lower-income area. Reaching a point where I see myself as an MDM activist did not happen overnight.

But Ryan's views have resulted in

1180

# Breaking out of the lager



Mike Ryan: "Most of the white artisans are openly hostile to me."

him being shunned by relatives, his neighbours in Ottery, other white workers at the Metal Closures Group in Paarden Eiland and his employers

While his wife and children share his views, the rest of his family do not speak to him

"My family are conservative and have rejected me"

At work, management has accused him of "orchestrating" the September 6 stayaway and he fears his job is at stake

When he joined the CWIU, management warned him that he would "lose the respect of the labourers"

Then the racist graffiti appeared. After a swastika was painted on his locker and most of his white colleagues at the Metal Closures Group refused to speak to him, Ryan moved to the main mess used by the black workers

"The white workers are totally unsympathetic," Ryan said

"On September 1 we marched through the streets of Paarden Eiland to protest against the Labour Relations Act. After we were hit with quirts, I overheard one of the white artisans say that the police should have shot us

"But the exact opposite has been

However, Ryan says, a harsh economic reality is pushing white workers into Cosatu unions

"Traditionally white workers have been protected by management, as a way to divide the workforce. This is no longer the case. Their protection has been taken away and they are losing all their privileges

"The alienation of white workers from capital and its ally, the government, has created a political space. If the progressive movement does not strategise how to win these workers, the right wing will"

Last year, he was an active member of Cape Democrats, but was frustrated by the organisation's concentration on "middle-class liberal suburbs"

He also felt uncomfortable that most members came from middle class homes and backgrounds which were alien to him

At the time Ryan was an organiser for the National Union of Furniture and Allied Workers, a job he left because he became "absolutely disillusioned with the way NuFaw operated"

While at NuFaw, he attended the second Nachu conference which he says was a "tremendous experience" despite some racist hostility

"At the conference those who were supportive outnumbered those who were hostile. There is always more that unites workers than divides them," he said

It is his belief that has inspired him to brave the hostility of most whites and to join the progressive trade union movement.



28/09-4/10/89

**South LABOUR**

## Court asked to rule on off-shore oil workers

By CHIARA CARTER

DOES South African law apply to all labour disputes which arise in the country or is it only applicable if the workplace is in South Africa?

This was the central issue in a landmark case argued in the newly-formed Labour Appeal Court in Cape Town on Monday

The case arises from a section 17 application to the industrial court last year by the Chemical Workers' Industrial Union (CWIU) against Sopolog, an oil-drilling outfit contracted by the parastatal Soekor to search for oil along the South African coast

The dispute is over changes in conditions of employment including a changeover from fortnightly to monthly payments made in Cape Town

The industrial court found that it had no authority over Sopolog because its employees work on rigs outside South Africa's 10 km territorial zone

The court referred the matter as a question of law to the Labour Appeal Court

This week, lawyers acting for the CWIU argued that the dispute arose in South Africa and should therefore

fall under the jurisdiction of South African courts.

This is consistent with the ruling of a full bench of the Eastern Cape Supreme Court in a dispute between the Ciskei bus company, which moved its headquarters from East London to Bisho, and two employees. That court had ruled that the central issue was where the dispute had arisen.

The CWIU argued that the case should be under the jurisdiction of the South African courts because the workers were South African citizens and their employment had been on the basis of South African work conditions

Advocate WC Burger, who appeared for Sopolog, argued that because the company provided services outside South Africa's boundaries, the South African courts had no jurisdiction over the dispute.

Judgment was reserved

CWIU has been trying since 1987 to get recognition from Sopolog, a subsidiary of the Paris based company, Forasol Former.

The case has broad implications for workers employed by South African companies but working abroad.

This includes workers who are employed in the homelands.



# Union action off to slow start

By CASSANDRA MOODLEY

THE nationwide consumer boycott and overtime ban launched by unions last weekend made a slow start in most parts of the country this week, except in the Eastern Cape where there was a reported 90 percent drop in sales figures.

The launch of the boycott and an overtime ban followed a resolution passed at the workers' summit last month to protest against the Labour Relations Act.

The campaign appeared to get off to a patchy start this week but was given a boost when the appellate division of the supreme court in Bloemfontein ruled that the overtime ban was a legitimate form of industrial action. The decision was the outcome of a lengthy legal dispute between the Food and Allied Workers' Union (Fawu) and SA Breweries.

Most unions were still assessing the success of the overtime ban and the consumer boycott. However, the Chemical Workers Industrial Union reported successful implementation of overtime bans in the Eastern Cape, Transvaal and the Western Cape.

In the paper industry, the Paper, Printing Wood and Allied Workers' Union (Ppwawu) said the overtime ban was strongest on the Witwatersrand and in the Eastern Cape.

On the Highveld the National Union of Metal Workers of South Africa has successfully implemented bans at all organ-

ised plants except for Highveld Steel and Ferrometals, where workers have to work continuous three-cycle shifts.

A Nactu representative said employers in Potchefstroom and Klerksdorp visited union offices on Tuesday to establish why workers were not doing their overtime shifts.

Nactu affiliates in the metal, chemical, construction and food industries have been threatened with interdicts against the holding of overtime bans.

The Federated Chamber of Industries (FCI) said that according to reports from eight regional chambers and 50 companies, employers had little difficulty getting employees to work overtime. The overtime bans were partly effective only where there was a strong union presence.

The Associated Chamber of Commerce (Assocom) reiterated that the consumer boycott had made no drastic effect on retail sales — but said it had not yet received a full report from all regions.

Assocom's Bill Lacey said that last Saturday a 30 percent drop in sales was recorded in Pretoria.

"This could have been related to the planned marches and the fact that streets were closed to the public," he added.



166 wmaie 29/9 - 5/10/89.

# Industrial court hears overtime ban case

5116 29/9/89 116

By Drew Forrest

The SA Clothing and Textile Workers Union (Sactwu) is to meet a Pretoria firm in the Industrial Court today on the vital question of the fairness of an overtime ban.

This week the Appellate Division gave an indirect boost to the labour movement's national overtime boycott by ruling that the refusal to do overtime was not a strike.

The current case, in which Silvertown Tannery is seeking an interdict against an overtime ban by Sactwu members, is the first to go before the Industrial Court since the Appellate Division ruling.

## DISPUTE DECLARED

The tannery's managing director, Mr Glen Manley, said the company would argue that the overtime ban was an unfair labour practice.

In a related development, Sactwu this week declared a dispute after industrial council talks with Western Cape cotton employers over demands that employers bypass controversial clauses in the Labour Relations Act (LRA). Sactwu's Mr Ebrahim Patel said demands included a management undertaking not to use section 79 (2) of the Act, which creates a presumption of union involvement in illegal strikes.

Sactwu has put the demands in over 150 bargaining forums. More than 20 000 members are already covered by agreements bypassing the LRA, it says.

# LABOUR LEGISLATION

1989

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not complete



# Textile workers bypass Labour Act

High-level union-employer talks on reshaping the Labour Relations Act (LRA) are quietly being supplemented in the textile and clothing sectors by a host of private deals bypassing the legislation.

Demands that employers contract out of the LRA have been made in about 150 bargaining forums, says the SA Clothing and Textile Workers Union (Sactwu)

These include clothing industrial councils in the Transvaal and Natal, the Western Cape cotton industrial council, and major textile firms such as Frame and Romatex.

Last week Sactwu went into dispute with Western Cape cotton employers on the issue, and other disputes are in the offing. But there have also been agreements — more than 20 000 workers are already covered by deals sidestepping the LRA, the union says.

Sactwu's Mr John Eagles stresses that the campaign pre-dates and complements the talks between the labour movement and the South African Consultative Committee on Labour Affairs aimed at joint proposals on changes to the LRA.

Sactwu members, by means of factory protests and last month's two-day stayaway, had backed the broader push for a new law.

The five-point package demanded by Sactwu resembles deals struck between several West German firms in SA and the National Union of Metal-

Private deals are supplementing the present talks between unions and employers on changes to the Labour Relations Act, reports  
**DREW FORREST.**

workers. Among its features are

- The referral of all "disputes of right" (over the breach of an agreement or law) to private arbitration, thus bypassing the LRA's dispute-settling machinery and the Industrial Court. In "disputes of interest" (for example, over wages), the union seeks such rights as a moratorium on dismissals, access to strikers, and picketing facilities.

- On retrenchments, a guarantee of negotiation with Sactwu and the application of the "last in, first out" principle.

- The right of all workers to a fair disciplinary hearing. The LRA apparently enables managers to fire workers with less than six months' service without valid reason.

- An employer pledge not to base legal action against the union on the LRA. A particular union concern is section 79 (2) which broadens unions' liability for damages claims in illegal strikes.

- A statement by employers that they favour the extension of union rights to workers in farming, domestic service and the public sector who are not covered by the LRA in its present form.

...seriously seri-  
ous," Deputy Oil Minister Mr Vla-  
dimir Filanovsky-Zenkov told the So-

...in the Don-  
etsk region of the Ukraine, produc-  
tion last month alone was a million  
tons down — *The Independent*

# Textile workers bypass Labour Act

STAR 3/18/89

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High-level union-employer talks on reshaping the Labour Relations Act (LRA) are quietly being supplemented in the textile and clothing sectors by a host of private deals bypassing the legislation

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**DREW FORREST.**

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# Workers win LRA victory

By **CONNIE MOLUSI**

THE labour movement gained its first victory in the struggle against the Labour Relations Act when the Appeal Court ruled that overtime was not compulsory

The landmark judgment follows an appeal by SA Breweries against a Supreme Court ruling which upheld the right of Food and Allied Workers' Union members to refuse overtime

According to the ruling, a ban on non-contractual overtime does not constitute a strike and is therefore not

illegal

The ruling could bring employers back to the negotiating table after the SA Consultative Committee on Labour Affairs' suspension of talks on the Act with Cosatu, Nactu and other unions.

Saccola secretary Friede Dowie said the overtime ban were seen as "bad faith negotiations" because unions embarked on the action before talks ended

Meanwhile, employers and unions have till October 6 to submit joint propositions to the Manpower Commission for changes to the Act

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L.P. Press  
11/10/89



# Ban on overtime work only a partial success

By Drew Forrest

What impact has the labour movement's national overtime ban — now officially a week old — had on industry?

The answer seems to be some, but less than the unions would like

Part of a campaign against the Labour Relations Act (LRA), which includes a consumer boycott, the ban is indefinite but subject to review. It is meant as background to union-employer talks aimed at joint submissions to the State on the LRA.

Its launch sparked a backlash from the employer body, SA Employers' Consultative Committee on Labour Affairs (Saccola), which pulled out of the talks to consult members. Its decision whether or not to resume discussions will be made

known this week. Unions will review the ban on Friday.

Mrs Chris Bonner of the Chemical Workers' Industrial Union says the ban is being widely applied at Transvaal and eastern Cape chemical plants.

Employer responses ranged from the declaration of a dispute (Shell) to threats to cancel union recognition (Field Rubber on the East Rand) and the refusal to release shop stewards for seminars.

According to the Paper, Printing, Wood and Allied Workers' Union, workers refusing to work overtime have been interdicted at Transvaal Mattress and Printpak Gravure. A Port Elizabeth firm has cancelled pay talks and Carlton Paper in Roodekop has declared a dispute, the union says.

2/10/68

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Shell has... that...  
Shell has... that...

from Jomet. The Witwatersrand KSC might also help foot the bill

The UTC system will link the traffic lights via cable rather than radio, and will in turn be linked to the council's central computer.

ing into account, too, that both sides would also be given during the year

Public Servants Association GM Hans Olivier said the PSA was bound to a policy of striving for market related salaries

strong, particularly in the corporate sector. Imports showed little indication of declining and the rise in the money supply remained disturbingly high.

## Saccola to announce talks decision soon

8/10am 2/10/89  
166 ALAN FINE

EMPLOYER federation Saccola is to inform Cosatu and Nactu in the next few days of whether it is prepared to resume negotiations on the Labour Relations Act

- Saccola suspended its participation in the talks 10 days ago, citing the union call for a national overtime ban and consumer boycott in support of demands for changes to the Act as a breach of good-faith bargaining

- Saccola chairman Bobby Godsell declined to outline the terms of the decision made at a high-powered meeting of leaders of the organisation's affiliates, saying he would not do so until the unions themselves had been informed

The union federations have defended their call, saying employers left themselves open to such actions for as long as they did not renounce their rights to use "objectionable" clauses in the Act

## Some plans up, some down

7/10am 2/10/89  
EDWARD WEST

VALUES of plans passed for residential buildings reflect declining investment and confidence in the housing market, while values of plans passed for the non-residential sector show continued activity ahead

However, the CSS warns that the value of non-residential plans passed can be pushed up by building projects involving large capex and are not an absolute indicator of activity in the construction industry

According to the CSS, the value of plans passed for the residential sector during the first seven months of 1989 compared to the same months last year shows consistent decreases

January showed a 2,5% decrease, February 3,5%, March 14%, May 5,4%, June 13,2% while July showed a 6,2% decrease. The only increase to be recorded was April, which showed a 1% increase when compared to the same month last year

However, the value of non-residential plans passed for the seven months shows consistent and large

increases when compared to the same months last year

January showed a 133% increase, February 129%, April 11,1%, May 55,2%, June 47,1% while July showed a 160,9% increase. Only March recorded a decrease, 10,6%, when compared to March 1988

Building Industries Federation of SA economist Charles Martin said business confidence in housing construction had dropped substantially because high interest rates had dampened housing investment capacity.

Bou Pen MD Herc Botha said high land prices and the inability of state subsidies for first-time homeowner to counter the effects of high interest rates had damped demand in the residential housing market

In line with the predicted downturn in the cyclical construction industry, Martin said there was much work in progress in the non-residential sector, but contractors were finding it difficult to refill order books

# Sasol staff reinstated with R3m backpay

Own Correspondent

THE Industrial Court yesterday ordered the reinstatement, with six months' backpay worth an estimated R3 million, of 730 Sasol employees dismissed during a wage strike in October 1987.

The matter was brought in Johannesburg by the South African Chemical Workers' Union (Sacwu).

Sacwu general secretary Mr. Humphrey Ndaba, describing the judgment as a major victory, declined to release a copy of the 102-page judgment till after a media conference this morning.

A Sasol spokesman said management had not yet had an opportunity to study the judgment thoroughly, and would react once this had been done. A copy was not available. Industrial Court judgments are released only through the contesting parties.

The workers, employed at Sasol 1 at Sasolburg, were among 1 300 dismissed a week after going on strike.



166  
 Sacwu case breaks new ground

B/day 6/10/89

ALAN FINE

AMID the football analogies (the red card) and colourful metaphors (ostriches, Achilles heel and Rip van Winkle), this week's Sacwu vs Sasol and Natref Industrial Court judgment contains an important discourse on the right to strike in SA

Court member M A E Bulbulia has added substantially to the body of court opinion on the protection from dismissal of strikers

However, his views differ from those in the previous key judgment on the subject, leaving for managements and unions some uncertainty as to their rights and obligations

Bulbulia's main conclusion is that "it is unfair to peremptorily dismiss, on the shortest of ultimatums, strikers who strike for higher wages or better working conditions, have observed the conciliatory procedures of the (Labour Relations) Act, and have conducted themselves peacefully"

In Sacwu vs Sentrachem, delivered in February 1988, member David John seemingly made protection from dismissal for lawful strikers absolute

John, who recently rejoined the court as a full-time member, argued that, since the law grants unions and strikers immunity from penal and civil sanctions if legal conciliatory procedures are followed, "it would be anomalous if workers were nevertheless penalised by dismissal for striking"

The key word in Bulbulia's judgment is "peremptorily" — a partial

retreat from the Sentrachem judgment — suggesting that dismissals may, at some stage, become justified

The question is When? What is clear is that it is impossible arbitrarily to set a time limit Bulbulia has, however, tried to set out certain basic principles

Possible options

He does this by quoting from an article by prominent advocate John Myburgh SC who, as it happens, appeared for Sacwu in this case

Dismissals, says Bulbulia, may take place only after all other possible options have been exhausted

The judgment, and Myburgh's article, suggest a number of such options These include, firstly, an obligation to continue negotiations, suggesting a preparedness to improve on the pre-strike offer Mediation is another possibility

Myburgh also proposes efforts to lessen the impact of the strike, including more overtime by those not on strike and the use, where feasible, of temporary labour

Attempts can be made to persuade strikers to return to work either through propaganda or the imposition of a lock out, although the latter carries with it its own problems

But eventually, the judgment says, quoting from Myburgh, "the day will

dawn when, despite the steps I have mentioned, the strikers are steadfast in their determination not to return to work while their demands remain unsatisfied and the employer is no longer willing or able to tolerate a strike

"The employer's level of tolerance will be exceeded when, for example, loss of production and concomitant loss of profits become unbearable"

Of course, an objective definition of the word "unbearable" is not easy to come by, and one can envisage future cases fought on this principle becoming battles between accountants

Bulbulia, in line with John before him, refused to throw out Sacwu's case on the grounds of the alleged "unreasonableness" of the union's demand for R200-a-month wage increases But he did give some attention to the parties' pre-strike proposals — which may provoke criticism from that school of thought which believes it is not the court's function to pronounce upon the merits of substantive proposals made in disputes of interest.

Bulbulia says he could not find that the union demand was a "final" one And Sasol's refusal to negotiate after the strike began on October 1 1987, made it impossible for the union to moderate its demand

He added Sasol's R100 offer for the affected Sasol 1 plant was lower than that paid by other comparable companies in the region, and also compared unfavourably with offers at its Secunda plants

REVIEW

AMONGST THE RECENT CASES

166  
 Sacwu case breaks new ground

B/Daw 6/10/89

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# May 1 is now a public holiday

IN A major concession to black worker power, the Government has recognised May Day as a public holiday.

New Minister of Manpower Mr Eli Louw announced yesterday that from 1990, Workers' Day would fall on May 1 — instead of on the first Monday in May.

The move, which Mr Louw said was "for practical and productivity reasons", is likely to upset conservative white unionists, who dislike May Day's socialist connotations.

Workers' Day was introduced in 1987, as a partial concession to black worker

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DREW FORREST  
demands that May Day be recognised. Workers have since stayed at home on both Workers' Day and May Day — at immense cost to the economy

Mr Piroshaw Camay, general secretary of the National Council of Trade Unions, said the latest policy shift was inevitable, given the "hundreds" of employer-union agreements granting May 1 as a paid holiday.

Mr Louw said so long as Workers' Day was not on May 1, "it would not only create uncertainty, but disrupt the

economy"  
In a comment directed at white unions, Mr Louw said associating May Day with socialism "is becoming irrelevant because of the economic failure of that ideology" May 1 was already a holiday in most of the West

Mr Louw said the question of May Day being a compulsory paid holiday had been referred to the National Manpower Commission

Sources say the policy change shows the differing political styles of Mr Louw and predecessor Mr Pietie du Plessis.



## Court for 2 city-unionists

Labour Reporter

TWO city trade union officials arrested yesterday while protesting against the Labour Relations Act were warned to appear in Cape Town Magistrate's Court to face charges under the Gatherings and Demonstrations Act.

Cosatu regional vice-chairperson Ms Grace Bosman and Chemical Workers' Industrial Union regional chairman Mr Abraham Aghulas were released on R100 police bail each, an attorney said.

Police ordered about 300 workers to disperse outside Kanhym Meats in Montague Gardens.

Cape Times  
7/10/89

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# Garbage workers protest over LRA

Labour Reporter

NUMEROUS Peninsula households suffered erratic garbage removal this week as City Council dustmen joined countrywide protests against the controversial Labour Relations Act (LRA)

And as a nationwide two-week consumer boycott against the amended LRA was called off in most regions yesterday, it is reported that similar action has been launched in the Western Cape

City Town Clerk Dr Stan Evans yesterday said certain refuse beats were not completed on their allotted days over a three-day period following industrial action by cleansing branch workers

Suburbs "affected to some degree" ranged from Camps Bay via Sea Point to Maitland, Surrey Estate and the Southern Peninsula district. Services returned to normal by yesterday, he said.

The action is believed to have been taken in line with a call for a national overtime ban by Cosatu, Nactu and some independent unions

# Labour talks on track again

By Drew Forrest, **166**  
Labour Reporter

Crucial employer-worker talks on the Labour Relations Act (LRA) are back on track after a two-week breakdown

At the same time, trade unions have announced that the two-week consumer boycott in protest against the LRA has ended in all areas except Border and the Western Cape.

The LRA co-ordinating committee, comprising the Congress of SA Trade Unions and the National Council of Trade Unions, said, however, that workers would intensify their national overtime ban

The launch of the overtime ban and consumer action on September 22 prompted the employer body, Saccola, to withdraw from the Labour Relations Act talks to consult its members

On Friday, Saccola said it had called on the unions to resume the talks as soon as possible so that joint representations could be made to the Government.

Saccola secretary Mrs Friede Dowie said the call was unconditional

If a joint submission was made by the end of the month, she understood the Government would consider it

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South 12/12-18/10/89

# Workers to march

(166)

## Num slams '100 years of poverty'

THE National Union of Mineworkers (Num) has slammed the centenary celebrations of the Chamber of Mines as a celebration of "100 years of op-

pression and poverty wages

In a statement this week, Num general secretary Cyril Ramaphosa said that for miners the chamber was "synonymous with oppression and exploitation"

This included mass retrenchments, derecognition of Num racial discrimination, overcrowded single sex compounds and the encouragement of tribalism and ethnicity

"The anniversary means the commemoration of millions of unsung heroes who have perished under the chamber to make a tiny white minority of millionaires richer," Ramaphosa said

He said black miners were among the lowest earners in South Africa while white miners were among the top earners of all whites with an average salary of R3 000 a month

Num has estimated that the average monthly wage of a black miner is R500 — one sixth of the average wage of his white counterpart

Ramaphosa said all the main poverty datum lines are far above the wages paid by the Chamber

A march by Num members is due to take place this month

By CHIARA CARTER

THOUSANDS of people are expected to march through the streets of central Cape Town to the Houses of Parliament this Saturday to protest against the Labour Relations Act.

The march, which is being organised by the Congress of South African Trade Unions (Cosatu) and independent unions, is one of several anti-LRA marches due to take place in major centres around the country

It is scheduled to begin at the Grand Parade at 10am and will be led by union office-bearers

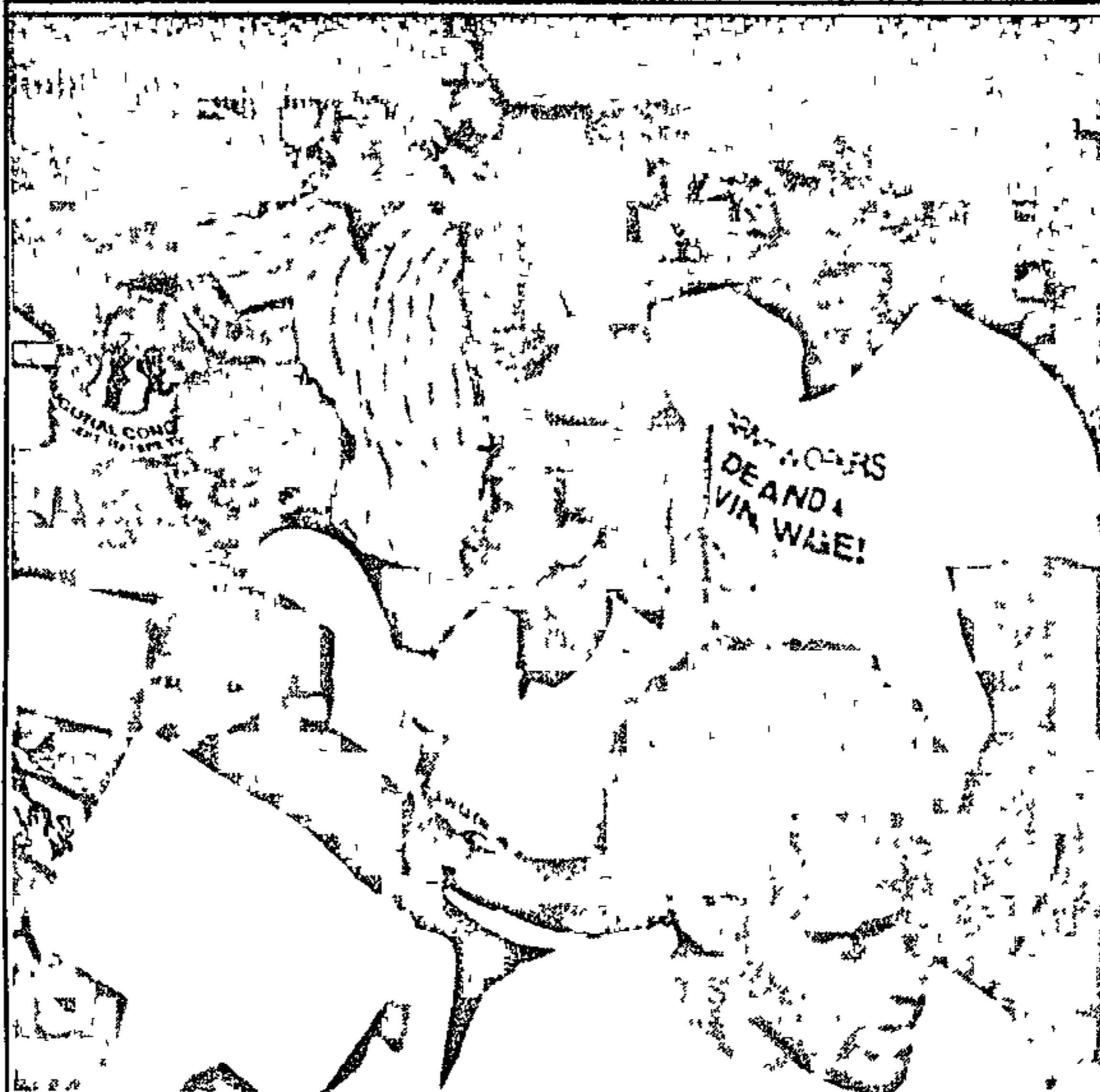
A Cosatu spokesperson said thousands of workers and sympathisers were expected to join the march which would be followed by a mass meeting on the parade

### Living wage

The marchers intend to deliver a list of demands to parliament

These demands include jobs for all at a living wage, a labour law that protects all workers, including farm, domestic and public sector workers, and a freeze on all basic food and transport prices

Other demands are the scrapping of rent arrears and an end to evictions, an end to privatisation especially in housing and health services, a 40 hour week, a ban on overtime and a living benefit for the unemployed, education for all in open schools, the recognition of democratic SRCs and PTSAs, the unbanning of all organisations, the release of all detainees and political prisoners, the lifting of the State of Emergency, an end to hangings and an independent inquiry into the deaths on election nights



SUPPORT: Determined ADE workers rallied the Atlantis community in support of their demands

A NATIONAL beer drought is looming following a strike by between 3 000 and 4 000 South African Breweries workers

The strike is one of several involving more than 20 000 workers in different sectors throughout the country

The SAB workers were due to down tools on Thursday after attempts at mediation failed to resolve a dispute between the company and the Food and Allied Workers Union (Fawu)

The dispute was declared on the second day of annual wage negotiations when the company presented a set of demands which Fawu claims would

## Beer drought as thousands strike

South 12-18/10/89

seriously impede the union's ability to take industrial action

The workers have called on the community and taverners to support them

Another 5 000 Fawu members are on strike at the milling, feed and oil divisions of Premier throughout the country

The workers downed tools last Thursday after wage talks deadlocked the previous day

They are demanding an across the board increase

of R33 a week

The company has offered R28 to milling workers, R24 to Epic workers and R23 to Epol workers

The workers are also demanding that the agreement cover Tanda Milling, a Premier subsidiary in the Transkei

Meanwhile in Atlantis, sources said that an industry wide workstoppage is due to take place today

The stoppage is in support of more than 400 motor workers who have

been on strike at the ADE factory for about three weeks

The strikers are demanding an increase of 90 cents or 24 percent

Management is holding out for 15 percent or 56 cents

A spokesperson for the National Union of Metalworkers of South Africa (Numsa) said management had given the strikers until Friday this week to return to work or

face dismissal

Community leaders last

# Focus on small business legislation

Own Correspondent

JOHANNESBURG — Manpower Minister Eli Louw announced yesterday he had requested the National Manpower Commission (NMC) to investigate SA's labour legislation as it pertains to small business

The proposed investigation appears to represent a major leg of government's deregulation drive, and could lead to legislative amendments, which would wholly or partially relieve small businesses of various legislative obligations they face

The official NMC brief is to examine the influence of legislation on the establishment and functioning of small business, the costs incurred by small businesses as a result of dispute settlement and litigation in terms of the LRA, whether the same principles should apply to them as to large businesses, and the possibility of specific legislative amendments

A statement from the Manpower Department stressed that "fundamental rights of employees and employers will still have to be protected, and the complete abolition of protective measures cannot be considered"

NMC chairman Frans Barker said yesterday he did not envisage the commission recommending, for example, removing from employees of small businesses their rights to unemployment insurance and workmen's compensation

However, it may be that a way could be found to relieve the administrative burden the relevant Acts impose on small employers

The Labour Relations Act and the Basic Conditions of Employment Act would also be under the spotlight

But Barker could not say at this stage whether the NMC would examine only the effect of minimum conditions of employment laid down by the BCEA and wage instruments regulated by the LRA, or whether collective bargaining provisions would also be examined

"It depends on the evidence we receive," he said  
The NMC has called for evidence on this matter to reach it by January 10 next year

The Manpower Department also said the NMC was calling for evidence by the same date on its previously announced investigation into the consolidation of the LRA



# Thousands march

Own Correspondent

PORT ELIZABETH — What could be one of the biggest protest marches in South African history took place in the small industrial town of Uitenhage yesterday.

The march, which went off peacefully, was organised by the Mass Democratic Movement (MDM), the Congress of South African Trade Unions (Cosatu), church groups and various other community-based organisations to protest at the amendment to the Labour Relations Act (LRA).

A list of marchers' demands was handed to the divisional inspector of the South African Police in Uitenhage, Brigadier J A Botha, to pass on to the Minister of Law and Order, Mr Adriaan Vlok.

A separate list of demands was handed to the town's chief magistrate, Mr P R Rothman.

The size of the crowd was difficult to estimate, but judgments ranged from 30 000 earlier in the day to as many as 85 000 people

## Uitenhage protests at LRA changes

CAP T1075  
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March organisers agreed that about 70 000 people attended

A police spokesman said the police estimate on the size of the crowd was between 40 000 and 45 000. He stressed, however, that it was difficult to judge accurately.

"I think this is our biggest march ever," said the Rev Alexander Diko of the Methodist Church of South Africa, one of the many churchmen who attended the protest. Many other march officials agreed.

No blacks reported for work at the Volkswagen and Goodyear factories, and there was a high absentee rate at other businesses.

All shops along the route and most other shops in town were closed. They started reopening after the march had passed by.

After reading out the list of demands, Cosatu national vice-president Mr John Gomomo told the crowd it did not matter that Uitenhage was represented in Parliament by the Conservative Party.

"It could be the HNP, the NP or the DP, it still does not matter, as they all operate under apartheid structures." He repeated this to the chief magistrate when he handed over the list.

● A planned march on Parliament this Saturday by trade unionists to demand the scrapping of the LRA was yesterday tacitly approved by leading city business groups and the Mayor of Cape Town.

By late yesterday the conveners of the march were still waiting for the protest to be authorised by the chief magistrate and city council.

An estimated 15 000 people — most belonging to unions affiliated to Cosatu and the National Council of Trade Unions — are expected to join the procession at 10am on Saturday, a Cosatu spokesman said.



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# Call for changes to SA labour legislation

**Own Correspondent**  
JOHANNESBURG — Employer groups are likely to seek amendments to labour legislation following the recent Appeal Court and Industrial Court rulings which, some say, appear to give organised labour the right to embark on overtime bans at will

FICI industrial relations sub-committee chairman and SAB personnel director Rob Childs said the overtime ban issue was just one of a number which showed the need for a fundamental review of SA's labour legislation

Assocom manpower spokesman Vincent Brett warned some business sectors which rely on overtime work as a matter of course, like transport and many manufacturing concerns, could be hard hit

In a major test case, the Appeal Court ruled last month in the matter involving SAB and the Food and Allied Work-

ers' Union that an overtime ban could not be considered a strike in terms of the Labour Relations Act, because overtime work was, by law, voluntary in the absence of any employment contract to the contrary

Unions may therefore lawfully stage overtime bans without first following the strike procedures laid down by the Act

On Friday the Industrial Court declined to grant an interdict to Silverton Tannery against the SA Clothing and Textile Workers' Union on the grounds of unfairness

The court argued it could not compel employees to work overtime since this would be a contravention of the Basic Conditions of Employment Act

Both Brett and Childs agreed there would be great resistance to attempts to negotiate changes to existing em-

ployees' conditions of employment as the one way round the judgments

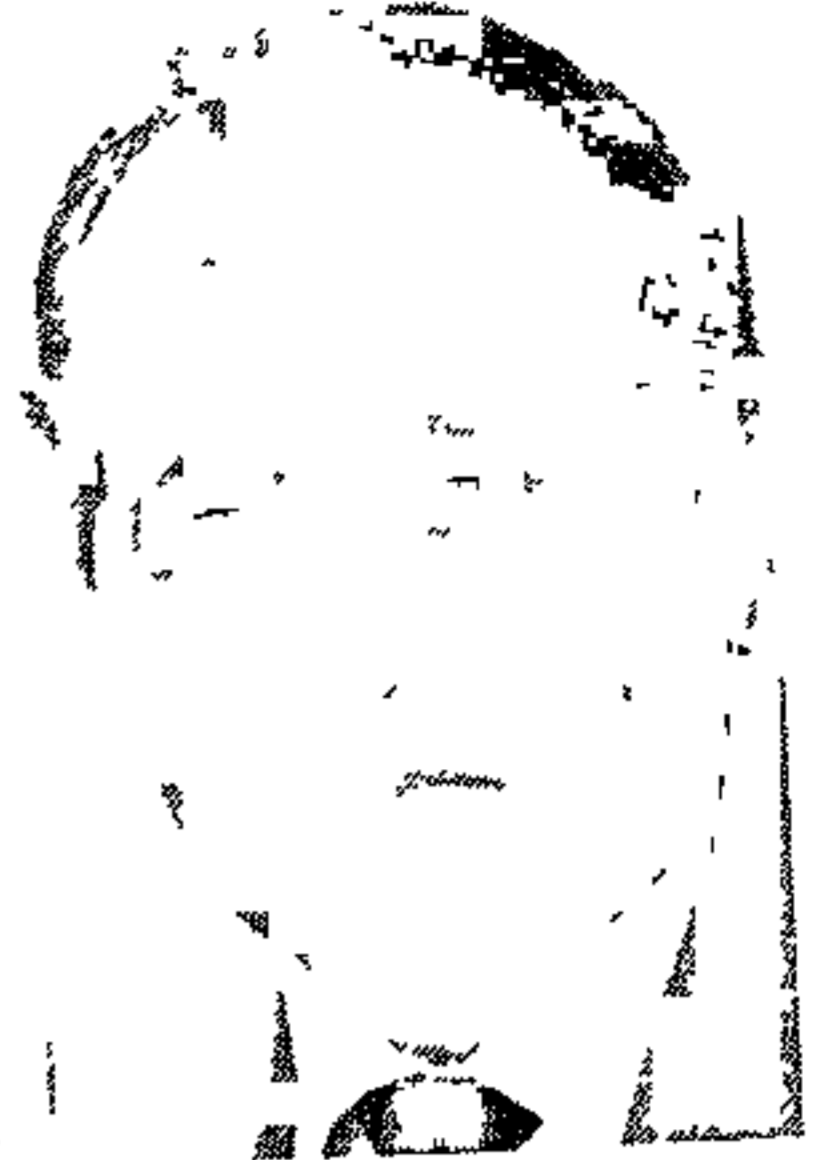
To change conditions unilaterally would constitute an unfair labour practice

Childs said while a collective overtime ban was clearly a form of industrial action, unlike an ordinary strike it could apparently now be used as a weapon of first, rather than last, resort

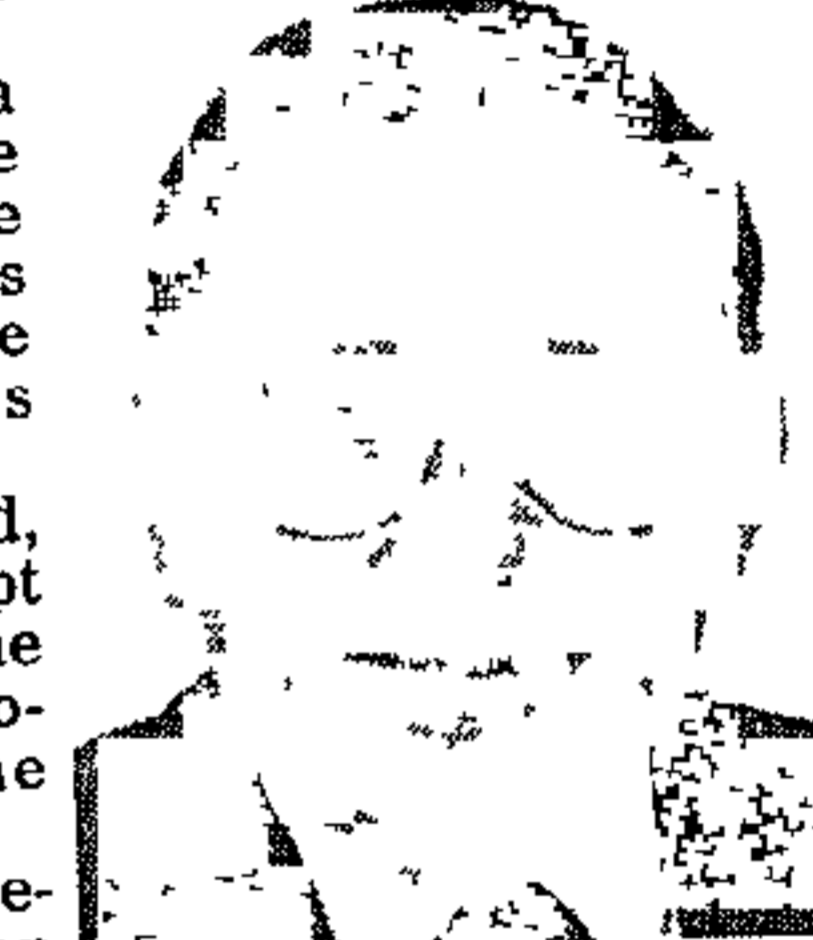
This, he said, was not a recipe for constructive industrial relations. He believed overtime bans should be subject to the same conditions as strikes

He said SAB would, through the FICI, attempt to place the issue on the agenda of the Saccola/union talks on the LRA

But labour law specialist Professor Johan Piron yesterday cautioned against jumping to conclusions about the effect of the Industrial Court judgment



Eldred Bowden has been appointed GM of Dunlop Tyres (Pty) Ltd



Alec Lambert has been promoted to deputy GM, broker division, of Southern Life in Johannesburg

N. Mail 13-19/10/89

# Joint union-employer group may see Govt

SPECULATION on whether a joint delegation of employer and trade union representatives will approach the government before the end of the month on changes to the Labour Relations Amendment Act (LRA) is hotting up as talks on the controversial Act between the major trade union federations and the South African Consultative Committee on Labour Affairs resume (Saccola).

The employer groups, represented by Saccola, and union federations began discussions on the LRA early last year when it was still a Bill. The aim of the talks is to effect changes to the legislation.

The National Council of Trade Unions had decided that once the parties had reached agreement on the labour legislation "they were not prepared to approach a minority government", representative Cunningham Nguckuna told the *Weekly Mail*.

"Nactu would expect Saccola to honour decisions taken during talks and the employer body could convey

such decisions to the state at its own will," he added.

The Congress of South African Trade Unions, the other major federation involved in the talks, was not available for comment.

Meanwhile, Saccola representative Frieda Dowie said that although there was a breakdown in talks for the past two weeks "there were very good chances of unions and employers making a joint written submission to the government on changes to the labour legislation" before the end of the month in order to effect an amendment in the 1990 parliamentary session.

There was a breakdown in the Saccola-union talks when Cosatu and Nactu launched a national ban on overtime and a countrywide consumer boycott on September 22.

Saccola called off talks because it felt that "unions were acting in bad faith to plan action around the very legislation they were in the midst of discussing", said Dowie.

Nguckuna said, "Saccola could not expect unions to lay down their arms (action) while employers were still armed with the LRA

"The employer body had refused to commit itself to not applying the LRA while it expected unions not to campaign against such legislation."

Last Friday Saccola indicated to un-

ions that it wished to resume talks. Although no date has been set for the next round of talks it is expected that a date will be set for next week.

Issues that trade union federations want discussed include:

- The expansion of the LRA to include domestic workers, farmworkers and public servants.
  - That registration of unions should not be based on what their objectives are.
  - That workers are free to join unions of their own choice.
  - Scrapping of clauses that narrow the definition of an unfair labour practice and erode the principle of fairness and equity.
  - Job security, retrenchments, sympathy and interim strikes
- Another item for discussion was the Section 79 (2) clause which read that trade union leaders were automatically responsible for industrial action such as wild cat strikes unless they could prove otherwise

## Unions' march in city gets go-ahead

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THE Cape Town City Council yesterday gave the go-ahead for a march tomorrow to Parliament by members of unions affiliated to Cosatu and the National Council of Trade Unions, council spokesman Mr Ted Doman said yesterday.

Thousands of workers and their supporters are set to join protest marches against the Labour Relations Amendment Act (LRA) in most major centres.

The city march is due to start at 10am and will proceed along Darling, Adderley, Bureau, Spin and Plain streets to the Tuynhuys entrance to Parliament, where demands on the LRA will be handed over.



# Workers to march tomorrow in 17 centres

EDYTH BULBRING

SEVENTEEN marches organised across the country by two major labour federations representing over 1,2-million workers, to protest against the Labour Relations Amendment Act, will take place tomorrow.

NUM general secretary Cyril Ramaphosa said at a Press conference yesterday it was expected the marches would also celebrate the release of the eight political prisoners.

National Council of Trade Unions (Nactu) first assistant general secretary Cunningham Ngcukana said Nactu "does not believe in applying for permission to march to resist oppression, exploitation and

repression by the ruling class" Nactu had chosen to defy rather than comply by refusing to apply for permission for any march, he said.

In a statement to Sapa, Cosatu general secretary Jay Naidoo said over a quarter of a million workers countrywide were expected to march tomorrow.

The 17 marches would take place in Johannesburg, Pretoria, Pietersburg, Secunda, Nelspruit, Standerton, Witbank, Durban, Maritzburg, Port Shepstone, Empangeni, Bloemfontein, Welkom, Kroonstad, Port Elizabeth, Cape Town and an-

other western Transvaal town still to be named.

"These peaceful marches will demonstrate the degree of opposition among workers to the anti-worker LRAA," Naidoo said.

The marchers would present memorandums setting out objections to the LRAA at Manpower offices, employer associations, state sector employers, courts and police stations, Naidoo said.

A Cosatu spokesman said 50 000 people were expected to take part in the Johannesburg march for which permission was

To Page 2

## Marches

given by the chief magistrate and the Johannesburg City Council.

A spokesman for Law and Order Minister Adriaan Vlok said yesterday police would maintain a low profile to ensure law and order was maintained.

However, in cases where permission was not granted, the police would stop the marches.

The spokesman said illegal marchers would be warned to disperse. If this did not happen action would be taken.

He said police would "try to use the absolute minimum force" to stop an illegal march.

Naidoo said the rules laid down for tomorrow included that the marches would be disciplined and peaceful. All marchers

were to walk abreast in rows of between eight and 12.

All members of the crowd were to immediately obey instructions of marshals — identified by arm-bands. Anyone acting provocatively would be considered to be acting in the interests of the enemy, Naidoo said.

Workers should not respond to provocative actions but report the problems to the marshals.

Our Cape Town Correspondent reports that the Cape Town City Council yesterday gave the go-ahead for a march tomorrow to Parliament by members of unions affiliated to Cosatu and the National Council of Trade Unions, council spokesman Ted Doman said yesterday.

From Page 1

# Labour Act to get a new jacket

By **CONNIE MOLUSI**

codes.

THE Labour relations Act is to be modernised and simplified, Minister of Manpower Eh Louw announced this week

He invited interested parties to make submissions to his department.

Aspects to be dealt with in the Act are.

■ The system of registration of trade unions and employer organisations

■ The industrial court and labour appeal court

■ The definition of unfair labour practice and the principle of labour

■ The process of dispute settlement.

The minister said fundamental rights of employees and employers would still be protected.

The influence of labour law on small business would also be investigated, the minister announced

Parties must give their submissions by January 10, 1990

The South African Employers Coordinating Committee On Labour Affairs (Saccola) welcomed the invitation

City Press 15/10/89

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A Business Times Survey October 15, 1989

S/ Times 15/10/89

# A thorn in the side of SA industry

ONE of the thorniest issues currently facing the industrial relations experts in South Africa is the Labour Relations Amendment Act

The Amendment Act was intended to correct flaws in the 10-year-old Labour Relations Act. At the core of the older legislation was the provision for black workers to join trade unions which could then be recognised as their representatives

By Andrew Gillingham

There followed a period of rapid growth in the number of unions, their membership and strikes. The Act also created the Industrial Court

AECI GM human resources, Bokkie Botha, says many of the first Industrial Court decisions went against employers. They became concerned that the Court was acting against them. However, many of these first cases were to do with fairness. Autocratic employers were not used to being questioned and they didn't like it

## Balance

The view of the Industrial Court changed as a balance was achieved and labour practices modified

However, the National Manpower Commission (NMC) was asked to investigate a number of aspects of

the Act including the Industrial Court

The NMC produced a number of recommendations and the government prepared a series of draft amendments

Says Mr Botha "The Labour Relations Act is an all pervasive piece of legislation and the amendments covered a wide range of issues from administrative to those affecting basic principles"

Both the NMC and the Department of Manpower invited comment from over 100 interested parties

By the end of 1987 amendments were introduced which began to look as if they would be the final version

Then trade union federations became concerned about some of the proposed amendments and started to gear-up against them

The SA Co-ordinating Committee on Labour Affairs - which had been cre-

ated to provide employer input into the Geneva based International Labour Organisation - had begun to become more involved in internal issues

It suggested talks between the unions and employers

They tried to find common areas of concern regarding the new legislation. For any such legislation to work it had to have general acceptance among both parties

## Speeches

At the time some politicians made speeches calling for the need to control trade unions. Unions were concerned that the legislation was intended to turn back the clock. Employers didn't want legislation which would prove unworkable

The Minister of Manpower said he would consider joint proposals by the trade unions and the employers

However, he set a time

limit and both parties soon realised it could not be met. Instead they agreed on certain clauses which they considered areas which should be discussed further and asked the Minister not to promulgate these clauses. But the clauses were promulgated along with the rest of the Amendment Act and talks broke down

The trade unions began a series of actions aimed at both government and employers in protest

These included a call for a national overtime ban and various boycotts

The NMC has since been asked to review the entire Act and employers and trade unions have begun talks to find common ground on what the new Act should look like

Mr Botha says there are a number of areas which cause concern and some of the main bones of contention include

□ The Schedule of Unfair La-

BOKKIE BOTHA  
thorny issue

bour Practices. This was an attempt to codify these practices for the guidance of both parties and includes sympathy strikes and dismissals

□ Time limits were introduced relating to dispute settlements, such as when a dispute could progress to a legal strike or to the Industrial Court

□ Publication of Industrial Court decisions. Both employers and trade unions want these judgments more widely publicised

□ New amendments were introduced which put the onus on trade union leaders to prove they were not involved in illegal strike action. And this introduced an element where the employer could sue the union for damages

## Delivers keynote address

road of labour relations

□ Nasionale Pers group manpower development manager George Coetzee will address the need for a more focused and strategy-orientated approach towards management development

□ Labour law and industrial relations consultant Charle de Witt will examine the legal implications of Aids and discuss policy considerations

relevant to dealing effectively and fairly with its complications

□ Shell SA manpower planning manager Godfrey Mashope will discuss the need to include more blacks in the higher echelons of management

□ Nasser Associates director and partner Roy Dinedale's address will cover mentorship as a powerful tool in

bringing people into the core of the business

□ Professor Pierre Goetschin from Lausanne University, will address the impact of international demographic changes on business policy

□ Clemento Polpato Chile human resources manager Mario Livingstone will discuss the problems facing Chile

PAUL JOHNSON  
renown author



# Union slams LRA misuse

By CONNIE MOLUSI

CCA WUSA has accused Game Discount World of using the provisions to the Labour Relations Act to act against workers following the lock-out and dismissals in Natal.

Workers went on strike following a deadlock in wage negotiations.

This action is a further confirmation that this legislation does not provide workers with protection against unfair dismissals by employers, even if the unions have exhausted all legal procedures, said Ccawusa.

Political comment and newsbills by J. Sibhys. Headlines and sub-editing by E. Roberts, of 204 Eloff Street Ext. Johannesburg.

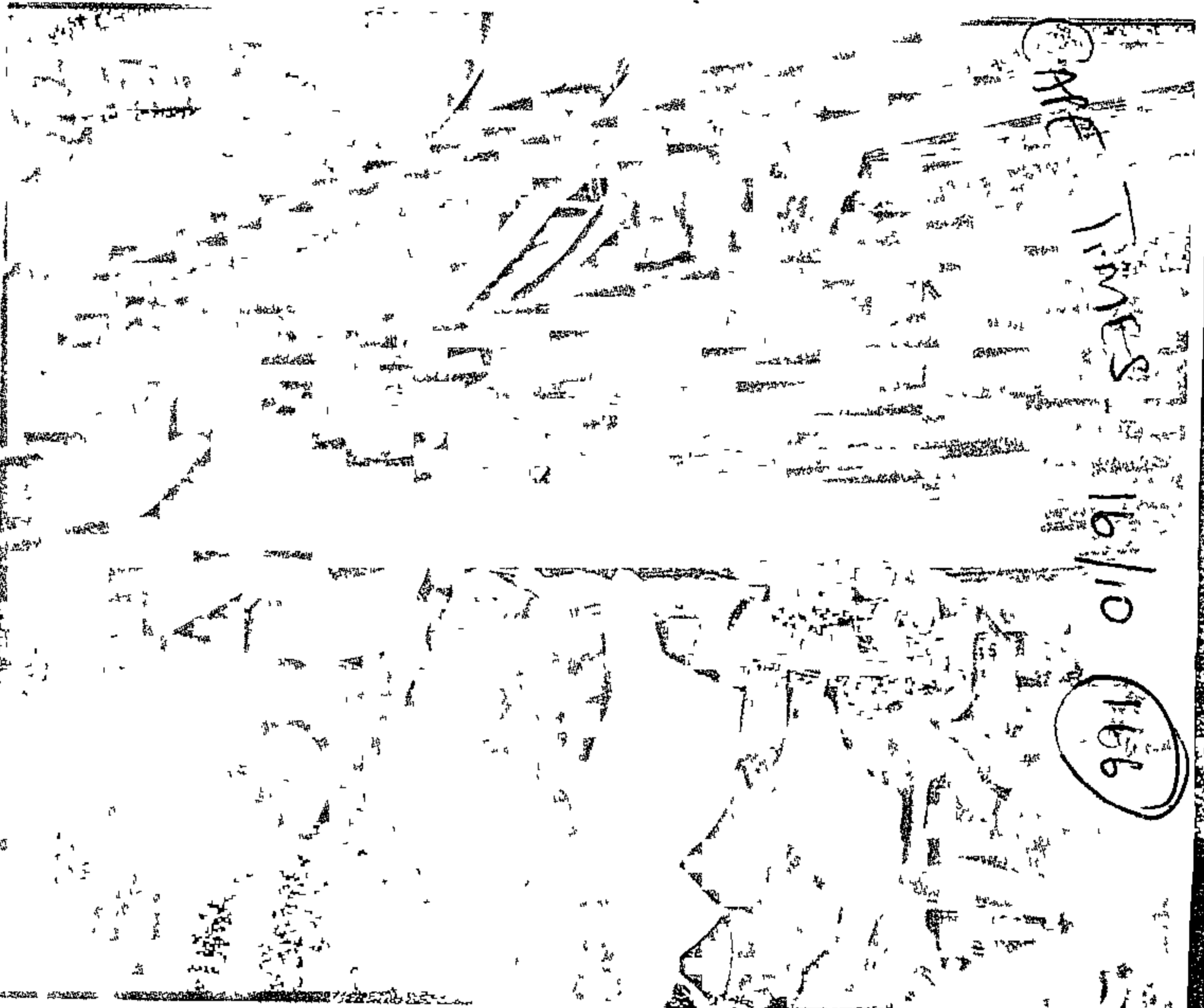
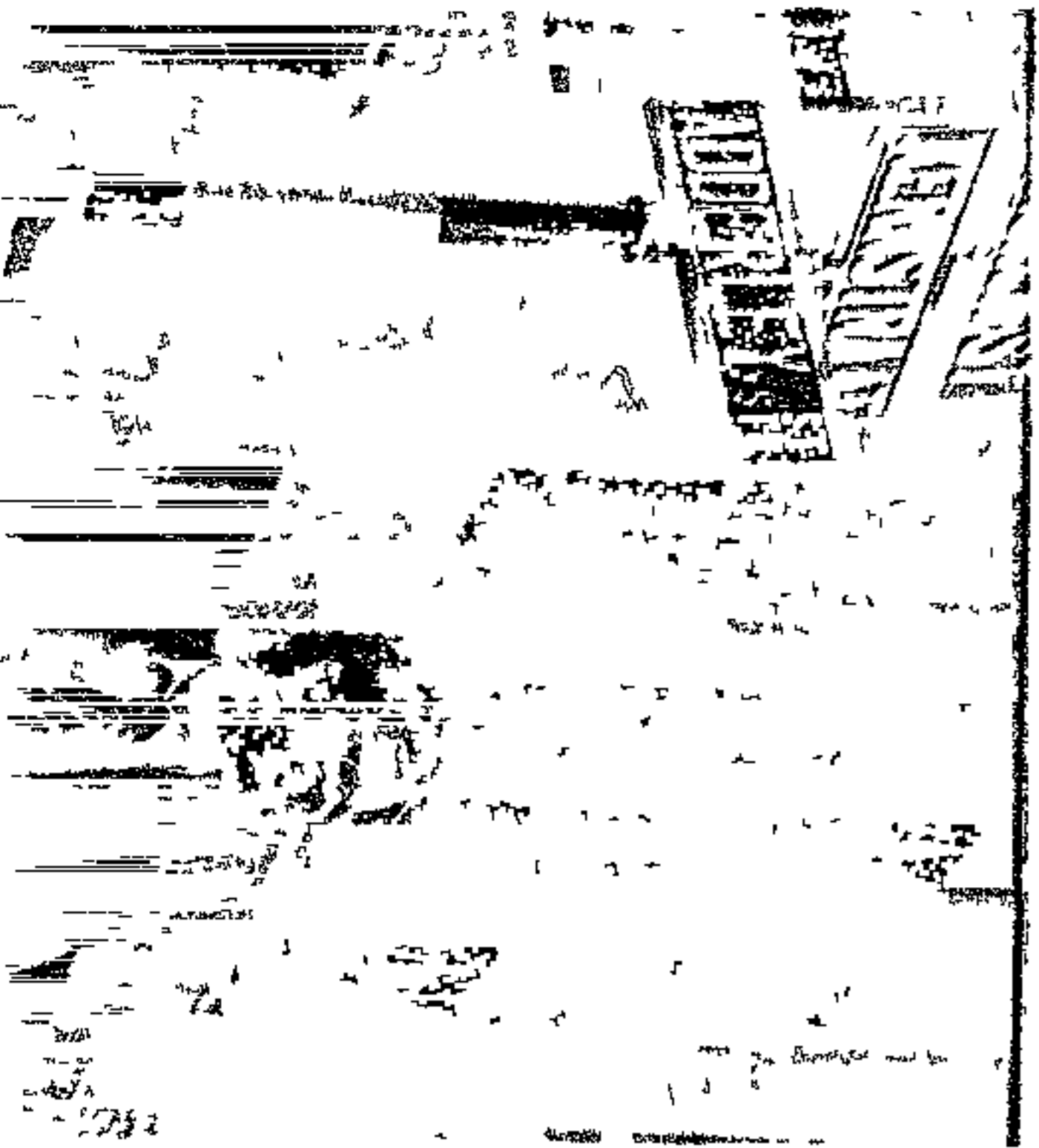
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15/10/89

# Workers on the march



**BEERMAN PROTESTS** A worker holds up a copy of Saturday's Cape Times during Saturday's march  
Picture KEITH WISEMAN

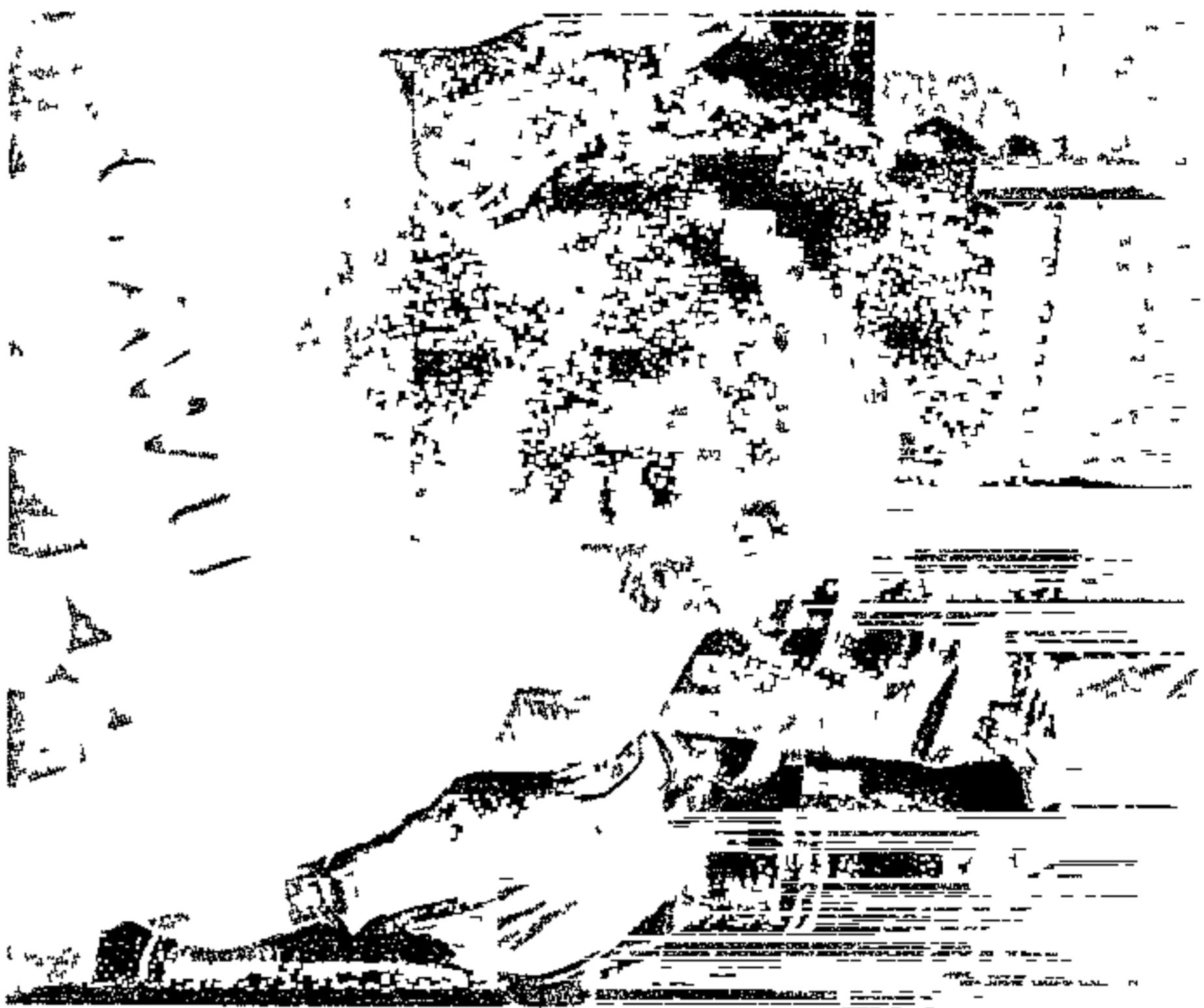


**DEMANDS RECEIVED** Department of Manpower official Mr Gert James receives trade union demands for the scrapping of the Labour Relations Amendment Act from a five-man union delegation at the Stalplein gates to Parliament

Picture by  
JOBBE ZILWAL







**LOOKOUT** Lawyer and former hunger-striker Mr Willie Hofmeyr, who was a legal adviser at Saturday's march, keeps an eye on the 10 000-strong procession



State's General Louis Botha outside the Tuynhuys became an impromptu flagstaff for the African National Congress and SA Communist Party during Saturday's protest march against the Labour Relations Act

**LEFT:** An estimated 10 000 workers and their supporters protesting against the Labour Relations Amendment Act jam Darling Street while marching to Parliament

# Marchers hit out at LRA

**MORE THAN 150 000** people joined countrywide marches at the weekend in a huge display of solidarity for the call to scrap the Labour Relations Amendment Act (LRA)

Galvanised by the country's two largest trade union federations — the Congress of SA Trade Unions (Cosatu) and National Council of Trade Unions (Nactu) — workers and their sympathisers took to the streets of 17 major centres to submit demands to manpower officials and police

Port Elizabeth, where several marchers had to be treated for heat exhaustion, witnessed the largest march with an estimated 80 000 people. The city's *to snooty court room n* *tu*

placards waited outside the Stalplein gates to Parliament where five trade unionists handed a list of demands to a manpower official, Mr Gert James

While the exchange was taking place, three men climbed on to the bronze statue of Anglo-Boer war leader and Statesman General Louis Botha to triumphantly wave the black, green and gold flag of the ANC. A red banner marked with a small hammer and sickle completed the brief political conquest

Youths who lowered and ran off with one of four South African flags outside the State President's Tuynhuys residence were quickly relevelled of their booty by policemen, who rehoist-

ed the flag. Police liaison officer Captain Hendrick Opperman said police were "looking into" the incident and would decide today whether to take any action

Mr James undertook to submit the demands to Manpower minister Mr Eli Louw after the union delegation insisted that he sign a chit in acceptance of the letter.

The Cape Town march was marked by the participation of hundreds of workers from strike-hit companies including SA Breweries, Premier Foods, National Panasonic, City Tramways and Atlantis Diesel Engines

The 3½-hour march was rounded off with an impromptu rally outside the City Hall, where an

ANC flag and banner proclaiming 'Scrap the LRA! Forward to Socialism' were displayed prominently from a balcony

Bystanders approached for comment on the march praised the marchers' discipline and generally agreed that it was a legitimate form of protest

In Johannesburg, a crowd of 15 000 were addressed by speakers including Cosatu president Mr Elijah Barayi, South African National Youth Congress president Mr Peter Mokoba and National Union of Metalworkers general secretary Mr Moses Mayekiso at the University of the Witwatersrand — Labour Reporter and Sapa

## Louw sees improved labour relations

Own Correspondent

**JOHANNESBURG** — The attainment of labour peace, training and deregulation, and through this job creation through small business development, were his most important tasks, newly appointed Manpower Minister Mr Eli Louw said at the weekend

In an interview, Mr Louw said he believed political progress in South Africa would make it easier to achieve labour peace "This with

make it easier to stick to workplace issues "That does not mean I think we can avoid

strikes" Mr Louw said he believed high-profile political activities by unions meant that members' economic interests suffered

He accepted that trade union leaders had a political role to play. They were among those invited by the President to take advantage of his open door. But union leaders should participate as politicians and not use their unions to achieve their political goals



### Windows smashed

Two city councillors, Mr Bobby Stevenson and Mr Flippie Potgieter, and former city councillor Mr Graham Richards were among those who joined the march.

Apart from Maritzburg's march, where R45 000 damage was caused when shop and bus windows were smashed and people were arrested for looting, no other incidents of violence were reported.

Observers in most centres praised Cosatu march marshals for their efforts in controlling crowds.

Several petitions listing demands for the scrapping of the LRA, the lifting of the state of emergency, the release of all political prisoners and detainees, the unbanning of political organisations, and others were presented to police for delivery to the Minister of Law and Order, Mr Adriaan Vlok.

In Cape Town, a colourful crowd of 10 000 holding banners, and

150 000

SA Trade Unions 16/10/89

workers  
march

Labour Reporter

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A TOTAL of about 150 000 people took part in several marches throughout the country on Saturday in a protest against the Labour Relations Amendment Act.

The march in Port Elizabeth consisted of 80 000, the biggest demonstration in South African history.

The protests were organised by the Congress of SA Trade Unions, National Council of Trade Unions and some independent unions.

In Cape Town about 10 000 marchers at one stage choked traffic from Buitenkant to Adderley streets.

Marches also took place in conservative Transvaal towns such as Secunda, Nelspruit, Witbank and Pietersburg.

● Full report — Page 7

## 150 000 march countrywide

8/09 16/10/89  
MORE than 150 000 people took part in Cosatu-organised marches in 17 centres countrywide on Saturday to protest against the Labour Relations Amendment Act.

The largest march was held in Port Elizabeth. There an estimated 20 000 people gathered at their march starting-point at 10 30am, but were joined by at least another 20 000 by 12.30pm as the march proceeded.

The march was led by the Anglican Bishop of Port Elizabeth Bruce Evans.

166 Refusal

Apart from Maritzburg's march, during which shop and bus windows were smashed and people were arrested for looting, no incidents of violence were reported.

At Secunda, a march by 6 000 protesters went ahead in spite of a refusal by the town's CP-controlled council to sanction it.

Shocked conservative residents watched the members of Cosatu-affiliated unions march through the streets.

The workers decided to go ahead with the march even after the CP City Council refused permission for it.

Earlier in the week the local chief magistrate granted permission for the

march provided the Town Council approved.

At the march in Witbank, which was attended by about 5 000 people, one banner was confiscated by police.

In Cape Town, demonstrators tore down the SA flag outside Parliament and draped the ANC colours and the SA Communist party flag over a statue of former PM Gen Louis Botha.

About 5 000 protesters joined this march which, in spite of these incidents, went off peacefully.

An estimated 4 000 protesters joined the Pretoria march which went off peacefully.

The colourful crowd which joined the march in Johannesburg was estimated at about 15 000. The march ended peacefully at the University of Witwatersrand.

Four speakers addressed the enthusiastic crowd, but police ordered that they disperse.

Between 2 000 and 3 000 protesters joined the march in Pietersburg, which was conducted in good spirit.

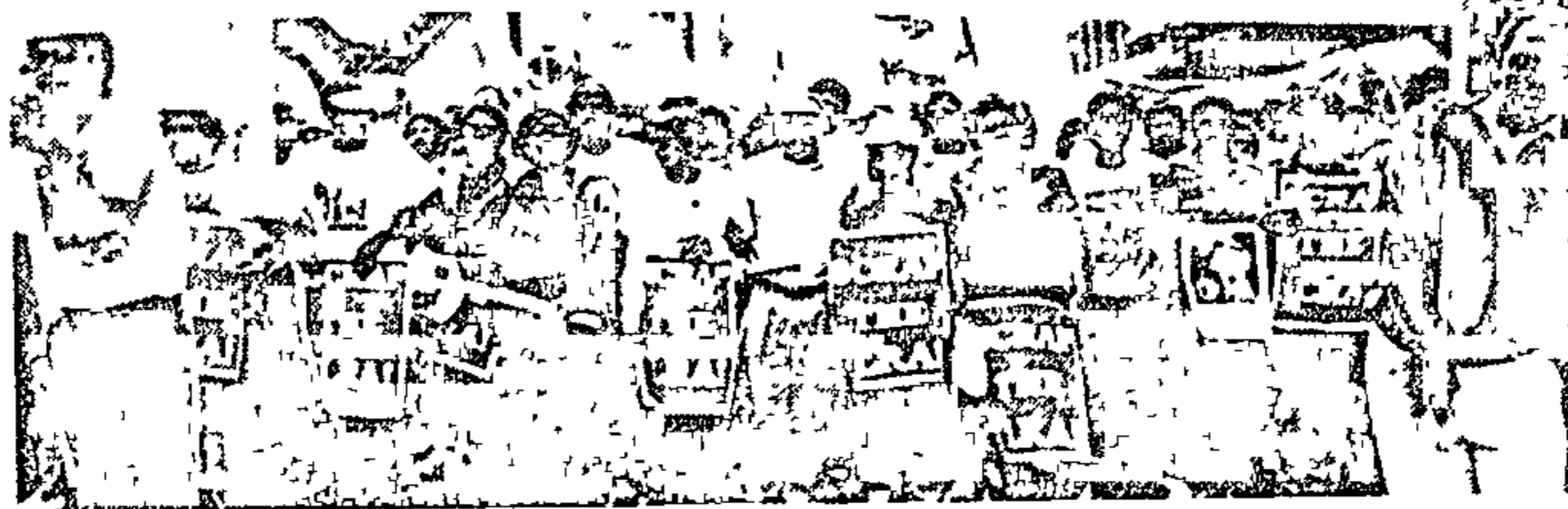
In Durban, marchers numbered between 3 500 and 5 000. The march ended without incident shortly after midday.

About 15 AWB members were seen standing next to the local police station in Nelspruit showing live bullets to marchers — Sapa



# Bosses, unions meet after marches **SCRAP THE LRA!**

## Forward to socialism



DAYS after more than 150 000 people in major centres around the country marched in protest against the Labour Relations Amendment Act, employers resumed talks with major trade union federations about changing the act

Employer body, the South African Consultative Committee on Labour Affairs (Saccola), met on Tuesday with representatives of the National Council of Trade Unions (Nactu) and the Congress of South African Trade Unions (Cosatu) for what Nactu general secretary Piroshaw Camay described as "make-or-break talks".

Saccola broke off talks with the federations three weeks ago in protest against a national consumer boycott and the implementation of a national overtime ban.

Before the talks resumed this week, Saccola suggested that the parties concentrate on changing controversial clauses of the act and send a joint delegation to the Commission for Manpower and the Minister for Manpower, Eli Louw, to argue for these changes.

Saccola has so far indicated that it agrees that section 79 (2), which presumes unions responsible for strikes, should be scrapped.

It has also agreed that the existing

provisions for registration, time limits on dispute procedures, the publication of industrial court judgments and the unfair labour practice definition should be revised

Meanwhile, unions are meeting this week to assess the next step in the anti-LRA campaign after last Saturday's marches.

In Cape Town, a crowd of about 10 000 marchers included hundreds of strikers from South African Breweries, Premier foods, National Panasonic, Atlantis Diesel Engines and City Tramways.

The marchers sang and toyi-toyed throughout the 2km march which took place under a "Forward to Socialism" banner.

Groups of city workers cheered as the procession wended its way to the gates of parliament where a five-person delegation delivered a list of demands to an official from the Department of Manpower.

Two protesters dashed out from the crowd to drape the flag of the banned African National Congress and South African Communist party over a statue of Louis Botha.

Worker leaders addressed the marchers at an impromptu rally on the Grand Parade at the end of the march

(166) South 19/10 - 25/10/89



# Wildcat strikes wave pushes 'Kei to redraft labour laws

A WAVE of strikes has surged through the Transkei in the last 10 days, forcing military ruler Major General Bantu Holomisa to redraft the territory's outmoded labour laws.

Wildcat strikes, which began with stoppages at three Umtata factories last week, have now hit at least eight plants in Umtata and Butterworth, the Transkei's two industrial centres.

In the midst of this labour unrest, the Transkei Department of Manpower last Friday issued a statement that new labour legislation would be announced at the homeland's independence anniversary celebrations next week.

On Wednesday Holomisa held talks with worker representatives and he was yesterday locked in talks with both worker and employer delegates over the issue.

Workers plan to hold a march through the streets of Umtata on Monday to demand trade union rights.

The Transkei, like most independent "homelands", is governed by outdated labour legislation that existed in South Africa in the 1950s. It lays down basic conciliation procedures, but excludes the right of workers to bargain collectively or strike. There is no industrial court in the territory.

A wave of strikes sweeps the country. In Transkei, they push General Holomisa into liberalising the labour laws, reports EDDIE KOCH

It is believed that Holomisa, who recently met with the African National Congress and distanced himself from Pretoria, will allow unions to operate and give them the right to bargain collectively.

"At a time when his credibility is being questioned by workers who perceive a silent bias towards capital, he has indicated that no striking workers will be dismissed and that trade unions may be legalised," according to a legal representative for the union.

While most of the strikes were spontaneously organised, there are signs of attempts to set up a trade union for workers in the territory.

Violence has marred some disputes.

Management staff at Sun Manufacturing in Umtata are due to appear in the magistrate's court in connection with an alleged assault on 120 striking workers. Employees at Vulindlela were teargassed by the Transkei police last Friday, the legal representative said.

Other factories hit by the strike wave include Ohlsson's Breweries in Butterworth, Tally Clothing Industries in Butterworth, Wild Coast Diamonds in Umtata and the Inglotex plant in Umtata.

Workers at Vulindlela have been dismissed and baton-wielding police were called in to disperse 150 workers who this week occupied a clothing factory in Butterworth to back their demand for a 25 percent wage hike.

● Meanwhile, a bitter strike by more than 5 000 Food and Allied Workers' Union (Fawu) members continued at SA Breweries plants around the country without any sign of a resolution.

Management has reported high levels of worker violence, including the stabbing of casual workers, petrol-bombing of the homes of non-strikers and threats to SAB custom-ers. Union organiser Rajin Naicker said the union did not support or condone violence and called for a halt to such acts.

SAB says production had not been affected but the strike had disrupted deliveries in some areas.

● A 10-day strike by 5 700 Fawu members at Premier Food's milling, Epic and Epol plants was settled yesterday after agreement was reached over wages and conditions of employment. The company lifted a lock-out imposed on the workers during the strike. Workers will receive a R30 or 16 percent increase on minimum wages of R184.

● A strike by 1 600 members of National Union of Metalworkers of South Africa has brought production to a halt at six Van Leer plants around the country.

● More than 8 000 members of the National Union of Mineworkers will meet on Saturday to discuss resuming their wage strike at De Beers diamond mines after 10-hours of talks on Wednesday failed to break the deadlock. The strike was suspended on Wednesday.

However both parties shifted position with management increasing its minimum wage offer from R647 to R653 and its maximum from R1 858 to R1 866 a month. The union revised its demand from R761 to R700 for the lower grade, but stuck to its demand of R1 890 for higher grades.

● A strike by some 800 members of the Chemical Workers' Industrial Union at Sasol Collieries in the Eastern Transvaal was resolved this week after workers accepted a management offer of increases in their food allowances.

● The Witwatersrand region of Cosatu has announced it is planning a protest march in Johannesburg to back demands for the release of their education secretary, Amos Masondo. Detained under the Emergency regulations a month ago, Masondo has embarked on a hunger strike.

Zwelinzima Vavi, a member of Cosatu's executive committee detained last month, started a hunger strike on Saturday.

● An industrial court application by the Paper Print Wood and Allied Workers' Union (Ppwawu) for an order compelling the SA Print and Allied Industries Federation to reverse its plans to withdraw from the industrial council for the printing industry was rejected this week.

Court member David John acknowledged that the federation's move was designed to avoid bargaining with Ppwawu at industrial council level. However, he said, three large companies had indicated they would resign from the employer federation if it remained on the council and this would have the practical effect of dissolving the council.

John said membership of an employer federation was voluntary and the union had failed to show *prima facie* evidence of an unfair labour practice.

Star 22/9/89

100A

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## Union overtime ban, consumer boycott start

By Drew Forrest

A nationwide trade union overtime ban and consumer boycott in protest against the Labour Relations Act (LRA) has been called for today.

The action, the latest phase in a campaign decided at last month's "worker summit", coincides with talks between the unions and the employer body, Saccola aimed at producing joint proposals to the Government on restructuring the LRA.

Cosatu's Mr Neil Coleman said seven out of nine Cosatu regional secretaries had been detained or sought by police since the summit. Mr Swayi Mokoena, western Transvaal secretary of Transport and General Workers' Union, was detained this week and seven officials of the National Union of Mineworkers were also being held.

Cosatu and Nactu, the union bodies spearheading the action,

stated that the overtime ban was indefinite but subject to monthly review. The consumer boycott, directed primarily at white businesses, would end on October 6 but could be extended.

### EMPLOYERS REACT

Early indications are that the overtime ban could spark a flood of employer interdicts.

Yesterday, Cosatu said a Nampak company, Printpak Gravure, and an Afcol subsidiary, Transvaal Mattress, had used the courts to stop worker action.

About 300 workers at Northern Transvaal Sawmills were fired for refusing to do overtime, Cosatu said. Company confirmation could not be obtained.

● NUM press officer Mr Jerry Majatladi, detained under the emergency at the weekend, has been released, said Mr Coleman.

● See Page 12.



# Transkei leader in bid to end labour crisis

The Argus Correspondent

JOHANNESBURG — Transkei's youthful military leader, General Bantu Holomisa, determined to draw industrialists to his country and create much needed job opportunities for the people, is locked in a major labour crisis

Factories in Transkei's industrial hub — Butterworth — closed following a breakdown in negotiations between workers and employers last week

There were also reports of looting and there were rumours that whites were leaving the country until the strikes were resolved and the tension eased

General Holomisa spent much of last week meeting both workers — who do not have trade unions — and industrialists, some of whom were threatening to remove their factories if "trouble" continued

## NEW POLICY

The President of Transkei, Mr Tutor Ndamase, is expected to announce a new labour policy this week to co-incide with the celebrations of the 13th anniversary of the state

Last week, however, General Holomisa, was in the thick of the fray, discussing problems with both sides

Workers were demanding another look at minimum wages, ill-treatment by employers, job security, workmen's compensation, sick leave, salary disparities between Transkeian companies and their sister companies in South Africa, lack of recognition of service and experience, unlimited working hours, lack of training and lack of communication between employer and employee

The industrialists had their problems too. A number had established factories in the Transkei because labour is traditionally cheaper in the independent states and there are fewer problems with trade unions. Some factory owners complain that labour may be "cheap" but productivity is low and skills limited

General Holomisa and his government, in the words of an Umtata businessman, walked a tightrope. They had to find a way of ending the strikes without sacrificing workers' rights — or frightening away potential investors

At the end of the week, General Holomisa admitted the Transkei would not be able to "escape" trade unions forever

"Workers want representation," he said

PEOPLE AT THE TOP  
ARE ON THE MOVE  
SEE PAGE 13

# MANPOWER

SUNDAY TIMES, Business Times, October 22, 1989 11

MANPOWER  
MIRROR by  
ROBYN  
CHALMERS



PAGES AND PAGES OF THE BEST JOBS IN SOUTH AFRICA

# Unions scent victory in labour law battle

S/Times 22/10/89 166

SOUTH Africa could be rid of certain sections of the controversial and costly Labour Relations Amendment Act (LRAA) by next year.

Employer organisation Saccola and union federations Cosatu and Nactu have until the end of the month to make submissions about the LRAA to the National Manpower Commission.

The reaction of union members and employers to the LRAA is almost unprecedented. Last weekend more than 1,000 people took part in Cosatu or Nactu marches at 17 centres to protest against it.

Port Elizabeth had by far the biggest march, 40,000 people walking peacefully



Nic Wiehahn  
pressure  
for change in  
labour laws

through the streets. In Conservative Party controlled Secunda, 6,000 marchers defied the town council.

Two major stayaways have cost the economy almost R1 billion and one shudders to think what companies have

lost through strikes go-slows, the two-week consumer boycott and the overtime ban launched recently.

Two worker summits were organised to discuss union reactions to the LRAA and it was a major topic of debate at this year's Cosatu national congress.

Such a far reaching and intense campaign could not have been expected when the Act was promulgated in September last year but it has had the desired effect for the unions.

Manpower Minister Eli Louw has invited interested parties to make submissions to the NMC about the LRAA. Although he does not foresee the law's

being scrapped he thinks it can be modernised and simplified.

Mr Louw says existing principles will therefore mostly be retained but it is inevitable that certain matters will be considered afresh.

Reacting to the announcement Saccola, Cosatu and Nactu have resumed talks which were suspended about three weeks ago when the two union federations called the boycott and the overtime ban.

Saccola complained that the federations were not fighting fairly. Negotiations about the LRAA were in progress and Saccola members believed the unions should refrain from taking action until certain issues had been resolved.

Cosatu and Nactu wanted employers

to agree not to resort to the LRAA when negotiations between individual companies and unions broke down, but to move to mediation.

Among other things they demanded that all labour legislation undermining job security be scrapped. They also asked for entrenchment of the right to strike and engage in sympathy strikes. All workers excluded from the LRAA should be covered by the law, say the unions.

Talks among the three parties have been difficult and prolonged but one of the major breakthroughs is agreement to ask for scrapping of Section 79 (2) of the Act.

It deals with the right of companies to sue unions in the event of damage caused by strike action. Although most

employers in Saccola agree that the section should be abolished some wish to retain it. This hampered progress in the discussions.

Now that October 31 is the final deadline for submissions to the NMC the parties will have to make a concerted effort to come to an agreement over the rest of the issues.

Negotiations are progressing well says Saccola secretary Friede Dowse who is confident that consensus will be reached.

Although Cosatu and Nactu are not as confident as Saccola about the outcome both organisations have pledged to be reasonable.

The director of Unisa's Business Management School and architect of the original LRA, Nic Wiehahn believes a review of labour legislation is a must.

He told a labour relations seminar in Pretoria that changes in labour relations were causing SA to break with existing legislation.

Professor Wiehahn said unions were moving into a new era in which they were trying to act as mediators for change and concentrating more on socio-political questions.

Professor Wiehahn is highly regarded in the labour arena and considering he drafted the legislation which changed the face of labour relations in SA his opinion is important.



Sowetan 09/10/89

# Should legal strikers be sacked?



Leonard Sikhakhane, general-secretary of the Food and Beverage Workers Union.

EMPLOYERS are adopting an extremely cautious approach to the dismissal of workers following significant Industrial Court judgments

This is the observation of labour consultant Mr John Howard, who says the reinstatement of dismissed strikers has been the subject of discussion since the Marievale, Natal, Die Casting and Sentrachem judgments - and more recently the Sasol and Natref case

The topical issue is whether managements can dismiss workers who are on legal strikes?

"More than six years ago the Industrial Court postulated, in the Council of Mining Unions vs the Chamber of Mines of South Africa that it would be feasible in appropriate circumstances to regard

By LEN MASEKO

the dismissal of lawfully striking workers as an unfair labour practice," Howard says

## Reinstated

This view was entrenched in the South African Chemical Workers Union vs Sentrachem when it was found that it would be "anomalous" if workers engaging in a lawful strike were "nevertheless penalised by dismissal"

In the Marievale case the court reinstated workers dismissed by Gencor during the 1985 miners' strike. It was found that, since its wage offer was lower, Gencor was out of step with the rest of the Chamber of Mines' affiliates. The company had not heeded the union's sustained attempts to keep negotiations going.

In another case, the Industrial Court ordered Natal Die Casting to take back legal strikers whom it had dismissed. The court found that the company had not bargained in good faith with the union.

## Fairly

Both the Marievale and Natal Die Casting managements took the cases to the Supreme Court, but the judges in both cases upheld the Industrial Court decisions.

"The primary issue in both cases was not whether the company was entitled to dismiss the individual applications but whether it had acted fairly," said Howard.

The recent Hercules Cold Storage vs Food Beverage Workers Union (FBWU) has now thrown the cat among the pigeons, according to the consultant. "The case has illustrated that, in economic strikes, the circumstances may be such that the strike is legal but not fair, and that dismissals from a legal strike may be justified."

## Dispute

The Hercules judgment, Howard says, addresses the criteria for the dismissal of legally striking workers following several previous Industrial Court decisions.

The dispute between the FBWU and Hercules stemmed from a wage deadlock in 1987. When such dispute-resolution methods as the conciliation board and mediation failed to resolve the dispute between the two parties, the union's members went on strike.

Howard, who acted for the company during the dispute, says "Before the strike, further meetings at conciliation board level were proposed by the company and rejected by the union. The company suggested referring the dispute to the Industrial Court for arbitration, but this suggestion was also rejected."

## Ultimatums

After issuing several ultimatums, the company dismissed the strikers ostensibly to break the strike. The strikers were offered re-employment - but this overture was rejected by the union.

With hindsight management concedes that the ultimatums may have been issued "too soon".

However, a number of workers accepted the offer of re-employment in spite of "real" intimidation, according to management.

## Legal

After the dismissals, the union demanded the reinstatement of the dismissed legal strikers - but the company stuck to the original offer of re-employment. The matter was then referred to the Industrial Court, which found it "fair and equitable" to dismiss the union's application for reinstatement of its members.

The main feature of the court finding was that the strike, though legal, was not fair.

The union has appealed against the court's decision. The matter is set for hearing early next month.

## Genuine

Throughout the dispute, management appeared bent on manipulating the process of negotiations - that is, if the company's "wholehearted willingness" to explore other ways to resolve the dispute prior to the strike action were anything to go by. This, argues labour sources, management did so they could go to court "with clean hands".

The lessons from the Hercules judgment are that employers, faced with strike action by their employees, first have to explore alternatives before dismissals.

As the Industrial Law Journal says: "As strikes are regarded as a corollary to collective bargaining in South Africa, it follows that an employer's decision to dismiss legal strikers should be evaluated against the resilient concept of fairness."



MANPOWER by  
MIRRON by  
ROBYN  
CHALLERS

# ALL PAGES

PAGES AND PAGES OF THE BEST JOBS IN SOUTH AFRICA

PEOPLE AT THE TOP  
ARE ON THE MOVE  
SEE PAGE 13

# Employers hit back at the strikers

THE recent upsurge in industrial action has caused a distinct hardening in the attitudes of managers, many of whom say enough is enough.

Labour relations have been in almost continual turmoil since before the September general elections and there are few indications that they are improving.

After the two-day stayaway by workers on September 5 and 6, major organisations have been hit by widespread and lengthy strikes at South African Breweries (SAB), Premier Food Industries and De Beers. Many other companies have experienced industrial action on a smaller scale. Among them are Volkswagen,

Dion, Barlows, Fidelity Guards and Cargo Carriers. The diversity of the industries hit by labour unrest and the fact that most wage disputes traditionally take place early in the year or at mid-year, suggest there is more to the strikes than meets the eye.

The two factors common to almost all of the industrial action are opposition to the Labour Relations Amendment Act (LRAA) and a breakdown in wage negotiations.

The underlying factor could, however, be the developments taking place in politics. Linked closely to this is the state of the economy.

Management attitudes have become markedly tougher since the two-day stayaway. Shortly after the stayaway, Assocom manpower secretary Vincent Brett said bosses had taken a fairly sympathetic approach to workers.

He believed the fact that the protest was aimed at the elections and not against the LRAA was probably the primary reason for their attitude.

However, as President De Klerk's programme for change moves into top gear, and management sees tangible evidence of it in the release, for example, of ANC prisoners, labour analysts say trade unions and bosses are increasingly at odds with one another.

On the one hand, management is less

sympathetic to the political agenda of unions, arguing that the Government is sincere in its intention to bring about reform.

On the other, unionists believe now is the time to step up the pressure, to ensure their own position in the political arena and force the Government to move as speedily as possible.

The SAB reaction to the strike involving about 5 500 Food and Allied Workers Union (FAWU) members is evidence of the hard line approach being adopted by management.

SAB has placed advertisements in several newspapers showing what workers are paid and the firm's wage

offer. The advertisements say the SAB offers a grade one worker — an unskilled labourer — R1 063 a month.

This is not an unknown tactic. SAB used it to break the 1987 strike by showing strikers' colleagues what they really earned and causing them to lose credibility.

The economy is also an important factor. High interest rates and inflation give the unions a good weapon when entering wage negotiations. Managers are having none of it.

Hit by the first major strike in its history, De Beers implemented a pay offer which had been rejected by the National Union of Mineworkers (NUM).

De Beers told workers on Monday "The company is informing all employ-

ees affected by the dispute that the offer on wages is being implemented. "Employees are also being informed that if they return to work by Wednesday, 25th October, they will receive a lump-sum payment of the backdated value of the difference between the old and new pay rates from the relevant increment dates."

"If they return to work after 25th October, they will not qualify for this additional benefit."

Labour analysts do not foresee an early downturn in the number of strikes. If anything, they believe the political situation could heighten conflict.

Brewery strikers defy the bosses

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166  
**The Top 100 Companies 1989**

By Robyn Chalmers

INTENSE, widespread and, at times, violent opposition to the Labour Relations Amendment Act (LRAA) was the one constant factor in industrial relations this year

Promulgation of the LRAA in September last year resulted in an immediate and unprecedented campaign of protest by black trade unions

Two major stayaways in protest against the LRAA cost the economy almost R1-billion in lost production. Countless marches, demonstrations and sit-ins were organised, two worker summits on the Act were held and it was a major topic of debate at this year's Cosatu national congress. Although final figures for the year have not yet been collated, man-days lost because of industrial action against the LRAA must have been significant, even when compared with that of man-days lost through wage strikes. FSA-Contact director Mike Beaumont says the LRAA has without doubt been the major industrial relations issue throughout the year. "Unions have concentrated on the abolition of Section 79(2) (which gives companies the right to sue unions for costs incurred during strikes), the right to strike, the right to picket and the right to boycott."

SA's two largest labour federations — the Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) — have been negotiating with employer body Saccola on these issues almost since it was promulgated.

Talks have been difficult and protracted. Manpower Minister Eli Louw asked the National Manpower Commission to investigate the Act, and the parties concerned appear confident that major changes to it will take place by next year.

Industrial action increased significantly in the build-up to the September general election, and continued for some months after it.

Figures provided by FSA-Contact show that the number of man-days lost between July and September were



DEMONSTRATORS ... South Africa was hit by widespread strikes towards the end of this year

# Amended Act fuels protests

## Massive increase in lost man-days

934 798, compared with 75 442 in the first and 457 713 in the second quarter of this year.

One of the reasons advanced by labour analysts for the rise in industrial action were developments in the political field.

While black trade unions have always had a political agenda, labour spokesmen speculated that unionists wanted to ensure their own position in the political arena and pressurise the Government into moving as speedily as possible.

### Trends

The Institute of Industrial Relations (IIR) identified two wage trends for 1989 to the end of the third quarter.

Firstly, it said average wage increases were moderately ahead of inflation, as opposed to being more firmly up on inflation in 1988. Until the third quarter this year, it estimated an average wage increase of 16,7%, while inflation stood at 15,5%.

The second trend identified was that of average minimum wage increases, which were fairly firmly above inflation. The IIR calculated

the average minimum increase to be 19,2%.

Other trends were the increased pressure from employers to improve productivity trends, the deteriorating position of the skills shortage and greater union opposition to privatisation.

Unions found themselves in a dilemma over sanctions, disinvestment and corporate social responsibility. While calling for multinationals to disinvest, unions — particularly the Chemical Workers Industrial Union (CWIU) — laid down rules on how they should disinvest.

Looking to the future, AECI human resources general manager Bokkie Botha believes the next three years will be focused on labour flexibility, community involvement and the development of relationships.

He says SA companies will

face competition not just for their products, but will compete in almost every facet of business.

This includes the quality of management, retention of people, training and development, the provision of facilities, marketing, sales, procurement, engineering and production.

### Reward

In order to get ahead in this environment, Mr Botha says employees will have to be given more flexibility to work harder, and to develop that flexibility, companies are going to have to deal with several problems.

Insecurity and the harmonisation of white-collar and blue-collar terms will have to be considered, with stress being laid on reward for performance and reward for giving up perceptions of

ownership of jobs. Community involvement, he points out, has played a major driving role in industrial relations in the past.

"We know the problems of unemployment, a burgeoning population, housing shortages, backlogs in education, gaps in health and welfare provision and many others."

Employees and their trade unions are already making demands in these areas. As competition grows between communities and unions for a greater share of the cake, one consequence will be union demands for involvement in social responsibility funding decisions.

At the practical level, he says there will be increased demands for home ownership assistance, for access to land, non-racial schooling etc.

Mr Botha says trade union/employer relationships have become increasingly defined by litigation. While power has settled many shop-floor issues, an increasingly retaliatory atmosphere appears to be developing.

"In the end, there is no substitute for fair reward, development of job security and respect for human dignity."



# SECRET group to fight for employers' rights

w/t Agbus 23/12/87 (166)

A SECRET mutual-support employer group has emerged in the Western Cape with the retention of employer rights under the Labour Relations Act as its top priority.

According to a copy of the group's newsletter, the idea was sparked by "outrageous" union demands in the dispute with South African Breweries.

A core of members came together in August to share experiences and ideas on how employers faced with such demands could be assisted

The result was Manco, which has since held several meetings



and grown to 26 members.

Membership is by invitation only "to ensure that only those prepared to stand up for employer rights are admitted"

The newsletter says that "this does not mean Manco is anti-union —

we are however against the misuse of unions for political objectives antagonistic to free enterprise"

Stated objectives are to create a library, a data bank of union demands, to hold quarterly general meetings to receive "confidential security/intelligence reports" and deal with aspects of current importance on the labour front, to hold special meetings as warranted, to issue newsletters and make representations at ministerial level.

### Security

The newsletter says "a security source" (whether commercial or state is not said) proposed the name Management Services Co-

ordination (Manco)

The group found it alarming that the South African Employers Coordinating Committee on Labour Affairs (Saccola) should agree that certain sections of the LRA should be dropped "as most employers object to their last few remaining rights currently assailed by Cosatu being further watered down."

### Priority

"Manco has been mandated by its members to oppose amendments which could adversely affect our existing rights."

On this level, top priority is to present an employer case to the Minister of Manpower not only for retention of employers' rights under

the Act but for removal of unnecessary "cost consuming" aspects.

It wants the equivalent of an attorney-general to be appointed to the Industrial Court to vet cases and throw out those "manifestly unfounded"

"For example, why should we have to go to court for dismissal of an employee in his first six months as we are permitted to do under the new unfair labour practice definition, but still have to prove fair procedure?"

### Throw out

"Surely the court's A-G can throw the case out on affidavits that have complied with the law?" said the newsletter

Appealing for support from employers, the newsletter says that the Minister of Manpower is advised by a National Manpower Commission on which the legal profession, professors and consultants are well represented "whose ideas do not always coincide with what we as employers would like to see"

### "Cool face"

"So when we see the Minister we should be able to convince him that we represent a sizeable segment of Western Cape employer thinking with practical and not theoretical experience of 'cool face' (sic) dealings with unions"

## SHOPPING FOR YIELDS

	FIXED DEPOSITS								
	32 Days	3 Months	6 Months	9 Months	12 Months	13-17 Months	18 Months	19-23 Months	24 Months
Syfrets Bank	15,00	15,50	17,75	17,00	17,00	-	15,50	-	-
Nedbank	14,50	15,50	18,00	17,00	17,00	16,00	16,00	16,00	15,00
F N B	14,50	15,00	17,50	17,00	17,00	17,00	16,00	16,00	15,50
Standard Bank	14,25	15,00	18,00	17,00	17,00	16,50	16,50	16,50	16,50
Santam Bank	15,00	15,50	17,00	17,00	17,00	15,50	15,50	15,00	15,00
Trust Bank	-	-	18,00	16,75	16,40	15,90	15,90	14,90	14,90
Allied Bank	16,50	17,00	18,00	17,00	17,00	16,00	15,50	15,50	15,00
N B S	-	15,00	17,50	16,75	17,00	16,00	16,00	16,00	16,00
United Bank	14,50	15,00	16,50	16,25	17,00	16,50	16,50	16,50	16,50
Good Hope Bank	14,50	15,00	18,50	17,00	17,00	17,00	16,00	16,00	15,50
Boland Bank	14,50	15,00	18,00	18,00	17,50	17,50	17,50	17,50	15,50
Volkscas	14,50	14,75	17,50	17,00	17,00	16,00	16,00	15,50	15,50
E P B S	-	16,00	17,00	16,00	17,00	16,00	16,00	15,50	14,75
Personal Trust	16,50	17,00	18,50	18,00	18,00	17,00	16,50	16,50	16,00
Fidelity Bank	14,00	14,50	17,50	17,00	18,00	16,50	16,50	16,50	16,00
S A Perm	14,50	14,60	17,80	15,65	17,00	16,00	16,00	15,50	15,25
Provincial	-	-	-	-	17,15	16,25	16,25	16,00	16,00
Saambou	-	15,50	18,00	17,25	17,00	16,00	16,00	15,50	15,50

- Investors over 60 may qualify for an extra 0,5 percent on certain investments.
- All rates quoted are for interest paid monthly
- These rates apply to investments of R1 000

Figures compiled by Personal Trust



~~Cape Times~~ 3/11/89  
**Transkei job  
for Wiehahn** 166

UMTATA. — Labour law expert Professor Nic Wiehahn had been appointed to start an inquiry into labour legislation in Transkei and the drafting of a new labour law, Transkei's military government announced yesterday.

Transkei said labour legislation reform would include the establishment of worker representative committees in all firms. — Sapa



# The union frontiers between legal and less legal

EVERY morning after workers at Rustenburg Platinum Mine go down the shafts they arrive at a sign informing them they are at the frontier between South Africa and Bophuthatswana

The moment they cross the underground borderline, black members of the National Union of Mineworkers (NUM) instantly cease to belong to the organisation militant unions based in South Africa are outlawed under the "homeland's" stringent labour laws

The strange notice confirms claims from organised labour that the "homeland" system is designed to provide industrialists with a place to escape the powerful unions that developed under "white" South Africa's once-enlightened system of industrial relations

But signs in other parts of the countryside are pointing in the other direction. At least three "homelands" are preparing to pass laws that will, in some cases, provide workers with more rights than they enjoy in South Africa.

Paradoxically, the move towards labour reform in the "homelands" comes at a time when industrialists are vigorously using last year's changes to the Labour Relations Act — once regarded as Pretoria's most enlightened piece of legislation — to drastically curtail union rights in South Africa



General Bantu Holomisa, new industrial relations system

Picture: TREVOR SAMSON, AFP

## While some homelands ban trade unions, others are more liberal than SA, reports EDDIE KOCH

The most dramatic developments are likely to take place in kaNgwane where Chief Minister Enos Mabuza, who has steadfastly resisted pressure from Pretoria to accept independence for the "homeland", has drafted legislation that will by-pass most of the controversial clauses contained in South Africa's Labour Relations Amendment Act.

While South Africa's statutory collective bargaining system does not cover farm workers, domestic workers and public sector workers, kaNgwane will give full trade union rights to these groups of employees

Mabuza's legal adviser, Chris Albertyn, says the draft law provides all workers, except for some government employees, the right to stage a legal strike without fear of being dismissed

The "homeland" law will protect unions from being sued for loss of profits and other damages caused by legitimate strikes and will impose restrictions on managements' ability to obtain court interdicts against striking workers

Sympathy strikes at firms that share the same chain of ownership will be allowed as will boycotts of products made at a plant where there is a legitimate labour dispute

These are all rights denied to workers in South Africa. The draft also allows the kaNgwane administration the right to extend minimum wages and conditions of employment contained in South African industrial council agreements to the territory — a clause that will wipe out the wide disparities that exist between wages in the "homeland" and in South Africa.

"The draft, which is in line with European labour standards is designed to reduce the legislative content and create a framework that will generate fair labour practices," says Albertyn

legalise black trade unions. In the meantime Holomisa's government has appointed Professor Nic Wiehahn, architect of South Africa's labour reforms in the late 1970s, to devise a new industrial relations system for the "homeland"

The announcement, which came hot on the heels of news that Transkei may unban the African National Congress and the Pan Africanist Congress, was greeted warily by the Transkei Workers' Co-ordinating Committee, the body behind recent labour mobilisation in the territory

Activists also pointed out that hundreds of youths were detained in Umtata, while Ndabane was making his speech, and said they were sceptical about the government fulfilling its promises

But the spate of worker militancy in the "homeland" — together with Holomisa's obvious desire to portray himself as an enlightened ruler — is likely to put Umtata under strong pressure to follow the changes being planned in kaNgwane

Matsikane Mashile and Segopela Mashile, two dissident members of the Lebowa legislative assembly, told the *Weekly Mail* they have been pushing for unions to be legalised and were assured during last year's session that the matter would be investigated

The two MPs have received numerous complaints from people living in the Acornhoek area who say they were protected by any minimum conditions of employment

They say they have support from chiefs in the heavily industrialised Sekhukhune district

This year the MPs intervened in labour disputes at an Anglo American weaving plant in Bushbuckridge and at a large saw mill near Acornhoek. In both cases, they helped broker agreements that have led to the recognition of affiliates of the Congress of South African Trade Unions (Cosatu)

A recent survey by a group of academic researchers in Johannesburg notes that the governments of the Ciskei, Bophuthatswana, Venda and Qwa Qwa still have some of the most repressive labour legislation in the world

## THE CATHOLIC INSTITUTE OF EDUCATION

The Catholic Institute of Education, a service body under the SACBC working with teachers in Catholic Education is looking for additional staff members

The CIE is committed to working for the transformation of Catholic formal education in South Africa and applicants would be required to share a similar vision

Applicants should be resident in the Johannesburg area and have had training and at least 3-5 years experience in one or more of the following areas:

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