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# The Workers' Charter

A proposed workers' charter endorsed by all major elements of the South African opposition could be in place by the end of next year in terms of a programme agreed on by an education workshop of the Congress of South African Trade Unions (Cosatu) held in November.

This follows a decision by Cosatu's annual congress in July to pursue the idea of a workers' charter 'as a matter of urgency'. The congress resolution is in line with a recommendation in the constitutional guidelines initiated by the African National Congress (ANC) that a workers' charter drafted by the organised working class be incorporated into a post-apartheid constitution.

In terms of the workshop decision, Cosatu will - during the next five months - begin drafting and distributing a questionnaire to establish what demands workers wish to see in a workers' charter.

At the same time, Cosatu will initiate a meeting with 'other formations in the Mass Democratic Movement' (MDM) and the National Confederation of Trade Unions (Nactu), which it hopes will result in a joint workers' charter campaign. This meeting will probably take place in mid-1990, says Cosatu national education officer Khetsi Lehoko.

Cosatu is also planning to consult the ANC, the South African Communist Party (SACP) and the South African Congress of Trade Unions (Sactu), he says.

Thereafter, Cosatu will draw the contributions into a

single draft charter to put to a special national congress. Rather than be exclusively representative of Cosatu, the congress is likely to draw representation from all opposition formations with an interest in the formulation of a workers' charter. This will probably take place late next year or early in 1991.

The timetable has yet to be finalised, but Cosatu assistant general secretary Sydney Mufamadi says the federation is laying its stress on the process of defining workers' demands, rather than on the final product. 'A process of discussion and formulation of demands to be contained in the charter is essential to ensure the widest possible participation in, and thus support for, a workers' charter as it is finally formulated'.

Sactu and the SACP have already put forward their suggestions on the matter, in the form of their own draft charters. The SACP offering represents something of an about-face for the party. In 1985 the Metal and Allied Workers' Union (now merged into Numsa) was strongly attacked by sectors of the SACP who charged that Mawu's proposal concerning the compilation of a workers' charter was 'workerist'.

Two years ago, however, the ANC's publication of its constitutional guidelines showed a marked change in thinking on the issue within the outlawed movements. The guidelines argue for a workers' charter as part of a post-apartheid constitution.

\* In the interests of debate, WIP is publishing the full texts of the two draft charters put forward to date

# The SACP draft charter

**W**e, the working people of South Africa, the main producers of our country's wealth, declare:

\* That, as workers, we are daily robbed of a rightful share of the fruits of our labour.

\* That, as black workers, we are subjected to even more intense exploitation by a system of capitalism which uses national domination to keep the wages low and profits high.

\* That, as part of the black oppressed whose forebears were conquered by force of arms, we continue to suffer all the social, political, economic and cultural deprivations of a colonised people.

\* That the most urgent task facing us as workers, as black workers, and as part of the black oppressed, is to use our organised strength both at the point of production and among our communities, to put an end to the racial tyranny and to help bring about a united, non-racial, non-sexist democratic South Africa based on one person, one vote, as broadly defined in the Freedom Charter.

\* That we see the winning of such a non-racial democracy as part of a continuous process of creating conditions for the building of a socialist society which will be in the interests of all our people; a society free of exploitation of person by person which alone can complete the liberation objectives in all spheres of life.

\* That we are the most vital social constituent of the broad liberation movement in which we play a part both as individuals and through our trade unions and political organisations. We stand ready to work together



*'There shall be no restrictions on the right of workers to organise themselves into political parties or trade unions'*

with all other classes and groups genuinely committed to non-racial democracy, at the same time safeguarding our class independence and our right to propagate and mobilise for a socialist future.

\* That we extend a hand of friendship to our white class brothers and sisters whose long-term interests lie in the unity of all labour - black and white.

In order to ensure:

\* That victory in the national liberation movement is not hijacked by a new exploiting class of whatever colour;

\* that the immediate interests of the working people are fully safeguarded in the post-apartheid state; and

\* that we are not prevented from asserting our democratic right to win the majority of the people for a socialist future.

We the working people, adopt this charter (as an elaboration of the Freedom Charter) and pledge ourselves to strive together, using our organised strength, to guarantee its implementation.

## Ownership and control of the economy

The commanding heights of the economy shall be placed under the owner-

ship and overall control of the state acting on behalf of the people. Such control shall not be exercised in an over-centralised or commandist way and must ensure active participation in the planning and running of the enterprises by workers at the point of production and through their trade unions.

Economic policy shall aim to generate the resources needed to correct the economic imbalances imposed by race domination, and bring about wealth redistribution for the benefit for the people as a whole. More particularly, steps shall be taken to do away with the white monopoly of ownership and managerial control.

Participation in the state sector by domestic or foreign private capital, where judged necessary, shall not give such capital a controlling share, and all enterprises, whether state-owned or private, shall be compelled to safeguard the interests of workers and the nation as a whole. The continued operation of market forces in the functioning of economy shall not prevent state intervention in areas relating to the people's basic needs.

In the period after the defeat of the race tyranny, the fundamental perspective of working-class political and trade union organisations shall be to work

for the creation of economic and social conditions making possible a steady advance towards a democratic socialist society.

● **The right and duty to work and to a living wage**

Every adult person has a right and duty to work and to receive remuneration according to his or her contribution. The new state shall, as a matter of priority, work to create economic conditions in which jobs are available to all. Until this is achieved the state shall ensure that social support is provided for the unemployed and members of their families.

All managerial and administrative posts and other jobs shall be open to every qualified citizen irrespective of race, colour, sex or religion. The equal right of access to jobs, managerial and administrative posts shall be subject to positive measures necessary to correct the imbalances inherited from the era of race discrimination. Public and private institutions shall have a duty to provide facilities for training and opportunities to apply the acquired skills.

The state, in consultation with the trade unions, shall adopt and enforce a national minimum wage.

Child labour and all forms of forced and semi-forced labour shall be prohibited. Special attention shall be paid to redressing the oppressive situation involved in farm-work, domestic service and those trapped in the so-called homelands.

● **The right to organisation and struggle**

There shall be no restrictions on the right of workers to organise themselves into political parties or trade unions. Trade union organisation shall be based on the principles of "one industry - one union" and "one country - one federation".

Trade unions and their federation shall be completely independent and answerable only to the decisions of their members or affiliates, democratically arrived at. No political party, state organ or enterprise, whether public, private or mixed, shall directly or indirectly interfere with such independence.

The state shall ensure that the trade unions, as the key mass social organisation of the organised working class, are given the opportunity to participate at all levels of economic planning and implementation.

All workers, in every sector of the economy, shall have the right, through their trade unions, to engage freely in collective bargaining and to use the strike weapon.

All legislation dealing with procedures for collective bargaining, including any limitations on the right to strike in exceptional cases, shall require the consent of a majority in the trade union movement.

In the case of all other labour legislation there shall be prior consultation with the trade union movement whose views on such proposed legislation should be timeously tabled in parliament.

● **The right to media access**

Steps shall be taken to break the existing media monopoly by big business and the state and to ensure effective workers' access to all sections of the media.

● **The right to family life and social facilities**

All legislation and labour practices which prevent or interfere with the right of families to live together shall be outlawed. Migrant labour shall be phased out or, in cases where it is unavoidable, provision shall be made for family accommodation during any period of service exceeding three months.

The state shall aim to make adequate accommodation and children's schools available to all workers and their families close to their places of work. All enterprises shall help to create local or regional recreational facilities for the work-force as well as creches and primary health care facilities.

No parent, male or female, shall be disadvantaged or disabled from any form of employment by virtue of his or her duty to help rear children and, where necessary, this shall be ensured by the creation of special facilities

including provision for paid maternity and paternity leave.

● **The right to health and safety**

Conditions of work shall not threaten the health, safety and wellbeing of the workforce or of the community at large, or create serious ecological risks.

All workers shall have the right to paid annual leave and paid sick leave.

Those injured at work shall receive proper compensation for themselves and their families. Provision shall be made for the rehabilitation of all disabled workers including, where necessary, the provision of alternative employment.

● **The right to security in old age**

All workers shall be entitled to an adequate pension on retirement, provided either by the state or the relevant enterprise.

● **The right of women workers**

The state shall aim to integrate all women workers as full and equal participants in the economy. Any form of discrimination against women workers in regard to job allocation, wages, working conditions, training, benefits, etc. shall be prohibited.

Positive steps shall be taken to help correct the discrimination suffered by women both in the workplace and the home. Opportunities shall be created to enable women to acquire skills for employment outside the home.

It shall be the duty of the state, trade unions, workers, political parties and all other mass and social organisations to ensure effective women's participation at leadership, management and other levels to take measures, including educational campaigns to combat all forms of male chauvinism both in the home and outside.

We declare that the above immediate and long-term objectives are in the best interests of all the working people and of society as a whole, as individuals and as part of the organised working class, we pledge to struggle, side by side, for their full implementation.

# The Sactu draft charter

**W**e, the workers of South Africa, declare that the future of the people of South Africa lies in the hands of the workers. It is only the working class, in alliance with other progressive-minded sections of our community, who can build a happy life for all South Africans, a life free from unemployment, insecurity and poverty, free from racial hatred and oppression, a life of vast opportunity for all our people.

The working class can only succeed in this great and noble endeavour if it itself is united and strong, if it is conscious of its inspiring responsibility. The workers of South Africa need a united trade union federation in which all sections of the working class can play their part unhindered by prejudice or racial discrimination. Only such a truly united federation can serve effectively the interests of the workers, both our immediate interests of higher wages and better working conditions, and our ultimate objective of complete emancipation from national oppression and economic exploitation.

There can be no peace in our country or in the world until all forms of racial discrimination, oppression and exploitation are completely abolished. We, the workers of South Africa, resolve to protect the interests of all workers with our guiding motto:

An injury to one is an injury to all.



● **All workers shall have the right to work**

The most fundamental right of every worker is the right to work.

In a free and united democratic non-racial South Africa, every worker shall be guaranteed the right to work.

● **All workers shall have the right to:**

- a - Form and join trade unions of their choice.
- b - Organise trade unions on the basis of one industry, one union.
- c - Organise all unorganised workers.
- d - Work towards unification of all democratic trade unions into one national federation.
- e - Oppose victimisation, harassment,

bannings, banishment and imprisonment of trade unionists and workers.  
f - Reject all forms of representation which are not in conformity with the principles of democracy.

● **All workers shall have the right to freedom of movement, assembly and speech.**

Passes shall be abolished and all pass laws shall be repealed. All workers shall receive equal treatment at the workplace and before any court of law.

● **All workers shall have the right to live with their families in decent housing near their place of work**

The state shall provide workers with accommodation, recreational facilities, creches, nursery schools and playgrounds for our children.

All racist legislation restricting the right of our people to live where they choose - like influx control and Group Areas - shall be abolished.

● **There shall be equal opportunities for all workers**

Workers shall not be discriminated against on the basis of race, class, colour, sex or religion. All forms of education and training shall be free and compulsory for all.

## The 1913 charter: A minimum wage

**T**he workers' charter currently being prepared is the third such document to have been drafted in South Africa.

The first, drawn up in 1913, was the product of a period of militancy centred on white mineworkers on the Witwatersrand.

Drafted jointly by white Transvaal-based unions, the charter focused on workplace issues and job protection.

Its immediate demands included an eight-hour work day and a minimum wage for skilled workers. It also covered overtime, apprenticeships, notice periods and a range of issues

specifically related to conditions on the mines.

Very much a product of its time, the charter demanded a minimum wage for white unskilled workers.

The first charter's broader demands included the right to strike, to meet and to enjoy freedom of speech.

Along with its insistence on the enforcement of an eight-hour work day throughout the country, it demanded limited overtime or Sunday work, healthy working conditions and a greater government role - through the establishment of wage boards, the consolidation of benefit societies under state

control and the drafting of a national Workmen's Compensation Act.

The second workers' charter was drafted in 1943 and '44 by the South African Trades and Labour Council (SATLC) in response to a suggestion from prime minister Jan Smuts that the labour movement draw up a code for submission to his government.

SATLC was the first major initiative towards non-racial trade unionism in South Africa, although African workers never made up more than a tiny minority of its members.

Passed in November 1944, the SATLC charter was a far broader docu-

6. Workers shall have the unconditional right to strike in support of their demands.

There are irreconcilable contradictions between capital and labour, therefore workers shall have the right to withdraw their labour to win their demands.

**Workers shall be paid a wage which enables him/her to satisfy the minimum needs of the family**

a - Discrimination in wages on the basis of colour and sex shall be abolished.

b - All workers shall be paid a living wage.

c - A national minimum wage (NMW) enforced by law shall be established, linked to the rate of inflation.

d - The national minimum wage shall take into account the need to cover rent, electricity and water, upkeep of the home, food and clothing, transport and entertainment.

**Workers shall have the right to:**

a - Free medical care.

b - Three weeks sick leave per annum on full pay.

c - Four weeks annual leave on full pay.

d - Women workers shall be guaranteed the right to return to their jobs at the same rate of pay after maternity leave.

**There shall be a maximum eight-hour working day**

a - In order to ensure full employment, a maximum of eight hours per day shall be worked, i.e. a basic 40 hours per week.

b - Overtime must be banned and the working day shortened.

c - Shift work shall be shortened/abolished.

d - Where workers are involved in strenuous work, a six-hour day shall be worked, i.e. 30 hours a week.

This will ensure adequate time for rest and leisure, giving workers the opportunity to develop their talents and skills unrelated to their specific jobs. This will encourage all-round development of the worker.

**Unemployed workers shall be the responsibility of the state**

a - Unemployed workers shall be entitled to unemployment benefits, which will take into account all the basic needs of the worker and his/her family.

b - Unemployed workers will shall be the responsibility of the state and will be fully supported.

**All workers shall be eligible for retirement with full pension**

Pensioners shall be the responsibility of the state.

Male workers shall be eligible for pension at the age of 60. Those doing

strenuous work shall be eligible for pension at 55.

Female workers shall be eligible for pension at 55.

**Health and safety shall be guaranteed**

a - A 'health and safety at work' charter should be evolved to guarantee the wellbeing and safety of workers.

b - Families of those injured at work and the injured workers themselves shall be fully compensated.

**Women workers shall have the right to participate in all sectors of the economy without discrimination**

a - Women workers shall enjoy full rights as equal participants in the economy of our country.

b - Women workers shall be guaranteed their jobs back after maternity leave at the same rate or higher rates of pay.

c - Childcare shall be available for the children of working parents.

d - Women shall have the right to train for any job they wish to.

**All racist labour legislation shall be outlawed, including the racist Labour Relations Amendment Act**

All restrictive racist labour legislation shall be abolished - such as influx control and the Group Areas Act.

**All workers shall have full political rights**

All workers shall have the right to vote without any qualification and to stand as candidates for all institutions which make laws that govern the people in a united people's state.

Workers shall have greater control over and share in the wealth they produce.

All workers and people shall have a universal franchise in South Africa.

The working class, the peasantry, revolutionary intelligentsia, progressive youth and women shall fight side by side until South Africa is free from national oppression and economic exploitation.

An injury to one is an injury to all.

## for white workers

ment than its 1913 predecessor, seeking not merely to protect workers from the excesses of their employers, but the ultimate eradication of capitalism.

Its preamble asserted: 'Organised workers ... know ... the only solution to our problem lies in South Africa adopting socialism as our form of government.'

Against this background, the SATLC charter dealt extensively with agricultural policy and agricultural workers, education, health, housing and labour laws.

It also included a bill of rights which envisaged:

\* the right to full employment and to security from loss of income;

\* the right to decent housing, clothing, food and medical services;

\* the right to recreation and leisure;

\* the right to free education; and

\* the right to freedom of association, speech, assembly, movement and worship.

The charter also demanded legal entrenchment of a 40-hour working week; the right to join trade unions and to strike; a minimum wage; an industrial court; equal opportunity and pay for women workers; paid maternity leave and creche facilities.