

AN EXAMINATION OF THE LABOUR DISPUTE

AT HEINEMANN ELECTRIC COMPANY

In March 1976 the members of the Metal and Allied Workers Union (M.A.W.U.) demanded recognition by the management of Heinemann Electric, a company based in Elandsfontein, near Johannesburg. The reaction to this demand was a possible lock-out by the factory management and a subsequent baton charge by the South African Police. Both these actions, indeed the dispute between M.A.W.U. and the Heinemann management, are a reflection of industrial relations in South Africa. The Heinemann dispute re-affirms in brutal starkness the rejection by African workers of the system of liaison and works committees. The lockout and baton charge have their roots in the refusal by both management and the government to grant the same recognition to non-racial and African trade unions as is accorded to White, Indian and Coloured unions under the Industrial Conciliation Act. The Heinemann dispute is in fact merely one spotlight which throws the inadequacy of South Africa's industrial legislation into sharp relief.

THE BACKGROUND TO THE DISPUTE

There had been a liaison committee at Heinemann for some time. This committee was considered impotent by most workers. It was considered unsatisfactory because of the statutory management appointees on a liaison committee. It also did not meet regularly, and workers felt that there was no procedure for allowing them to articulate their views adequately. It was unable to satisfactorily resolve any of the workers' grievances. These included complaints about canteen food, allegations of bribery and corruption, commonplace arbitrary dismissals and the fact that women who became pregnant simply lost their jobs. In addition complaints against the Personnel Officer had been voiced, never to be answered or resolved. The committee ceased to exist in early January 1976 when the majority of its members resigned on the grounds that it was an ineffective body.

Heinemann workers began joining M.A.W.U. in October 1975. By the end of January 1976 more than 75% of the work force - 484 out of 606 - had joined the Union. A shop steward committee was elected which met once a week. In addition regular factory meetings were held to discuss union and factory affairs. Some of the shop stewards were elected to the Union Executive. It can thus be seen that Heinemann was a highly organised factory in which workers participated continuously and at all levels in the running of Union affairs.

The widespread support by the workers for the Union as their preferred form of organisation and representation was clearly shown by the almost unanimous boycott of Management instituted liaison committee elections on 26th January. Only 27 of 606 workers voted. A further liaison committee election was attempted on 19th February. Again, despite management attempts to ensure their success, the elections were boycotted. This time no workers voted in this election.

Heinemann workers had several times instructed their Union officials to open negotiations with Management. Union officials met with the Managing Director, Mr. Wolfgang Wilckens on 20th February. They presented him with a petition signed by 480 workers calling for recognition of M.A.W.U. They also informed Mr. Wilckens of a number of grievances among the workers. According to Union officials a cordial discussion on the nature of trade unions was held on this occasion. The union officials outlined what they saw as union recognition. This would basically mean management granting union officials access to the factory and its workers at certain times. It would also involve an agreed dismissal and grievance procedure. It would mean management recognising union officials and shop stewards for the purpose of bargaining over factory issues. Mr. Wilckens said that he was not unsympathetic towards Unions and was prepared to discuss ways in which the Union could operate within the factory. He said that he would think things over and contact Union officials the following week.

At this point it seemed as though Heinemann management was indeed open to workers needs and was willing to regularise negotiating procedures along lines acceptable to workers, and in accordance with the policy pronouncements (as opposed to practice) of many employers. Events were to prove otherwise.

Immediately after his meeting with Union officials, Mr. Wilckens addressed ex-members of the liaison committee. He strongly criticised Heinemann workers for joining M.A.W.U. and according to those who were at that meeting, condemned Union intervention in company affairs. He maintained that grievances within Heinemann could be sorted out without the participation of a union. He made a number of promises to the effect that workers grievances would be attended to, promises which were never realised.

On March 3rd a letter was sent to Mr. Wilckens by the Union. It contained an article by Mr. B. Godsell (SALB Vol 2 No 6) of the Anglo American Corporation outlining the inadequacies of the in-factory committee system which were not complimented by an industry wide trade union. The letter also noted the concern felt by workers for the recent dismissal of a female employee. On the same day, Mr. Wilckens phoned the union officials to inform them that he had met with a group of 40 workers. Although unelected, he claimed that this group was 'representative' of the factory. According to Mr. Wilckens this group was not adverse to a liaison committee. They were going to consult with other workers on this issue and report back to him on the following Monday.

Union officials brought this phone conversation up at a factory meeting on the 6th March. The workers felt that Mr. Wilckens had misrepresented their position and decided to *elect* an ad hoc group of 16 to meet with Wilckens. It is important to note that the workers decided that the whole shop steward committee should not go to this meeting for they felt the possibility of victimisation very keenly and were unwilling to expose all the shop stewards. Events were, once more, to prove the workers right.

At a meeting between Mr. Wilckens and the ad hoc group of 16, Wilckens was informed that workers did not want a liaison committee. He was asked to accept this as a democratically arrived at decision of the workers in this factory. He was also asked to stop trying to force a liaison committee on the workers. At this point Wilckens introduced representatives of the Steel and Engineering Industries Federation of South Africa (SEIFSA). SEIFSA's anti union stance is well known, and their intervention in local factory disputes has been frequent. The SEIFSA representatives addressed the meeting and attempted to persuade the workers that they should accept a liaison committee. They also denigrated the union officials. MAWU is considering legal action as a result of this action.

After this meeting Mr. Wilckens told the workers that he would be calling a general factory meeting on 10th March. The Union Executive instructed its officials to request permission from Wilckens to be present at this meeting. Wilckens refused and said that he would have no further contact with the Union. The meeting turned out to be a statement by Wilckens on the virtues of the liaison committee. Having made his statement, he closed the meeting, allowing no discussion by workers at all. As a result of the preremptory handling of this meeting, 400 highly frustrated workers congregated outside his office appealing for union recognition. The shop stewards, recognising the explosive situation -something which management seemed blissfully unaware of- called on workers to disperse. They did so, revealing once more the highly responsible reaction of union members to highly irresponsible and insensitive actions on the part of management.

THE BUILD-UP TO THE CONFRONTATION

On the 11th March, Mr. Wilckens instructed the ad hoc committee to meet with him. He again stressed the advantages of a liaison committee, this time calling it a 'management-worker committee'. The ad hoc committee rejected the proposal once more. Wilckens ignored this rejection and instructed them to distribute pamphlets outlining the committee system proposed by the Heineman management.

At the same time as these meetings were taking place, a systematic offensive against union organisation within the factory occurred. Shop stewards were moved out of their departments and isolated from other workers. Some foremen attempted to prevent workers speaking to each other in the factory. There was also an attempt to introduce disunity along racial lines within the workforce. A group of four coloured workers were called to the office and told that management preferred them to African workers. The coloured workers were urged not to ally with African workers but to join a registered union, which by law they were permitted to do. Rumours also swept through the factory that the African workers were going to attack the coloured workers. The workers however were not taken in by these attempts at splitting their ranks and maintained solidarity throughout the period.

On 13th March the workers held a factory meeting. They decided to dissolve the ad hoc committee of 16 since it was obvious that Wilckens was attempting to use it for his own ends. On 15th March Wilckens was informed that this committee was no longer considered representative of the workforce. On the same day workers observed policemen inside the factory.

On 17th March elections for a 'management-worker committee' were held. This was seen by workers for what it was - a disguised form of a liaison committee. Despite a vigorous campaigning by the management to force workers to cast votes for candidates who had been nominated by management against their expressed wish, the election failed. 3 out of 606 workers voted in the elections.

On 18th March, management circulated a memorandum stating that there would be no committee at all in Heinemann. A new management offensive had obviously begun. On Friday, 19th March, workers were told that they were required to work overtime on that Saturday - which was the date of a pre-arranged factory meeting. Despite what seemed to workers an attempt at preventing this meeting, the meeting was held. A decision was made to present Wilckens

with a memorandum requesting fresh negotiations between the M.A.W.U. and himself. It was immediately drawn up and circulated for signature by all workers. This initiative was simply ignored by Wilckens. The management of Heinemann had obviously decided on more vigorous action in the factory.

Between Monday 22nd March and Thursday 25th March, police were present on the factory premises. Their presence, and rumours spread by foremen that action against union members was imminent only increased the tension within the factory. Several shop stewards were pointed out by foremen during work and accused of being the 'poison in the department'. On Wednesday 24th and Thursday 25th several new workers were hired. With one exception they were people who had not worked at the factory before. On Thursday 25th 20 Union members, including 3 leading shop stewards were fired. They were notified of their dismissal five minutes before the factory closed for the night. They were also told that the reason they were being fired was 'a general reduction in the work force'. This reason is obviously spurious given the timing of the dismissals and the fact that they were preceded by the hiring of other workers. Heinemann workers perceived these dismissals as part of a policy of victimisation of shop stewards.

THE CONFRONTATION BEGINS

Events now moved to a climax. The management of Heinemann and of its parent company, Barlow Rand, have presented the events after 26th of March as a strike by workers. They have claimed that it was necessary to call in the police to protect workers from intimidation. The facts contradict this picture.

The evidence in one of the trials following the baton charge revealed further behind the scenes activities on the part of the management of Heinemann. Under cross examination Mr. Wilckens admitted that the possibility of dismissing the whole work force and employing them on condition they accepted the firms policy of working through a liaison committee had been discussed. This strategy was dis-

cussed, according to the court evidence, with the labour office of SEIFSA. In his judgement, the Magistrate noted:

"There is also evidence to show that the complainant firm was not blameless in the march of events, and there must be more than a suspicion that the events were in fact engineered by the firm. In order to reach a show-down with their workers."

Just before 7.30 a.m. on Friday the workforce gathered outside the gates. Normally workers would enter the factory through two fully opened gates. On this occasion only one gate was partially opened and the factory manager and some white employees stood in this opening. The chairman of the shop stewards committee asked for permission for a meeting with Mr. Wilckens. They wished to discuss the previous days dismissals. This meeting was refused.

A few minutes later the entire workforce was addressed through a megaphone. They were told that they had all been dismissed and that they could re-apply for their jobs on the following Monday.

Workers requested that they be allowed to discuss this with Mr. Wilckens. They remained outside the factory for some time waiting in vain for him to arrive. They had requested union officials to come out to the factory to represent their view. When he did not turn up, the workers decided to return on the Monday, they hoped then to be able to meet with Wilckens.

The workers arrived on Monday 28th to keep their meeting with Mr. Wilckens. They found the gates locked once more, and a large force of police armed with pick handles, batons and dogs present. The workers and Union officials asked to see Mr. Wilckens only to be told that he would arrive at 9.30 a.m. Wilckens had not arrived by this time, and the workers were told by Mr. Van Lieres, the factory manager, to collect their leave pay, and U.I.F. cards by 10.00 am. If they did not do so by that stipulated time, they would have to go to the Industrial Coun-

cil offices to do so. By 9.55 a.m. he told them they had four minutes left to collect their pay and cards. Only a few workers did this, the rest were waiting to discuss the matter with Mr. Wilckens.

THE BATON CHARGE

At 10.00 a.m. a policeman told the workers to disperse within half an hour. Police pickup trucks began to arrive, and police dogs were brought out from inside the factory. The tension began to rise dramatically. At about 10.20 a.m. the secretary of M.A.W.U., Mr. Siphso Kubheka appealed to the workers to leave. He noted that there was no point in them being arrested. Workers agreed with him and began to move off singing. One worker, who had been with Heinemann for 14 years was quoted in the Newspaper as saying "As people were walking away from the factory, the police attacked with truncheons and dogs." (R.D.M. 30/3/76). Independent eye witnesses maintain that the police charged at least five minutes before the appointed time. In addition it would seem that workers were already moving off when the police attacked. A large number of workers were badly beaten, including pregnant women. 24 were taken to Natalspruit hospital in two ambulances. Four others were treated at other hospitals. One Union official, Mr. Gavin Anderson, was detained in hospital where he was treated for a broken arm.

An editorial comment by the Star newspaper sums up the widespread condemnation of the police action. It also reveals the inherent failure of Heinemann management, and by implication all those who refuse to recognise legitimate worker demands and negotiating procedures, to conduct labour relations in an amicable and civilised manner. The Star said:

'Labour disputes are settled by negotiations, by spokesmen of management and workers talking around tables as equals. Labour peace and improved race relations do not come with batons and police dogs.'
(March 30th, 1976)

The magistrate in the trial of Anderson and Khubeka noted ".....it has not been proved that the accused engineered the beginning of the strike; and that being so it appears to me that events would have taken much the same course even had the accused played no role." The fact is that those who will not recognise the legitimate aspirations of workers in their attempt to gain meaningful negotiation rights cannot but resort to punitive action and repression. The Heinemann incident reveals this inherent tendency in South Africa's industrial legislation in its starkest form.

THE AFTERMATH

As a result of the Heinemann affair two union officials, Mr. Siphso Kubheka, the secretary, and Mr. Gavin Anderson, an organiser, were charged with inciting a strike and with obstructing the police in their duty. These were charges in terms of the Bantu Labour Regulations Act, the Industrial Conciliation Act, the Riotous Assemblies Act and the Police Act. Four Heinemann workers were arrested on Elandsfontein station and charged under the Riotous Assemblies Act, The Bantu Labour Regulations Act and the Industrial Conciliation Act. These workers were twice refused bail, and it was only after appeal to the Supreme Court that bail was permitted to them. They have been found not guilty and discharged.

In the case of Messrs. Kubheka and Anderson, they were found guilty of instigating employees to strike. Mr. Kubheka was sentenced to a fine of R45 or 30 days goal, while Mr. Anderson was sentenced to R90 or 45 days. Both were acquitted of the charges under the Riotous Assemblies Act and of obstructing the police. Notice of appeal against these sentences has been given. Further cases arising out of Heinemann are charges against the Minister of Police for assault. A defamation case against SEIFSA is also being investigated, as is a possible victimisation charge.

Heinemann management has continued in its campaign to institute a liaison committee. It refused to

give jobs to any of its dismissed workers unless they undertook to support a liaison committee. As a result it had to hire more than 300 new workers. Management then forced workers to participate in a liaison committee election. It took photographs of some workers who reluctantly accepted management nomination for the liaison committee. Workers were then forced to put a disc in a box underneath each picture, thus indicating which candidate they wished to vote for. In this way Heinemann management instituted what it saw as a system of negotiation between workers and management. Heinemann management has obviously not learnt the lesson of those days in March which were destructive to the Company, its work force and the Union.

THE PROBLEM REFLECTED BY HEINEMANN

The Heinemann dispute thus speaks volumes about the inadequate nature of South Africa's industrial legislation. Until such time as employers and government are prepared to heed workers demands for meaningful participation in the system of industrial bargaining through independent trade unions, incidents like Heinemann will continue to scar industrial relations in South Africa. Workers have recognised the deficiencies of the in-factory committee system. Managements only response to workers' rejection of the system has been pious and inaccurate statements concerning their inability to go beyond government policy in this regard. One such statement was made by Barlow Rand, Heinemanns parent company, following the March events. A Barlow Rand statement said that the group would not recognise unregistered African trade unions.

"We feel obliged to negotiate within the framework created by law and cannot opt out of industrial agreements which apply to the whole industry. This does not imply that we are happy with the existing industrial relations legislation. We believe it needs drastic revision." (R.D.M. 3/4/76

The fact is that employers can recognise trade unions. This was acknowledged recently by the Minister of Police in a public statement. Mr. Kruger stated quite explicitly that unregistered trade unions were not illegal and the example of one Natal firm shows that meaningful negotiation procedures with trade unions can be established. Barlow Rand and Heinemann must realise that it is they who make the choice. In almost every incident noted in this article, it is Heinemann management who have been the antagonistic and provocative party. The workers and their recognised representatives have always attempted to negotiate over the issues involved. Even in the face of police presence, workers and union officials attempted to avoid a confrontation. Employers and the state must realise that the insistence on the in-factory committee system leads logically to workers under the baton.