

SOUTH AFRICAN LABOUR BULLETIN

July/August 1992 Volume 16 Number 6

Training
Brazilian Party
Workers'
COSATU at the crossroads:
Adrienne Bird and Geoff Schreiner

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VOL. 16. NO. 6. JUL-AUG. 1992. DUP
Received on : 11/08/1994



**Breaking through
to democracy:
new wave of
worker action**



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SOUTH AFRICAN LABOUR BULLETIN

Published by
Imanyano
Publications cc
39/00595/23

9th Floor
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(cnr Troye St)
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Published since April 1974

Cover:
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 Photo: William Matlala

CODESA
 Photo: Shariff

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Breaking through to democracy

It is not surprising that negotiations at CODESA have broken down. For 44 years the Nationalist Party regime has ruled South Africa in a racist, authoritarian, arrogant, violent, corrupt and dishonest manner. These attitudes did not exist only in the minds of National Party politicians, they were embedded in the practices and values of enormous state bureaucracies, as well as the police, the army and the legal system.

De Klerk and other NP leaders may well have had a change of heart, and believe, in some abstract fashion, in Human Rights and democracy. But that is not the point. They are part of the history of the National Party and part of a massive state machine with its own vested interests. Such individuals and such institutions cannot lead a great trek to democracy, as they would have us believe. Their intention, rather, is to bind the ANC into the system of power so as to disempower the democratic movement.

CODESA negotiations were wrecked on two rocks: government attempts to block democracy in the form of majority rule at CODESA 2, and the government's failure to put an end to state sponsored violence which came to a head in the horrifying Boipatong massacre.

The ANC and SACP have responded by taking up COSATU's call for a mass action campaign, made in March. Many commentators have chosen to see this as a knee-jerk response by activists brought up on protest politics. A short stayaway, they say, and we will be back at CODESA again.

They are probably wrong. There is every indication that the tripartite alliance, or at least COSATU, and the militant wing of the ANC and the SACP, have done a fundamental rethink on negotiations. They intend the campaign to have such an impact on the balance of forces that it results in a new negotiating forum and a new negotiating agenda. If the campaign is successful, its leaders will probably demand a negotiating forum that reflects the role of mass organisations, such as COSATU and the civic movement, in the process of political change.



They are likely to demand the exclusion of homeland and tricameral political parties that have never tested their popularity or are clearly unpopular. They are likely to push for the negotiating agenda

to focus on mechanisms for electing, as soon as possible, a sovereign constituent assembly with powers to draft a truly democratic constitution for South Africa. In line with this, they will seek to force the government to concede power to a simple interim authority to see the country through to elections as rapidly as possible.

This is likely to be the most decisive struggle of the transition process. If it succeeds, it will open up possibilities for thoroughgoing democratic transformation of South Africa over the next few years. If it fails, the ANC will go back to CODESA having wrung a few concessions out of the government.

And the mass movement will be locked out of the negotiating process. The ANC would then probably be tied in to a process of elite accommodation, sharing the driving seat of an arrogant, corrupt and authoritarian state. The stakes are high. The journey out of the nightmare of apartheid will be longer, more difficult and more painful than we had hoped. However, there is no other way.

In this issue

Several articles in this issue explore the problems of breaking through to democracy. Labour Action describes the wave of militant action in which workers are linking their workplace demands to the broader economic and political crisis in SA. Their militancy is leading the way in the tripartite alliance campaign of action. Geoff Schreiner and Adrienne Bird discuss the challenges – and dangers – of active involvement in labour market institutions. Mike Madlala and Paul Benjamin both outline the need to extend and deepen workers' legal rights. The interview with a leading member of Brazil's Workers' Party raises a range of strategic issues important for democratisation and the struggle for change. Alex Callinicos, too takes up these debates. ☆

February 2 and the trade unions

Editor

The debate in *Labour Bulletin* on COSATU comes at the right time. As Bobby Marie correctly points out, our trade unions have been known for their militancy and accountability. Members through shopsteward local councils participated actively in the decision making process.

In 1986, when the state of emergency was declared and the trade union leadership driven underground, shopstewards took over the running of the union offices and administration. The defensive was turned into an offensive when trade unions inside and outside COSATU, and political organisations in a nonsectarian fashion rallied around SACCAWU's OK workers in the 1986-87 strike.

The issues were crystal clear. The bosses have a state to crush and subjugate us and we have the capacity and the international solidarity to defend ourselves. Workers started chanting socialist slogans and equated socialism with freedom.

Trade unions took the centre stage in politics. This was inevitable because political organisations were banned. It is this important struggle, combined with other forms of struggle, that made it more and more difficult for the Nationalists and their sympathisers to continue to defend apartheid.



Then came 2 February. While on the one hand it resulted in the unbanning of political organisations and the release of some political prisoners (a lot are still languishing in jails including comrade William Ntombela of SACCAWU), it also disarmed workers.

We workers became demobilised by the euphoria of freedom.

The first mistake we made was to send a message through to the workers that the apartheid state is weak and has opted to negotiate as a result of this weakness. In fact, the state is stronger and more confident than ever as it breaks out of international isolation. The SA Olympic team is on its way to Barcelona and de Klerk dines with the Russians.

On the other hand, our own local structures are not meeting mainly because of the violence. Today people parade on our streets armed with automatic rifles without being detained. You do not need to be a political analyst

to see that this is a well-planned campaign. It is designed to undermine the democratic movement in order to force a sell-out settlement down the throats of a weak leadership.

The campaign of violence undermined our organisations and their armed formations while the leaders were being tied into the 'peaceful' politics of negotiations. Meanwhile their constituencies are being destroyed by armed agents.

At the economic level, the bosses are attacking the labour movement through massive retrenchments. This is calculated to weaken the militant labour movement in order to have a weak and sweetheart labour movement in a 'new South Africa'. It must be resisted tooth and nail.

The international anti-apartheid movement that supported our cause is getting depleted as donors believe there is imminent freedom in our country.

We must prepare the masses for the battle by explaining that we are dealing with the same old regime that signed the Nkomati Accord and continued to sponsor Renamo; the regime that stole from taxpayers money and sponsored puppet organisations during the Namibian elections. The list is long.

There must be great pressure on the regime to negotiate. We must withdraw from negotiations until the

massacres of our people have ended. Otherwise where do we get mandates when our organisations are not meeting? How do we hope to make gains at the negotiating table while we have no constituencies? We must have the right to use the resources and power available to us in a non-sectarian fashion to defend ourselves.

Above all, we in the trade unions must demand a moratorium on retrenchments. This is a matter of life and death as workers are being thrown into pauperism in their millions. This will also strengthen our hand at negotiations.

Miller Moela
SACCAWU Shopsteward,
JSE

The AAM and SA unionists: the debate continues

Dear Comrades,

Due to the vagaries of the international postal system I have only just read Denis Macshane's letter in your issue (Volume 16 No. 4).

I have difficulty recollecting the discussion that he referred to in his letter, not least because I started employment for the Anti-Apartheid Movement one year after it took place! However, Brother Macshane did question the attitude of the Anti-Apartheid Movement towards the campaign to free Moses Mayekiso so perhaps I should give him the answers that he

required.

I resent any implication that I or the Anti-Apartheid Movement were opposed to the release of Comrade Moses and his fellow trialists. However, the sectarian attempts of ultra-left organisations in Britain to promote the Alexandra Five trial above other cases was merely a device to promote their political interpretation on developments in your country.

A reflection of this instrumental approach to Comrade Mayekiso is their subsequent dropping of him once he made a choice to join the South African Communist Party.

We in the AAM merely pointed out the sectarian agenda of those involved in the campaign at the time and refused to give them support. That agenda was of seeking to undermine the ANC, and

outright hostility to the SACP. This latter part of the agenda was the basis of the common accord with many cold war-mongers in the international trade union movement who were all ready to take up this case but deny support for trade unionist who may have used violence in their opposition to apartheid.

In addition, the Free Moses Mayekiso campaign articulated the view that this case should be the priority, even sole, campaign for the British trade union movement. We pointed out that many more trade unionists were on death row or in prison. The AAM successfully mobilised miners to campaign for members of the NUM on death row, shopworkers to campaign for CCAWUSA member William Ntombela, railway workers to campaign for the SARHWU four, members of the TGWU to campaign for Alfred Ndlovu, and many more cases which I cannot now recall, but included a campaign with the main engineering unions in the UK to campaign for the release of Comrade Mayekiso.

Surely this broad campaigning belies accusations of sectarianism on the part of the organisation for which I was honoured to work for over three years and was more in tune with the needs of the struggle at the time.

Yours sincerely,
Colin Adkins
Former Trade Union
Liaison Officer AAM.

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Letter from Bernie

Dear Comrades

Contrary to what RED EYE asserts in *SA Labour Bulletin* Vol 16 No 5, the ANC has not asked me to join their CODESA negotiating team. The ANC has plenty of well-qualified negotiators.

Please ask RED EYE to check with me before publishing any more reports.

Incidentally, it's radio galaxies, not black holes.

Otherwise, congratulations on a very useful journal.

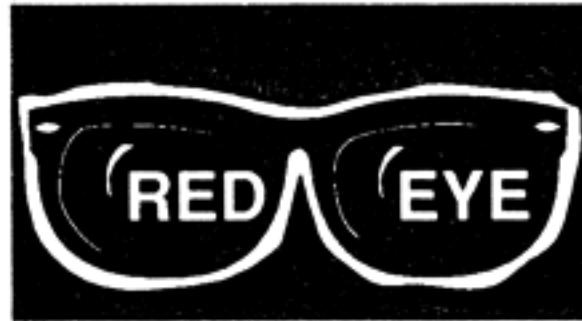
Fraternally

B L Fanaroff

RED EYE responds

RED EYE blushes for the mistake about Bernie and the ANC, but readers will understand that in these turbulent times sources are often confused. This makes things difficult for undercover columnists like RED EYE. The source of this information is deep inside NUMSA, but maybe the informant was a victim of confusion about two hats.

However, about the black holes - if Bernie does not have an alliance with black holes, how does he explain the collapse of Barend du Plessis? On the other hand, a friend with links to the stars, tells RED EYE that radio galaxies are connected to the Big Bang. Maybe du Plessis was a victim of a Little Bang? Maybe this explains the mass action



campaign of the tripartite alliance? Maybe the campaign will end with a Big Bang which will blast the NP into the past? Bernie still has a lot of explaining to do. ❖

Mass action to topple two governments!

Speaking of mass action, COSATU says the current mass action campaign is designed to topple the De Klerk regime. RED EYE wonders whether COSATU won't have to topple *two* governments if it wants to achieve this - the De Klerk regime and the ANC's government-in-waiting?

Some cynics say that ANC leaders are so keen to become ministers in the new South Africa that they were prepared to make almost any compromise at CODESA ... ❖

Democracy

Remember PW Botha's strategy of low intensity warfare against the Mass Democratic Movement in the 1980s? Low intensity warfare was also used by US supported dictatorships in the Philippines and Latin America.

Now, in the CODESA negotiations for 'democracy' in SA, De Klerk wants political parties which lose elections to have veto rights. He wants to

force a constitutionally prescribed coalition between the NP and the ANC. He wants a paralysed constituent assembly. He wants to impose divisive regionalism. He does nothing to control corruption, or to stop the violence and massacres of South African citizens continue. Comrades from the Philippines have a word for this new strategy of reactionary regimes - low intensity democracy! ❖

Gender: NUM's new view?

Remember the 1989 COSATU national congress, when NUM opposed TGWU's resolution on sexual harassment of women in the trade unions? NUM put forward an alternative motion which managed to avoid any reference to women, sexual harassment or even sexism. The NUM resolution argued that workers are "morally and ideologically" corrupted by the "ideas, values and morals of the ruling class". The solution was to cultivate and educate workers about "proletarian morality".

Well, NUM has been going through a process of organisational evaluation and restructuring. A survey of union staff revealed that women staff members experience sexual harassment as a major problem.

Well, the restructuring just may be more than just organisational! RED EYE hears that NUM's president had the courage to recall the

1989 congress and the TGWU resolution. "We were wrong," he told a recent meeting of the union leadership ... ❖

Balanced reporting?

The Saturday Star's 'Speak Out' Column invited callers to give their opinion on NEHAWU's hospital strikes (27/6/92).

One called did not express a clear opinion, but the another 18 did.

Nine callers criticised the strikers for putting patients in danger. Nine callers supported the strikers - pointing out that hospital workers earn starvation wages and work under terrible conditions; that the TPA is not negotiating in good faith; and that the Sate President and MPs have just got fat salary increases.

The column is headlined "Strike puts patients' lives on the line say callers".

A balanced reflection of callers' views? ❖

Conspiracy in the eye of the beholder

And talking about balanced reporting, a **Business Day** bill board on 27 May screamed "Unions plot mass action!" Has this highly professional paper somehow missed all COSATU's press conferences, announcements and public warnings, since March, that it was preparing for the biggest worker actions in South Africa's history?

Or is it because, at bottom, business regards all union actions as somehow subversive? ❖

Business loses senior ANC member

Steve Tshwete made headlines when he cried during the cricket tour: "I never cried when the children of SOWETO were mowed down in 1976, but with the victory of the South African cricketers over Australia I could not stop my tears," said comrade Steve.

Maybe it was these tears that made business see him as the soft spot in the ANC. RED EYE hears that comrade Steve was made an offer by NAMPAK to become one of its directors. ANC policy is firm on that. Members of the ANC NEC cannot be appointed company directors while holding senior positions in the organisation.

Lucky Steve. If he had accepted, he would have had tears in his eyes not because of the success of the cricket tour, but because of the workers anger.

"If Steve accepts the proposal, he will face the wrath of PPWAWU," said Siphon Khubheka general secretary of PPWAWU. ❖

A tale for managers

Once upon a time, there was a chicken farm in the Western Cape called Bonny Bird. One day, the farmer, concerned

about his chickens, informed the workers they would have to leave the municipal hostel where they lived and move into single hostels on the farm, leaving their families behind.

The workers, being attached to their families, refused. They threatened to bring their families with them. The farmer, being a reasonable man, then called the police to tell the workers that if their families came on to the farm, they would be prosecuted for trespass.

When the police arrived, they wanted to enter the chicken coups. The farmer told them not to, as any one who wants to enter the coups must shower and put on sterilised clothes so as not to bring diseases to the chickens. The policemen, being imaginative industrial relations practitioners, then told the workers the reason why their families could not stay with them on the farm, was that they would bring germs to the farm and cause disease among the chickens.

The workers, being dignified men, were angered and so a mighty media campaign was launched. The farmer, being mindful of the effects of publicity on profits, and at last concerned about his workers' well being, accepted that the workers could continue living with their families in the municipal hostels.

Dear managers, this tale illustrates the first commandment of good industrial relations: never call in the police. ☆



LABOUR ACTION

Negotiations and actions: towards a general strike

As South Africa heads towards what is planned to be the biggest general strike in its history, COSATU unions are mobilising as the leading force in the campaign of mass action. DOT KEET outlines the process and the perspectives.

The streets of Johannesburg and cities and towns, mines and factories throughout South Africa have been enlivened by the colourful marches, banners and singing of tens of thousands of demonstrating workers since the middle of May. Union after union has been taking to the streets in support of their annual wage and other demands presented to their employers.

June-July is the normal negotiations period for many trade unions in South Africa, but the processes have been dramatically heightened this year in the context of the call issued by COSATU, in March, for a campaign of worker action in support of the federation's key challenges to business and to

government in the deepening economic, social and political crises in the country.

Thus, a distinctive feature of the current worker actions is not only that they have involved - one after another - virtually every one of the COSATU affiliates, but that they have been linking the burning industrial issues in their different sectors with broader economic problems and proposals *and* with the key political demands in South Africa today.

Negotiations

The negotiation packages being presented to employers reflect the situations in the respective sectors, but there are significant common

threads running through almost all the sets of negotiating demands. It is also evident that, with few exceptions, employers are showing similar patterns of resistance to trade union demands and proposals:

Wages

There are one or two sectors where relative advances have been achieved - such as the 20% increase that TGWU has got for most security guards, and the 16% and 19% wage increases that SACCAWU has gained in specific company agreements. More commonly, wage offers have been well below the 16% inflation rate. Thus the 10% and 11% increases gained by POTWA from the Post

Office, or the wage increases offered to skilled workers in NUMSA - Tyre (12%), Metal (8%), Auto (6%) and Motor (4,9% and 2%) – actually amount to wage reductions. SACTWU makes this point forcefully about the 8-10% wage increase packages it is being offered.

It is even worse in other sectors, such as construction, where CAWU is being offered an insulting 5%, or on the mines where 5% is condemned by the NUM as “the worst wage offer to goldminers by the Chamber of Mines since 1918.” A straight wage freeze is being proposed to SAMWU members by Johannesburg City Council. Checkers started its negotiations with SACCAWU by trying to impose a 10% wage cut!

Jobs

The most serious threat facing workers – and their unions – are retrenchments. NUM reports job losses on the goldmines running at 3 000 a month. SACTWU points to the loss of 20 000 jobs in textiles and clothing for its members alone. SAMWU is facing massive job cuts with the ‘rationalisation’ of local government. The JCC, for example, is proposing to halve its 15 000 workforce. PPWAWU reports that, in the forestry sector, Sappi on its own has caused 2 000 PPWAWU members to lose their jobs – mainly through sub-contracting – and a much greater number of non-union

members have also been axed. Sub-contracting is a particular danger to SACCAWU as well – with jobs also being threatened by the casualisation, job flexibility and multi-skilling being promoted by management.

Moratorium on retrenchments

A stop to retrenchments has become a central demand in all COSATU unions. It is still a central issue even for NUMSA, although it achieved moratoriums in the auto and tyre sectors last year. As NUMSA points out, without such an agreement – as in its metal and engineering sector – 35 000 jobs were lost in 1991 and already 13 000 this year. NUMSA is, itself, now battling to defend the existing moratoriums as the employers make it the central blocking issue in the current negotiations.

Many unions are approaching the problem of retrenchment by also proposing (re)training programmes – as in POTWA and SACCAWU. An innovative package of proposals has been put forward by SACTWU, including the building up of “short time funds”, through both employer and union contributions, to enable people to be kept on as long as possible.

Centralised bargaining

All of the COSATU unions are determined to move towards, or to improve upon, centralised bargaining. Effective industrial councils

have been made a central issue by the unions. Some, such as NUMSA, already have achieved this in all their sectors. It is much more uneven in other industries. SACTWU is seeking to strengthen and “extend the geographical scope” of its industrial councils. Despite the feuding between the respective employers’ organisations in the Cape and Natal, and in-house industrial councils in many of the large city councils, SAMWU is determined to fight for one national industrial council for all local authorities. TGWU has made progress in setting up some provincial industrial councils – as in contract cleaning and goods transport – and is now demanding, in the face of employer resistance, that these be extended into national councils. Other unions, such as CAWU, SACCAWU, PPWAWU and especially CWIU are at an earlier phase in developing their own sectoral structures, preparatory to furthering their struggles for centralised bargaining – against strong resistance from employers.

Unilateral restructuring

Union after union is faced with damaging unilateral restructuring by employers – whether it is by government, as faced by SAMWU in the municipalities, or POTWA in the Post Office; or by private enterprise conglomerates such as Sappi, imposing destructive restructuring on

PPWAWU; or at many other levels and sectors of industry in South Africa. With the thousands of large and small employers in textiles/clothing and commerce/catering, SACTWU and SACCAWU are facing particularly acute problems and they have produced urgent proposals for national forums for their respective sectors.

A recurrent theme running through the unions' positions is an acute awareness of the crisis situations in their respective sectors. Many have drawn up proposals to their respective employers' organisations to meet with the unions in appropriate forums to seriously discuss the problems and move towards fundamental solutions.

Responses and reactions

The responses of management to the trade unions' proposals are important to understanding why workers are being pushed towards action in the workplace and onto the streets.

Employers' responses

The unions are convinced that the employers' responses reflect an element of co-ordination by employer organisations across all sectors to present a united resistance to worker demands and proposals.

Of all the unions, NUMSA probably has the best resources and most developed programmes for dealing with broad problems in its four

sectors.

It has produced various proposals to the employers' federations, including an "Industry Structuring and Growth Commission" in Metal and a "Job Security and Productivity Committee" in Auto. Even with auto companies, supposedly committed to 'participatory management', not much progress has been made; while the tyre manufacturers' organisation has been luke warm, and SAMEIA in the Motor sector has bluntly rejected such structured forums.

NUM, too, has presented a broad programme of measures to the Chamber of Mines to deal with the fundamental crisis in gold mining in South Africa. Hailed as the start of "co-determination" at last years Mining Summit, the process is being kept (barely) alive only through NUM's determined efforts, as the Chamber of Mines continues to resist global mining restructuring discussions.

Various of the other unions also have industrial restructuring proposals – of different degrees of development – to put to the employers in their sectors. Some of the more successful have been the initiatives by SACTWU, which has given a lead to the textile industry. SAMWU is developing its own ideas about the restructuring of local government to democratise and clean it up, and to streamline it - without their

members paying all the costs.

At one level the unions are trying to draw big business to see reason, and to understand their own interest in securing democracy and peace in South Africa. However, in their day to day management practice that workers experience – rather than their high level political interventions – major 'high profile' employers in South Africa seem to be singularly insensitive to the impact of their own power and privilege on employees struggling to survive in the South Africa of today.

Worker reactions

NUM members are outraged at the 5% wage offer to them, while mining directors earn more in one month (R30 000) than miners do in three to four years of sweated labour! NUM declares that national negotiations are now in jeopardy after it produced creative profit-sharing proposals – so that workers and employers 'share the losses of the bad times as well as the gains of the good' – only to have them rejected by employers.

Similarly, NUMSA members are angry that, while they make sacrifices going onto short-time with wage cuts, their bosses happily continue on full pay, even though they too are effectively working short-time. A NUMSA leaflet to its members declares that "we have had enough of seeing the bosses live a life of

luxury whilst we are starving,” and roundly accuses capital of having “driven our country into the mess that we find ourselves in every day.”

A SACCAWU leaflet, similarly, declares that the bosses “want us to pay for their mismanagement”; and SACTWU accuses the employers of wanting to “shift the burden of recession onto the workers.”

Actions

As the recession bites deeper, and employers remain intransigent in the face of the deteriorating conditions of millions of workers; as violence continues to terrorise their lives and the evidence of government complicity grows; workers have been taking a mass of initiatives on the ground.

Local worker initiatives

All the unions report – although the media largely does not – that the last two months have been characterised by hundreds of local actions by workers all over the country. These have included:

lunch-time pickets and demonstrations – such as those by NUMSA workers in the hundreds of workplaces in the Motor sector; and CWIU workers at SASOL, BTR, Harvest Chemicals and Protea Industrial Chemicals and others;

work stoppages – such as those reported by

SACCAWU, SACTWU, FAWU and CAWU in the hundreds of large and small workplaces that characterise all these sectors - with some employers reported to have responded with lockouts;

workplace sit-ins – such as that by SAMWU members at PE’s Ibhayi Council early in May, FAWU workers at Simba in Kempton Park in June, and the 200 NUMSA workers who occupied Nuts and Bolts Company headquarters on 24 June;

wild cat strikes – particularly the prolonged actions – which did get into the media! – by NUMSA workers at Toyota, from 8 May, which is still simmering; and the NEHAWU workers strike at the hospitals since 8 June;

marches on company head offices – such as the NUM miners march on Goldfields head office on 23 May, and by hundreds of NUMSA shopstewards on SEIFSA head office in June.

Co-ordinated union actions

Many such small local actions arise from the broader membership mobilisation undertaken by the unions since the call to action from the COSATU Economic Policy Conference at the end of March.

Most of the unions have drawn up programmes of shopsteward preparation and branch discussions on the key issues. CWIU, in particular, seems to be carrying through a very thorough process

leading up to meetings throughout the union, on 4 July.

Already, a series of “rolling” actions, co-ordinated by the unions, have been carried out. Some of these are:

9-13 May – POTWA sit-ins and marches in various parts the country;

10 & 13 June – SAMWU demonstrations in the large cities and even remote towns;

9 & 18 June – SACCAWU lunch-time pickets outside all its organised workplaces;

18 & 23 June – SACTWU marches by 60 000 members in Cape Town, Durban and Johannesburg;

22 June – NUMSA’s ‘occupation’ of the streets of central Johannesburg by an estimated 40 000 workers;

24 June – SARHWU’s march by 15 000 workers to Transnet head office in Johannesburg;

29 June – PPWAWU’s ‘seige’ of Sappi head office in Johannesburg by an estimated 12 000 workers.

Making the political links

One of the striking aspects of many of these actions was the angry hand-written placards carried by the workers graphically linking their immediate work demands with the broader political crisis in the country.

Amongst the calls for better wages and job security were placards declaring “Down with food price rises!”, “The violence must end!”, “The criminals must be

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found!" and "de Klerk must go!" Also "Away with CODESA! The workers will decide!" One of the most powerful was the declaration that "Boipatong will not terrorise us to stop mass action for our rights!"

Official disputes

With the militant mood of the workers, and anticipating that they will soon be moving towards national strike actions, the unions have been following through the due legal processes to ensure maximum protection to their organisations and their members in the campaign of action now unfolding.

As employers have remained intransigent, the unions have, one after another, declared official disputes. Amongst the many disputes under way are:
TGWU – with the contract cleaner employers since the middle of May;
NUMSA – with SEIFSA on 14 May; and also with SAMEIA, the Motor employers organisation; and since 22 June with employers in the auto sector;
SACTWU – with employers in three industrial councils from 12 June;
PPWAWU – with Sappi, the largest employer in its sector, from 18 June;
SACCAWU – meeting with all employers since the 18 June preparatory to declaring disputes, and officially in dispute with Woolworths since 25 June;
SAMWU – with the Cape

Province Local Authority Employers Organisation as from 25 June;
CWIU – with Secunda, Consol Glass and probably with SASOL by the end of July.

Rolling strikes

As deadlocks develop, union after union has set target dates in the early weeks of July on which to ballot their members on strike actions. As we go to press (1 July) these include: NUMSA in three of its four sectors, SACTWU, SACCAWU, CAWU, NEHAWU, CWIU in various major industries, and TGWU in at least one sector.

With few exceptions, the indications are that the ballots will produce strong support for national strike action. There will be a series of massive national industrial strikes in many different industries during July.

What is not yet clear is whether these will follow their own union timetables or be co-ordinated in what could be a very effective series of "rolling strikes". What is clear, however, is that these strikes will be the curtain raisers on the general strike. The heightening action will undoubtedly dynamise much broader sections of working people into a variety of their own actions around the issues most crucial to them.

Drawing in broader forces

Ever since it declared, in March, that it would take decisive mass action if the

CODESA process did not produce an interim government by the end of June and agreement on elections for a constituent assembly by December, COSATU has played a crucial role in leading the return of the transformation process in South Africa back into the hands of the masses.

It was COSATU's firm determination – and de Klerk's blatant manipulation of CODESA – that eventually turned the tripartite alliance partners, the ANC and the SACP, towards their present commitment to mass action.

COSATU is now playing a central role in drawing even wider forces into action. NACTU and other trade unions are obviously important forces. So too are the urban civics, united in the South African National Civics Organisation; as well as popular opposition forces in the bantustans, all the churches, consumer groups campaigning against soaring food prices, human rights and lawyers organisations and others.

General strike from 3 August

Above all, it will be COSATU paralysing the economy and bringing millions of workers onto the streets in the coming weeks that will mobilise many more millions into unprecedented mass action, and a general strike from 3 August that must be an historic watershed in our country. ❖



Workers sit out the strike at Baragwanath in defiance of a court interdict

Photo: William Matlala

NEHAWU workers dismissed en masse

Withdrawal of their labour by the general assistants (cleaners, laundry workers, clerical staff and kitchen staff) of the National Education, Health and Allied Workers Union (NEHAWU) has paralysed nearly all the reef hospitals.

The strike, which began at Baragwanath hospital on 8 June, has affected 59 hospitals across the country. Most of the hospitals for the black community are treating emergency cases only.

The strike involves thousands of mainly general assistants earning starvation wages, working long hours in

bad conditions and kept on 'temporary' work status for long years on end.

According to NEHAWU general secretary, Philip Dexter, the union walked out of the health negotiation forum in Durban on 19 May because:

- The credibility of the government representative, the Commission For Administration (CFA) was in doubt.
- The government was intransigent on the amendment of the LRA for the public sector. It wanted to forbid the right to strike, or to arbitration.
- The CFA offered a 9,2% increase with effect from 1

August, whereas NEHAWU was demanding R724 a month minimum wage and 15,3 % across the board increase, starting from 1 April.

- The union demands permanent status for long term 'temporary' workers.
- The union demands an Interim Dispute Settling Mechanism.

Workers defy court interdict

The news of the walkout spread like wild fire. Baragwanath workers were at the forefront of the strike. They started by demonstrating during tea breaks. Then the whole

situation was made much worse by a Supreme Court interdict barring workers from hospital premises except when on duty. At a meeting of 1 500 general assistants, workers openly defied the court interdict.

"In 1990 we brought the government to its knees, now we are going to kick it to its death," sang the workers in defiance at Baragwanath.

"We are working for peanuts here. I have been employed for more than 15 years as a temporary worker and I am now due for pension, how am I going to feed my children," cried one worker at the meeting.

Strike spreads

The mood of defiance grew. The general assistants strike spread and within three days had affected 24 hospitals in the Transvaal. Johannesburg, Hillbrow, Natalspruit, Boksburg, Benoni, Sebokeng, Vereeniging, Sebokeng, H F Verwoed Ga Rankuwa hospitals were amongst those that went on strike.

Two thousand workers marched to the Union Buildings in Pretoria where the NEHAWU general secretary presented a memorandum to the minister of administration Org Marais.

This was one of the biggest marches ever held in the heart of Pretoria. The police were taken by surprise when NEHAWU was given permission to hold the march. "When we showed them the magistrate's permission they

were mad with anger," said Dexter.

Within a week, 234 strikers had been arrested for defying the court interdict. Workers at Hillbrow Hospital had to rescued *Labour Bulletin* photographer, William Matlala, from hospital security police.

Violence and intimidation

Unfortunately the strike was marred by violence and acts of intimidation. Drivers who were delivering milk and bread and at the Klerksdorp Hospital were threatened that their vans would be burnt.

We found a group of nurses at Hillbrow Hospital huddled together in a ward discussing how they were going to leave the hospital. They spoke of intimidation by the strikers and also mentioned that leading members of NEHAWU just burst into the wards looking for workers who were not on strike.

"We do support the strike, but we can't leave patients to die. We all need higher wages and better conditions of employment. We can hardly survive with the salary we get, but we think that patients lives are very important. The strikers know where we are staying and we fear for our lives," they told the *Labour Bulletin*.

A member of NEHAWU, Vuyo Mazibuko and two nurses' shopstewards - Victoria Mazibuko, and Grisell Marabule were brutally murdered by unknown persons. Some of

the workers were threatened with death if they did not cease their protest actions.

The union has gone all out to quell violence and stop the intimidators but, "workers were doing this because they feared that scabs will take their jobs," Dexter explained.

These are but a few of the incidents reported.

Weaknesses of the strike

The strike has a number of other weaknesses:

- Despite the fact that it is well supported by the general assistants, the union started very late to organise nurses and radiographers.

- The strike affected black hospitals only and, according to Dexter, that is why the government is not responding positively to the union's demands.

- The union had not prepared itself for the strike. It started as a wild cat strike. Hence, a skeleton staff needed to help in emergency cases was not prepared in advance.

NEHAWU is far behind other unions in terms of organisation. The union only received recognition last year. "We were not ready for the strike, but workers said to us that it is not the case of being ready. We have no alternative but to use our muscle power. The union is now trying to consolidate its forces. We are over stretched and we have very limited resources," said Dexter.

The union is now balloting for a national strike.

Ethical dilemmas

Criticism has been levelled at this strike by people in the black community who are the worst affected.

The union understands that in the health sector workers are not dealing with products but human beings. But NEHAWU's view is that workers need to be able to withdraw their labour if necessary. This should be an unconditional right.

Dexter adds, however, that "As a union, we debated the ethical issue and our position is that, if industrial action ever becomes necessary, we must provide skeleton staff. We must maintain emergency services. At the moment it is TPA that is refusing to allow us to provide the skeleton staff."

Dexter says that all services ultimately can be defined as essential, but what the union is talking about is emergency services. This includes: ambulances, casualty wards, doctors, provision of necessary medicines.

According to NEHAWU, the government is the one that pushed them into this position. Had there been an arbitration, workers would not have embarked on a strike at all.

Challenges to other unions

There is also a challenge here to COSATU and all unions in South Africa to work out policies and strategies to support health workers so that they do not find themselves

placed in the difficult situation of endangering people's lives while defending their legitimate rights and demands.

NEHAWU prepares for a major strike

NEHAWU's CEC is about to review the whole situation. At the moment the union is planning a major showdown with the state.

"We are mobilising all state employees: hospital workers, roads and works, home affairs, agriculture, education, government garages, and all other state departments for national strike. This is the only alternative available to workers, whether members of NEHAWU or not. Strike action is the only way to force Dr Marais into a meeting," concluded Dexter. ♦

(*Snuki Zikalala*)

News release by Mr P W van Niekerk of the TPA on 30 June 1992

... the TPA will conclude the dismissal of more or less 7 000 general assistants today. Letters of dismissal have been posted to striking employees since Friday, 26 June 1992. Dismissals are effective from 1 July 1992.

MWASA strike muffles SABC broadcasts

On 18 May, journalists, newsreaders, advertising staff, producers, technicians and other members of NACTU's

Media Workers Association of South Africa (MWASA) brought the SABC's black radio stations, as well as CCV-TV2/3 news and sports to a virtual standstill.

Since then, neither rain nor cold weather prevented the 1 000 MWASA members from picketing outside the SABC headquarters in Auckland Park. Lately they have even been joined by some of their white colleagues who are not happy about management's attitude towards the labour dispute and the manner in which the strike has been handled.

SABC headquarters is like an unrest area. Peaceful picketers inside the SABC park are surrounded by dozens of armed police. Black members of staff are asked to state their names and business before being allowed to enter the building.

Deadlock

The strike follows a deadlock in negotiations between MWASA and SABC management earlier in the year.

MWASA general secretary, Sithembele Khala says that talks in Durban broke down on 8 May because:

- The SABC rejected MWASA salary demands and slammed the door on further negotiations in the current financial period. The union declared a dispute as it had been agreed earlier that SABC would review the 1991

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salaries.

- The SABC offered 7% across the board, a 4% "merit" increase and a minimum wage of R1 300, whereas MWASA is demanding a 20% increase and a minimum wage of R1 500 a month. MWASA argues that a 7% increase over two years is unreasonable. At the moment the rate of

problem of racial discrimination. Whites in the SABC earn far more than their black counterparts. A Radio Zulu (black) DJ and a Radio Five (white) DJ earn different salaries. A worker in Pietersburg earns R400 and a worker in Johannesburg, in the same job category, earns R1 000.

broadcasts on CCV-TV2/3. Black viewers who are used to listening to the news in their local languages had to strain to understand the American accents. People found the news boring, as CNN concentrated on European news.

"We are paying our licences for nothing. I can hardly understand what the news reader is saying. We need news about our local affairs. They are showing us all the garbage from the West," protested one viewer.

The SABC strike is costing the corporation millions of rands in lost advertising and further losses could be incurred if the strike is not resolved before the Barcelona Olympics. National Treasurer, Tseliso Ralitabo reports that MWASA has requested the International Confederation of Free Trade Unions (ICFTU) and the International Federation of Journalists (IFJ) to begin campaigning to have the SABC barred from covering the Olympics.



MWASA strikers on the march against the SABC

Photo: William Matlala

inflation stands at 16% and last year's was 15%.

- The union also refused to negotiate the 4% merit component because it is "subjective." The people who would evaluate input and output are members or officials of a rival union, the South African Broadcasting Staff Association (SABSA).
- There is also a blatant

Strike

The union decided to ballot its members for a strike - 90% voted in favour. On 18 May, 1 200 members of MWASA downed their pencils and cameras. The strike blacked out radio and television broadcasts on all the SABC's black stations.

In an effort to counter the strike, SABC used CNN and ITN footage to fill in news

Solidarity

MWASA has campaigned successfully for international solidarity. The IFJ put pressure on CNN and ITN to stop scabbing on SABC workers by the supply of footage to be used to fill in the news broadcasts.

MWASA's Sethembele Khala also called on the SABC's Radio Metro employees not to undermine the strike by allowing their

material to be used to fill Radio Sesotho programmes. However, Vincent Mfundisi, a member of the strike committee, says that "It is difficult to ask Radio Metro employees to join the strike. SABC has employed them on a contract basis. That is why they are still on the air."

On 26 May, more than 1 000 MWASA members were joined by about 20 political groups who marched from the city centre to SABC's Auckland Park offices. A number of white SABC employees also participated in the demonstration. The march caused a traffic jam in the city centre.

At a rally on the SABC lawns, Sethembele Khala attacked the SABC for being willing to "expose wrongs and injustices of other companies and opposing groups, but refusing to place itself under public scrutiny." He pointed out that the SABC used millions of rands to buy a "yes" vote in the recent referendum, but is now pleading poverty when it has to give its employees a living wage.

Khala also declared that SABC has been used by the Nationalist Party for its interests at CODESA. "We must challenge the SABC to be impartial and to serve the license payers without political strings," he said.

An SABC employee protested that had it been white journalists on strike, or white viewers affected, SABC would have long ago

resolved the strike.

Despite the number of days that SABC workers have spent on the lawn outside the SABC, their morale is very high. They are determined to fight it out to the last, and they say they will go on for "a thousand day strike". ♦
(Snuki Zikalala)

SADTU strikes for rights

The South African Democratic Teachers Union (SADTU) carried out strike actions on 21 and 22 May protesting the refusal of the Department of Education and Training (DET) to recognise it as a collective bargaining agent. According to union officials, approximately 30 000 teachers participated in rallies, pickets, marches, and occupations of government offices throughout the country.

Broad national grievances presented by SADTU at the demonstrations included "the government's unilateral restructuring of education" and "failure fundamentally to address the educational crisis."

The unions' grievances on behalf of its members include

- the DET's offer of a "measly" 8,8% rather than the 14% demanded by SADTU;
- the DET's withholding of union dues from members' pay cheques; and
- the victimisation of union leadership.

SADTU regional chairperson of the Western

Transvaal, Oupa Sebolai, and SADTU regional chairperson of the Orange Free State, Samora Lefou, were dismissed prior to the two-day strike actions.

Although none of SADTU's demands has been met, the DET has since improved its wage offer to 9,9% and has agreed to end salary disparities based on gender. This new wage package was welcomed by the Teachers Federal Council (TFC) and the National Professional Teachers Organisation of South Africa (NAPTOSA). SADTU, however, labelled this wage offer "an insult to hard working teachers, many of them not even earning a living wage."

In addition to DET's slightly improved wage offer, assistant general secretary Thulas Nxesi also detects "some softening in attitude" on the part of the DET in regard to recognition of SADTU. The DET, however, continues to refuse recognition of SADTU's collective bargaining rights, including the right to strike. While the current Education and Training Act does not allow for strikes by teachers, SADTU "considers teachers to be workers and sees the right to strike as a necessary weapon for all workers," according to Nxesi.

Because SADTU is very concerned with the crisis in township education, "SADTU only uses the strike weapon as a last resort after all other

channels have been tried," states Nxesi. "We have been attempting to gain recognition from the DET for the past two years."

Nxesi acknowledges that black students are already educationally deprived and are further badly affected by teachers strikes. But he argues that it is impossible for students to receive a good education if teachers are working under terrible conditions. Nxesi also says that "what SADTU is demanding are conditions that will make teacher strikes unnecessary: the recognition of its collective bargaining rights and the institution of

proper grievance procedures."

SADTU will be meeting with the DET until the end of June and is planning further actions if its demands are not met. Although SADTU is not an affiliate of COSATU, it supports the tripartite alliance's call for mass action and considers itself "part and parcel of the current political struggles," according to Nxesi. Because it is so important that students receive a proper education, SADTU will look into ways of participating in mass actions without disrupting the educational process. ❖

(Jesse Fenichel)

strikes have taken place over issues such as unfair protection of white employees, calls for the dismissal of white management and differential treatment between the race groups. At the same time, the call for centralised bargaining continues to be a major factor, as evidenced by the prolonged Kentucky dispute.

The Automobile Industry was responsible for the greatest number of 'man-days' lost (35,3%), mainly as a result of the prolonged strikes at Toyota in May and June. This was followed by the Retail sector, which accounted for 14,7% of 'man-days' lost largely due to the Kentucky strike; and the state (13,9%) where an upsurge in the number of hospital strikes in the latter part of the period predominated, and a lengthy strike between SABC and MWASA showed little sign of resolution. Intermittent strike action at Impala Platinum Mines contributed towards the figure of 12,9% for the mining sector.

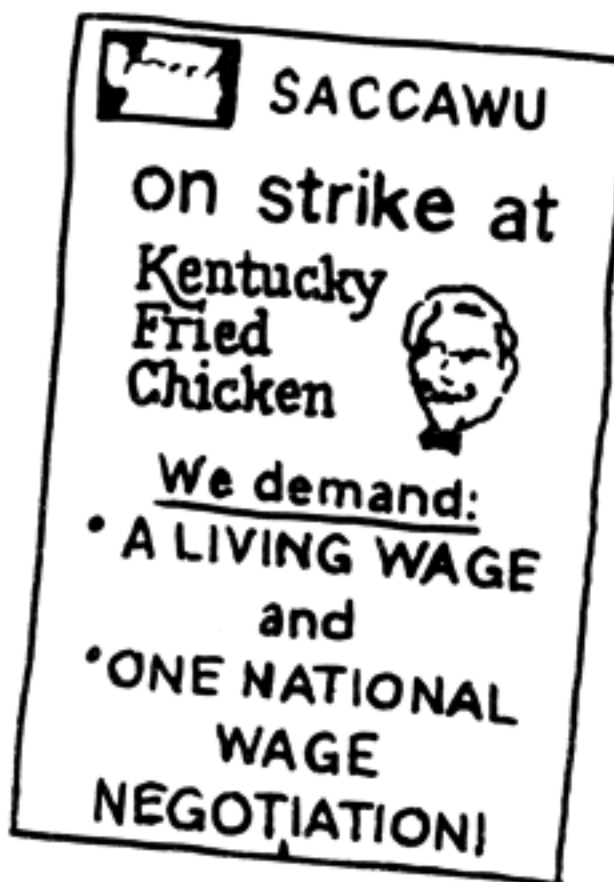
The most active unions in terms of 'man-days' lost to the economy were NUMSA (37%); SACCAWU (14,8%); NUM (13,4%); NEHAWU (10,4%); FAWU (9,2%) and MWASA (6,4%). The unions responsible for the greatest number of strikes were SACCAWU, NEHAWU, NUMSA, FAWU, CWIU and SACWU. ☆

(from Andrew Levy & Associates)

Strike report – three months ending 30 June 1992

After a fairly slow start to the year, there was a marked increase in strike activity in the second quarter. The loss of 650 000 'man-days' can be compared with a figure of 375 000 during the same period last year and the high of 1 200 000 in 1990. With major wage negotiations in full swing in the metal and mining sectors, it is anticipated that levels will rise considerably in the coming months, in tandem with COSATU's programme of mass action.

It is interesting to note that Grievances are the main trigger factor at (39,8%), followed by wages (32,3%); Recognition/Bargaining



*Strikes - increase in activity
Photo: Shariff*

Levels (13,9%) and Dismissal/Discipline (10,5%). Wages traditionally dominate the trigger scene but during a period marked by a high degree of confrontation and political tension, a number of



INTERVIEW

ACTION — NEGOTIATION

Interview with Mike Madlala

NEGOTIATION — ACTION

MIKE MADLALA, the co-ordinator of COSATU's Labour Market Negotiations Task Force, and assistant general secretary of FAWU speaks to Snuki Zikalala.

In this time of escalation of trade union actions on both industrial and political issues, what is the role of COSATU's four negotiation task forces? Are negotiations still on the agenda?

We in the trade unions believe that all negotiations should be backed up by action on the ground. Our constituency is always kept informed to back up negotiations. The power of trade unions in their negotiating strategies lies in the fact that strikes are there to be used to apply pressure so that the tabled demands are met.

On the other hand, when we take action, we do not rule out negotiations. We are constantly in processes of negotiation in the industrial field and more widely. COSATU withdrew from the National Manpower Commission (NMC) process as a protest action, but the federation did not stop negotiating with relevant bodies to improve the workers rights. We have met with the Minister of Manpower. The Department of Manpower participated in

the restructuring of the Training Boards. We also continue to negotiate even with organisations like the South African Agricultural Union (SAAU).

In short, we shall continue negotiating in the four task forces. If such negotiations do not deliver the goods, we will not hesitate to act.

In the recent restructuring at COSATU headquarters you were appointed to co-ordinate one of the four negotiation task forces - the 'labour market task force'. What exactly is the role of this task force?

Labour market institutions are those state structures, departments of government, and so on, which deal with developing policies and implementing programmes relating to many different fields of labour rights and regulations.

In a future democratic South Africa, it is our intention that the labour market institutions should not only deal with issues like the Labour Relations Act, but macro-economic



issues such as job creation programmes, housing and others.

There is still a debate within COSATU at this stage whether such labour market institutions should be bipartite, involving only representatives of business and labour or whether they should be tripartite. If tripartite, they would involve the state, but to what extent should the state be involved, or what kind of intervention does the state have?

These labour negotiating institutions should have an important voice in shaping future policies affecting their constituencies, but there is agreement that the role of a future democratic parliament to legislate on labour and economic matters should not be taken away by the labour market institutions.

At this stage, however, the key concern on COSATU's labour market task force agenda is to work on the extension of labour legislation to cover farm workers, domestic workers and public sector workers.

Public sector workers are quite well organised to defend their rights, but farm and domestic workers are not. During this parliamentary session, we exerted a lot of

pressure for domestic workers to have basic rights in terms of the Basic Condition of Employment Act (BCEA). It is not going to be easy, but we will continue to fight for their rights.

Our task force also deals with questions relating to the incorporation of the workers in the bantustans and homelands under the same legislation as workers in the rest of South Africa. Quite a lot of changes are evident in this regard. Kangwane and the Transkei have engaged some South African labour lawyers to draft and develop their own labour legislation in line with that of South Africa.

We have also been involved in preparing a strong case to present to the International Labour Organisation (ILO), which finally came to South Africa to investigate labour relations in our country. Most of our recommendations have been accepted by the ILO.

Following on from that visit, we are waiting for the government to extend the basic rights which are enshrined in the BCEA to farm and domestic workers and the Unemployment Insurance Act, as well as extending the Labour Relations Act and the Wage Act for farm and domestic workers.

As one of the COSATU affiliates that organises farm workers, can you say something about the farm workers conference which was held on 5 June?

The farm workers conference was organised by FAWU, and we invited the other sister unions like PPWAWU and SACTWU which also organise some rural workers. Amongst the resolutions passed was our endorsement, in principle, of the COSATU resolution which urges the formation of an independent farm workers union.

The proposed farm workers union faces the serious challenge of beginning the task of organising the 1,3 million unorganised agricultural workers in our country. The 26 000 rural workers that have already been organised into FAWU, 10 000 organised into PPWAWU, 3 000 organised into SACTWU and 2 000 into other unaffiliated unions - all of

them put together, are just a drop in the ocean.

The conference discussed the serious problem of resources for such a massive project. In terms of financial resources, farm workers earn such extremely low - and even no! - wages, and it is extremely difficult to expect union subscriptions from them. There is also a big problem of how to collect union dues. For example, some farm workers are paid in kind and some in cash.

In terms of human resources, at this stage there are laws which make it very difficult for organisers even to reach farm workers. Organisers going onto farms can be accused of trespass and - with the political climate in most of the farming areas - they run the danger of being beaten up and even shot. There is very little access to farm workers in South Africa.

There is another practical problem in organising farm workers which relates to the question of boundaries - that is, the overlap of farm workers and industrial workers. For instance, some work part of the year on the farms and part in the factories. How should they be classed, agricultural or industrial workers? These are some things that still need to be clarified.

The conference also addressed practical issues: wages and trade union rights, abolition of the tot system and child labour, health and safety and a provident fund for the farm workers. And in the current drought situation we discussed food and financial relief for farm workers.

What is the position of the national farm employers association, SAAU, in response to these demands?

SAAU has been the stumbling block throughout. They have been putting their foot down against labour legislation to be extended to farm workers, even if they have not come out publicly. They have lobbied some of the MP's in parliament against the extension of the LRA to farm workers.

More seriously, white farmers are not prepared to work with the trade unions. The thing they hate most are trade unions because, if the unions have a presence in the agricultural areas, they will ensure that the legislation is

actually put into practice.

Some farmers might be prepared to have the Act but they do not want to have unions representing workers. They believe farm workers are their property. They are almost their slaves. Workers cannot say anything against their bosses.

Farmers are also dismissing workers in anticipation of labour legislation. For government to continue delaying promulgation, makes the workers more vulnerable. At present the biggest problem on the farms is that the white farmers are taking advantage of the drought and just retrenching and dismissing workers without any regard for their rights and their desperate situation.

How is the drought affecting people in the rural areas?

The drought is affecting millions of people very severely. The most affected people are those who live in the rural areas and especially the farm workers. And because of mass retrenchments and dismissals, farm workers are now moving from the farms to squatter areas around the towns.

In some places, workers have had to sell their cattle to the farmer for almost nothing because once they are thrown off the farms they don't have anywhere to keep their cattle. Others are selling them in desperation before they die from lack of water. It is a pathetic situation.

What were COSATU's relief proposals at the drought conference which was held on 13-14 June?

We tabled a number of proposals at the conference. The most urgent is that farm workers have to be given relief and that it should be on the basis that:

- There should be an immediate moratorium on retrenchments.
- Unions should have access to the farms.
- There must be a joint control of relief distribution.

The government's R3,8 billion aid package for drought relief is going to the farmers, not directly to the most needy which are the farm

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workers. We argue that, if there is no access for the trade unions, there would be no monitoring mechanism to see that the drought aid package received by farmers, especially for farm workers, and social relief is properly distributed.

What are the effects of the movement of farm workers from the farms to urban areas?

With farm workers moving into the urban areas, they will be increasing the pool of unemployed workers there. The employers are going to exploit the situation and employ people who are prepared to settle for starvation wages. We therefore expect this to become a burning issue.

It is expected that over 80 000 jobs will be lost due to the drought. The majority will be in the food industry. In this the drought will not only affect the rural areas but the urban areas as well. Retrenchments, dismissals and the movement of farm workers to the urban areas also has a more direct effect on us as FAWU because it affects the food producing and processing industry as a whole. With this drought, there will be a reduction in fresh produce coming from the farms to the vegetable and fruit factories. Owners of those factories will then talk about retrenchments. FAWU is going to be affected by this process. We will not be in a very strong position because labour is in abundance, with many unemployed rural workers moving to towns.

Is the drought affecting food prices? Or are they rising because of higher wages in the food industries as some people argue?

We have actually made our own research in relation to price hikes. Some research institutes have come up with a variety of things, indicating that labour and the wage increases have caused the huge food price hikes.

We found that this is not correct because most wages are negotiated around June-July. The level of increment that we received this year does not differ from the past years' increments. There are no grounds for anyone to say that labour has contributed to the food price hikes.

Food producing companies are accusing catering companies; catering companies accusing the farmers. One thing for certain is that the dramatic food price rises came immediately after the introduction of VAT. We are still arguing that if the government would maintain a subsidy on food, and on basic services, there would be no need to raise food prices.

As a member of the VAT Co-ordinating Committee (VCC) can you tell us if there is any progress on re-opening negotiations on VAT and food prices?

We have actually agreed on a number of processes. We have met the ministers of finance, health and agriculture and discussed the re-opening of VAT negotiations and the stabilisation of food prices.

The ministers promised to come back to us after we tabled our demands which are:

- the establishment of a focus group to look at VAT on basics and reducing food prices;
- commitment to discuss the poverty relief programme with the VCC and the welfare development sectors; and
- a full investigation into the effects of VAT and the validity of Central Statistical Services figures.

We are still waiting for the ministers to come back to us.

Are you planning any active anti-VAT campaigns if the government does not meet your demands?

We agreed at the VAT summit, on 6 June 1992, that a committee be formed to look at the various issues related to action if the government continues to resist our demands.

Actions that were proposed include stayaways, occupation of government offices, marches and even a general strike. That committee will then come with recommendations to the VCC which will take a decision on actions based on the needs and capacities of its component members.

How do such actions link in with the various trade union actions already going on, and to the broader campaign

of mass action that is looking toward a general strike in August?

It is my view that all actions by the trade unions, including those of the VAT campaigns, when directing their blows against the enemy - no matter how minor such blows may be - will be part of the whole mass action.

Mass action will take many and varied forms. The important thing is that order and discipline should be the governing principle.

Can you say something about the broad coalition of democratic forces that is being built up around the demands for an end to the security forces' covert operations and murders, government corruption and mismanagement and so on?

Within COSATU we have actually discussed this very extensively. It is our belief that during the time of the Mass Democratic Movement we were able to rally a very wide range of forces around issues which were common to all. We need that sort of force now.

A broad coalition of democratic forces will focus its campaign on ending government corruption and murder. This is not a new campaign. It is our belief that as long as the apartheid regime is still in power, we will not have peace and democracy in this country. Therefore, the broad coalition of democratic forces should not be seen only as a means of bringing people together, but as a powerful campaign that will contribute towards focusing on the many problems facing us all in South Africa.

We have learned from our past experience, and it has been reinforced in the more recent negotiations, that it is only with mass action that we can force the government really to listen to our voices. So we are going to force them to listen to us now on the burning issues of VAT and food prices, the suffering of the people under the drought and the horrors of violence, and to negotiate seriously for elections for a new democratic constituent assembly.

After the coalition has achieved its goal

of a democratically-elected constituent assembly, is the broad coalition going to continue to exist?

The coming together of people in the form of pacts or in the form of alliances has a purpose. You set yourself an objective and once it has been achieved, it is for the parties to decide whether their struggle is over or not. It would depend on the given conditions at that particular time. The common denominator is that apartheid must go.

Is this coalition going to end when the apartheid government is gone, or is it going to remain a force that will keep the future ANC government on its toes?

The civic organisations, which are one of the most important components of the democratic coalition, will still exist. Civics will have to continue to put pressure on the future government so that their demands are met.

We as trade unions will be independent of any political organisation and will continue fighting for workers rights. At this stage we are participating in influencing policy formulation in the ANC and we believe that in a future ANC government most of the rights that workers are fighting for will be taken into account.

If the ANC comes into power and asks the trade unions to play a 'constructive' role, to 'be patient' and not to embark on industrial actions 'in the national interest' and so on, what will be the trade unions' response?

Any such request from the government will be discussed by the trade unions in their structures democratically without any form of coercion. The unions will respond appropriately, according to the circumstances, whether to reject or accept such a proposal.

Already at this stage we are insisting on being an independent trade union movement. We will always remain independent from control by any government. I am convinced that if the government of the day - including an ANC government - does not respond to the needs of workers, the trade unions must still be in a position to stand up for their rights. ☆

COSATU at the crossroads:

**towards tripartite corporatism
or democratic socialism?**



The democratic socialist project in South Africa requires the development of strong, working class-based organisations within civil society and an institutional framework to encourage and consolidate this development. ADRIENNE BIRD* and GEOFF SCHREINER** argue that COSATU's role is pivotal in this endeavour and that it faces significant choices to rise to the challenge.***

COSATU is at a crossroads. It is faced with a series of key strategic decisions in the immediate future which will, in our view, fundamentally affect the possibilities of a democratic socialist future in our country.

These decisions and the vision underlying them will determine whether COSATU leads the way to such a future or whether the federation slips quietly into the defensive, under-resourced, sectional and profoundly reformist mould of so many national trade union centres the world over.

We deal here with only a few of the

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*** The views expressed in this paper, unless otherwise stated, are those of the authors alone and not necessarily endorsed by any organisation with which they are associated.

key issues which will have to be confronted. We are concerned primarily with the extension and deepening of political and economic democracy – a critical part, now and in the future, of the socialist project. We argue that this process of democratisation requires the development of strong, working class-based organisations within civil society and an institutional framework to encourage and consolidate this development. COSATU above all is, in our view, pivotal in this endeavour.

What we understand by socialism

The need to rethink how we understand our socialist project is critical at this time in our history. The collapse of Eastern Europe ought to be massively instructive. We therefore fully endorse vigorous and open debate on the issue, particularly within and between organisations which are engaged meaningfully in day-to-day struggles.

We make no claim to be able to contribute to this debate in a significant way. However, much of what follows in this article hangs on our conceptions of socialism and underpins our arguments for a far reaching restructuring of existing labour market policies and institutions in South Africa.

Thus some of our basic starting points must be identified briefly.

We begin with the premise that socialism requires a much deeper set of democratic practices than are embodied in the processes of multi-party elections at national and other levels. The winning of political power is therefore a necessary, but not sufficient, condition to realise this objective of democratisation.

In our view, moving towards socialist democracy requires an ongoing process of empowering institutions and organisations, outside of the state, to participate in the decision making process and thereby to exercise meaningful control over that state between elections.

For us this has meant re-conceptualising the relationship between the state and civil society,

and in this regard we assert that:

Modern day economies of any significant size and scale do not permit the possibility that all functions of the market can be replaced by an all-inclusive 'five year plan' created, co-ordinated and executed by the state. The market and private enterprise have to be allowed a significant role in a future socialist society.

Without the space here to debate the extent of this role of the market, acceptance of the principle of its existence (together with free enterprise) points to the existence of employers and their organisations, as well as wage labourers and trade unions, for the foreseeable future.

These organisations, together with other organisations in civil society, should by right be entitled to be involved in negotiating around state regulation of the market and around socio-economic policy, including the delivery of basic goods and services (for which these organisations could be directly responsible).

Our conception is of a lean interventionist state which regulates the market through a range of instruments, including nationalisation, but does not do so on its own. It seeks to gain consent for policies from civil society through appropriate negotiating institutions. Parliament, however, has the final say – but its decisions can always be challenged by mass action, protests and so forth.

Negotiated governance of the kind proposed would require agreement from the political level that certain crucial areas – economic development, labour relations, gender rights, price regulation, as examples – would be the subject of negotiations between all major stakeholders in civil society before reaching the parliamentary statute book.

In short, we believe that institutions like the National Economic Negotiating Forum (NENF), the newly established Housing Forum or a restructured National Manpower Commission (NMC) should become permanent institutional features of a democratic socialist





Geoff Schreiner

Photo: William Matlala

South Africa.

Given our approach, we therefore attach great weight to the way in which these institutions and the policies they promote are restructured both now and in the immediate future.

'Negotiating' towards socialism?

We feel compelled at the outset to clarify our views on the current 'social contract' debate, in the hope that this debate does not deter the federation from pursuing the decisions of its 4th Congress – namely to set up new national negotiating forums like the NENF and to open up negotiations with capital and the state on a range of other issues – education, training, transport, housing etc. Otherwise, COSATU will miss out on important opportunities which present themselves in this relatively 'open' conjuncture for setting down building blocks for a socialist future.

Although often so overlaid by polemic that the core of the arguments are difficult to extract, most criticisms of COSATU's engagement in processes of negotiation at national level seem to hang on two interrelated concerns:

□ 1 Product - political aim/outcome

It is argued that national negotiations with capital and the state will lead to complicity in

reforming capitalism at the expense of the working class. Social contracts are described as accords between the state, capital and labour wherein the latter concedes to wage restraint and no strike clauses and commits itself to supporting capitalism and the free market. In other countries – like Sweden, Australia and the UK – where social contracts (read prices and incomes policies) have been negotiated, these have always turned out to be detrimental to working class interests, it is argued.

□ 2 Process - organisational methods/effects

Leadership will become divorced from the rank and file and the latter will lose control over the whole process of negotiation, it is argued. Deals will be made and agreements will be concluded by trade union bureaucrats who will enforce them on their members.

Most of these positions have at their core the view that the seizure of power is the only way to take control from the bourgeoisie and fundamentally transform capitalist relations of production. It follows that either

- negotiations are problematic in principle because of their inherent dangers and the diversion of attention from the task of seizing state power; or
- the problem is one of timing because the current balance of forces is not favourable to such a strategy and members are not sufficiently clear about objectives and demands etc.

In response to these positions we assert that:

- The national engagements of COSATU with the state and capital have been impelled by **organisational** developments in collective bargaining within the federation and its affiliates. Quite simply, plant bargaining cannot deal with industry problems, and industry bargaining cannot deal with problems which affect the broader economy and those not employed in that industry. National bargaining was a logical and necessary development for a federation which wished to impact on political developments and the national economy.
- Significant gains have been achieved through such national negotiations. The LRA is

the most frequently quoted example. More recent has been the campaign over VAT.

□ Procedures have been developed to contain the dangers of workers losing control over the negotiating process and secret bureaucratic deals.

As a consequence of the anti-LRA campaign in 1989 consensus grew around the following principles of engagement:

- No negotiations should be held in secret - affiliates were urged to send delegates to all negotiating meetings.
- There should be an ongoing report-back and mandating process even though this slowed down negotiations, and appropriate procedures should be established to ensure this objective.
- There ought to be a direct link between the negotiating process and any mass action. When deadlock was reached constituencies were requested to decide on appropriate action. This broke with the old 'protest' mould of the past.

In our view, what to accept and what to reject in negotiations has to be measured in terms of COSATU's political and economic policies which spell out the federation's long term objective, in short - socialism.

On this basis, for example, whether a prices and incomes policy arrangement is a useful building block towards socialism will have to be evaluated at the time in the light of all prevailing circumstances. To assert, by reference to other experiences, that this will never be the case is simplistic. Such an agreement may be forced upon the unions as a purely defensive move, or might be actively pursued in the interests of the unemployed and marginalised sections of society.

We acknowledge that the kind of national negotiations envisaged will not of themselves bring socialism. Winning state power is critical. But it is fundamentally wrong to deny that such negotiations can build the processes towards achieving socialism and it is at odds with the very essence of the union movement



Adrienne Bird

Photo: William Matlala

in South Africa which has built its positions from the organisational imperatives and struggles on the ground.

Tactical issues ought to be guided by these considerations and long term political objectives. They ought not to be raised to the level of principle.

As we have argued*:

"Social contracts, agreements, accords etc have no immutable laws about them - they are simply a product of what the parties put into them. There are good social contracts and bad ones, ones that work and ones that do not, ones that advance the interests of the ruling class and ones that assist in building workers' power and organisation. We would be politically irresponsible to miss out on the latter."

The South African labour market

The term 'labour market' may be confusing because labour is not bought and sold like other commodities under capitalism. After all the worker who is selling his or her labour is both the seller and the sold. In the labour market, the seller (and the sold) can enter negotiations and reach agreements with the buyer about the employment contract both as

* Schreiner, G "Fossils from the Past: Restructuring the National Manpower Commission", SA Labour Bulletin, July/Aug 1991, Vol 16 No 1



an individual and as a member of an organised grouping in society.

A range of complex issues, which include the reproduction of labour itself (education, housing, health care, old age care) can enter into this employment negotiation.

We agree with those who contend that the South African labour market can be characterised as consisting principally of three, almost autonomous, sub-markets which exist side by side but which generally do not compete with one another. These are:

- The **secondary market** which involves most **unskilled and non-unionised workers**. The most distinctive feature of this market is that workers have little protection from wider labour market competitions and change. Their jobs entail low skill and low pay work. They lack worker rights won by unions and employment is therefore very insecure.

In South Africa this market segment includes up to 70% of the entire work force, mostly African workers. It includes all non-unionised unskilled workers, most migrants, rural labourers, those employed in the informal sectors, and the unemployed.

- The **Independent primary market** consists of **high-level manpower (HLM)** jobs bureaucratically organised. These offer long term employment with considerable job security, clearly defined career paths, and relatively high pay.

It includes all professionals such as accountants and engineers, as well as other HLM employees such as technicians, managers, administrators, artisans and higher level supervisors and clerical workers. Many of these jobs require post-secondary educational qualifications.

- The **subordinate primary labour market** includes the jobs of the **traditional, unionised industrial working class**. In South Africa today these would be the semi-skilled



Workers on the march for socialism -

operative workers organised by COSATU and NACTU in the manufacturing and other sectors. It includes auto and steel workers, truckers, harbour and railways workers.

What distinguishes these workers from the secondary market is that they are all unionised, and therefore benefit from the employment advantages won in union struggles with management. Their pay and working conditions are better than in secondary employment. During periods of economic growth these jobs generally involve long term employment security with prospects for pay rises based on seniority and increased responsibilities. However, during recessions many of these workers are affected by large scale lay-offs.

These central divisions within the labour market* (and other segmentations, along class, gender and race lines) are a direct result of the policies and institutions which have governed the market over time and have served the ruling class so effectively. Overcoming these divisions therefore requires fundamental changes at policy and institutional levels.

* Kraak, *Beyond the Market*, Wits, EPU, 1991



Photo: William Matlala

Labour market policies and institutions

Policies

At a policy level, the South African state has, in recent years, shifted from its formerly active interventionist role in ensuring the privileges of its white electorate to a more passive approach.

'Market forces' have been given free reign and the state has confined itself to providing a minimal level of benefits to reproduce those who have fallen out of (or never got into) the system – those who are unemployed, too unskilled and so on.

This shift has at its roots the move from racially regimented capitalism to the 'free market' *laissez faire* version as packaged and developed in the UK and USA. In this approach, labour market policy is about 'clearing the stage' for employers to freely determine pay, working conditions and related issues.

It is about restraining trade union influence and promoting the so-called laws of supply and demand. Regional, sectoral, racial and gender divisions are allowed to develop to reflect 'real' differences in the market.

Regulation, in the form of minimum wages and conditions, health and safety standards, collective bargaining rights, affirmative action and the like, is rejected because this skews or causes 'imbalances' in the market.



For South Africa – with its negative growth rate, vastly inequitable division of resources, rapidly increasing population and massive unemployment – these policies are a disaster. (They are also proving to be a disaster in Europe and the USA although for different reasons).

An active labour market policy which focuses on economic growth, employment creation and skills development is, we argue, the necessary alternative. Active policies are essentially about pro-active intervention in the market – through skill formation programmes, job placement and job creation projects, affirmative action and so on – to relate employment needs to dynamic economic transformation.

This approach is in line with COSATU's 'Growth Through Redistribution' economic model which – while mindful of the need to develop the export sector – has at its core intervention by the state to secure a process of economic growth characterised, initially, by large scale inward industrialisation.

Housing, electrification and infrastructural development is intended to promote employment, stimulate the manufacturing sector and redistribute resources to urban and rural communities.

An active labour market policy would require coherence, consistency and co-ordination. It is impossible to maintain the current confusion of disaggregated, racially defined policies and separation of generically integrated areas such as technical training and education, health and safety and health care and so on.

Institutions

At an institutional level, we have inherited from South Africa's apartheid history a variety



of toothless and profoundly undemocratic labour market forums which have, in the past, excluded black trade unions and other organisations of civil society.

These institutions have been dominated by state officials and a variety of ministerial appointees – so called ‘experts’ – in the form of right wing trade unionists, obscure academics and low-level management personnel. These ‘experts’ (mainly white and male) have mused about matters of the economy, trade, labour relations, unemployment etc and have fed their proposals through to the responsible minister who has had complete discretion to do whatsoever with the advice s/he receives.

There has never been a process of collective bargaining within these institutions. Being bodies of experts rather than representatives of constituencies, the possibilities simply did not exist. As a consequence, there has been little incentive for the development of well organised national centres of either craft unions or employers. SACCOLA, the oft-referred to national employers’ organisation has no resources, no full time staff and seemingly little capacity to bind its members to agreements it reaches. On the other side, the union movement to the right of COSATU/NACTU is in complete disarray, with a myriad of so called independent unions and a large number of weak and ineffectual ‘national centres’.

Commentators have argued that reforming these institutions requires a move towards representative **tripartite models** – state, labour, capital – of the European variety. Indeed, it is these models which have been most closely associated with the implementation of (negotiated) active labour market policies in those countries.

In these models, the state has the role of representing those interests outside of organised employers and trade unions. This is a view which makes some sense in the context

of societies with very high levels of employer/trade union organisation.

But what of South Africa with its deep-rooted labour market segmentation, massive unemployment and consequent low levels of unionisation? Here the state would have the responsibility of representing many millions – the poorest, the most marginalised and the most weakly organised in society.

However, state policy in a post-apartheid democratic South Africa is likely to be influenced by the best organised and most powerful in society: business and the trade unions. The pressures for corporatist solutions (flawed as they might be) will be very powerful.

In arguing this, we accept that COSATU has historically, in the absence of the major political parties, represented the interests of working people way beyond its own narrow constituency. But this tradition does not guarantee that this line of march will continue into the future.

We believe, as much of the current violence shows, that there are fairly fundamental divisions emerging within the working class and, while we fully support all possible efforts to bridge these divisions, we contend that COSATU will be increasingly pressured to represent the interests of its members in the primary subordinate labour market. Already the federation’s lack of serious effort and success in organising the unemployed, domestic and farm workers is notable.

Analyses which gloss over these emerging divisions often by references to ‘class consciousness’, ‘class interests’, ‘historical duties’ and so on, do little more than produce erroneous strategic and tactical prescriptions.

In our view, corporatist arrangements (70/30 solutions) driven by union members together with organised (big) business and endorsed by a weak state hungry for political support, are a real danger in the future. Tripartite models will encourage these possibilities.

Instead, we advocate a **multi-partite model** to provide a counterweight to these corporatist possibilities. This model would be based on guaranteed representation for the organisations

of civil society, with a mass base and definable national interests, which are independent of the state and are not contesting parliamentary power.

In this conception, civics, women's groups, associations of the unemployed and the aged, consumer and rural organisations, and so on, would be guaranteed the right to participate in ongoing negotiations in appropriate bodies, on key aspects of state policy, together with the Big Three.

Because many of these sectors are precisely the weakest, the poorest and most marginalised in society they will experience the most difficulty in developing stable national organisations. For that reason, institutional representation on labour market bodies should be guaranteed – as an active stimulus to these 'interest groups' to form national organisations to occupy the representational 'space' provided. Furthermore, the state should be required to make resources available – in a manner which does not compromise their independence – for the purpose of supporting and assisting the growth of such organisations.

We are not arguing a position which pushes this form of representation and engagement as an alternative to political representation. It is proposed as a supplement to political representation as a process which continues between elections and emphasises negotiated agreements on immediate issues on the basis of alliances and unity across racial, gender and political affiliations. Ultimately, as has been stated, the parliamentary political process will prevail, however, in the last instance.

We accept that this approach does not guarantee alternatives to corporatism, but we believe, it will create much greater pressure for inclusive broad-based alliances and solutions that impact positively on the masses in our society.

In our view, this approach does not necessarily involve a radical break with all existing labour market institutions and national negotiating forums. Some institutions are reformable. In other areas entirely new forums will need to be established.

In a sense COSATU is, in fact, already

adopting this kind of pragmatic approach in relation to the new NENF and the restructuring of the old NMC. Any new government with limited resources will also have to be cautious in dismantling institutions which are functional to some extent.

And it will have to make careful choices to avoid new commitments which may prove beyond its capacities to maintain and service properly.

A detailed outline of how we envisage a new institutional dispensation is not possible here, but we argue that the following principles should underline any future multi-partite system:

- There should be one or at most two institutions – a labour market council and an economic forum – which are accorded a key co-ordination role in the process of policy formulation and are directly responsible to parliament.
- Reporting to the co-ordinating institution(s) there should be a series of
 - subsidiary permanent negotiating forums which would be representative of all relevant actors of which the Housing Forum is an example and;
 - time-bound subcommittees of the co-ordinating institution(s);
- These national forums would need to link to other appropriate industry, sector and regional level structures in order to develop an integrated approach, the National Training Board and Industry training boards, for example.
- The state's departments will have to be restructured to prevent segmentation and to be able to relate in a co-ordinated way to such forums as are established.
- Traditional labour market issues will have to be tackled in an integrated way - for example, health and safety as part of health care, training together with education and literacy and so on.
- While abstention by any particular party





should be a matter of choice, it should not (except in very special circumstances) impact on the continuing work of any institution or on the scope of its recommendations. No party should be able, through abstention, to collapse a national forum.

The 'freedom of non-participation' must carry the consequence of giving up the right to impact on national policy.

- Political parties, in a future democratic dispensation, should be excluded from these institutions. This will enable negotiations to take place on a non-sectarian basis and allow for different alliances to be created in terms of the issues involved (as occurred in the VAT campaign).
- The state should not be excluded merely because of the participation by organisations of civil society – it should participate through its executive (state departments) primarily to inform the negotiating parties on the implementation implications of any proposed policy.
- The right to dissociate from any agreements reached in any forum and the right to engage in mass action in support of demands placed in such forums must be guaranteed and enshrined in law.
- All parties, must have the absolute right to elect and recall any of their representatives at any stage.

This model does not propose more than an advisory function for labour market institutions unless parliament specifically decides to delegate certain powers. This possibility should, in our view, be catered for constitutionally.

Contrary to most popular wisdom, there is absolutely no contradiction between the concept of a negotiation forum and an advisory function. In negotiations, the participating parties seek to reach agreement through due processes amongst themselves. If they reach agreement, they forward this to the political

process. If they do not reach an agreement, a report reflecting the various positions is put forward.

The crucial distinction rests on who is advised. At present it is various ministers who are free to consider the advice or recommendations and do with it as they consider fit. In our model, we envisage two co-ordination structure(s) being responsible to **parliament**. Sub-structures would, as outlined, respond to the co-ordinating body(ies). Parliament, therefore, would make final decisions being fully aware of the political consequences of rejecting recommendations of those forums.

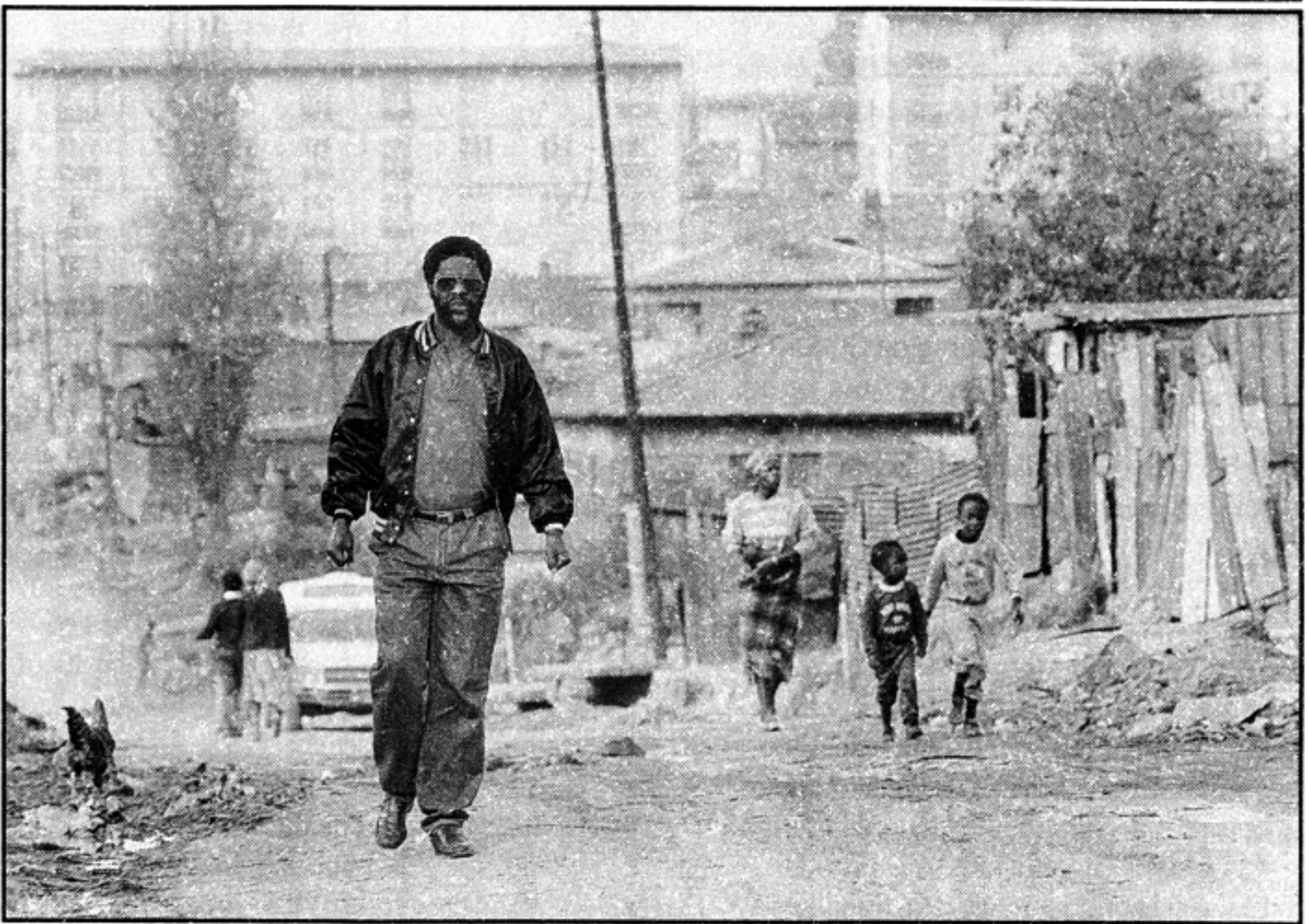
Finally, although current thinking bends in the direction of these institutions being financially independent of the state, we favour some level of contribution from all parties (in accordance with their means) with the state underwriting all approved budgetary shortfalls. This approach would lessen the hold of the state over the whole process but it would remain tied and financially responsible to these institutions. It would hopefully also encourage civil society to regard these institutions very seriously.

Problems and constraints

It is all very well to outline on paper this version of an active labour market policy approach and a set of co-ordinated multi-partite institutions. There are, however, many objective constraints which have to be considered, of which we highlight only a few.

Firstly, opposition from the current regime. As it desperately clings to its withering vestiges of power and its giant bureaucracy becomes increasingly insecure, the regime will resist any formulae which further weaken its grip on power by spreading policy making over a broad front.

Secondly, it would be naive to assume that any new government will automatically endorse this approach. Even at this stage messages from within the ANC are mixed. On the one hand, the movement committed itself to a National Labour Commission at its recent National Policy Conference. On the other hand



Moses Mayekiso of the South African National Civics Organisation - is civil society in South Africa as strong and vibrant as it needs to be?

Photo: Cedric Nunn

some within the ANC have been fairly cool towards the setting up of the NENF.

They have argued that the initiative is

- diversionary from the central task of taking political power;
- unnecessary because, as the majority in parliament, the ANC will soon be able to introduce whatever economic measures it wishes; and
- undesirable because any agreements reached in the NENF might constrain a future government.

At COSATU's insistence the process of setting up the NENF has gone ahead but, from the ANC's side at least, on the condition that any resultant negotiations only consider interim processes and products.

Thirdly, we have to be frank about the weaknesses in civil society. It is simply not true that we have a strong and vibrant civil society as a consequence of the popular struggles against apartheid. Outside of the

unions (and churches) and excluding business, civil society is fragile. Many organisations really exist only in embryonic form.

Moreover, there is a lack of shared vision and co-operation between working class organisations within civil society. This is caused partly by divisions and lack of discretion within the left, partly by lack of resources and partly, we suggest, by an over-preoccupation with parliamentary power.

Who then is to lead the process of democratising decision making and of building and strengthening the working class organisations of civil society? In our view, it is patently unrealistic to expect the mainline political parties to do so although, we acknowledge, that they may be more or less well disposed to these processes, depending on pressures within their own constituencies.

Outside of the major parties, we do not see any groupings, political or otherwise, other than the labour movement, and COSATU in



particular, which have the organisational experience and the potential vision to lead this process.

COSATU must lead

In calling on COSATU to lead this process we are mindful of the potential difficulty that we ourselves have identified, namely that increasing pressures from within the federation's own ranks may impel it to look to narrow corporatist solutions.

There is, however, no inevitability about this and in the short term, at least, there are some important indications to the contrary, bearing in mind the bottom line is that the federation must deliver to its constituency, otherwise it disintegrates as an organisation.

At its last Congress, COSATU firmly committed itself to a range of political and economic solutions which tied the interests of its membership to those of the broad masses of South Africa's peoples. As has been stated, resolutions were also adopted on housing, education, training, transport and so on, committing the federation to setting up national negotiations on these issues with capital and the state.

The manner in which the anti-VAT campaign was conducted is another example of the federation's seeking an inclusive solution, and a broad range of alliances, rather than a solution which would only have benefitted union members. Quite simply, COSATU's affiliates could have opted for wage increases in all plants to cover the impact of VAT – they didn't and instead have presented a zero-rating approach which will benefit all sections of the working class.

We argue for COSATU's extension of its alliances. We acknowledge the importance of its alliance with the ANC, but the key thrust of our approach has been to argue for a new alliance or set of alliances – with working class organisations in civil society – to be given at least the same priority. Into such an alliance

COSATU would have to bring its immense political and organisational experience together with a willingness to bridge divisions and assist in building many organisations almost from embryo.

If this window of opportunity is to be realised, however, COSATU will have to undergo significant restructuring in the area of its own capacity. In our view there is currently no correlation within the federation between the goals that it sets out to achieve and the capacities which it can muster.

The prevailing view seems to be that COSATU should retain minimal expertise itself and that it should rely on its affiliates to carry out most of its policy and campaign work. The key problem with this approach is that the majority of affiliates are desperately short of resources themselves, and in fact expect to be assisted by the federation a lot of the time.

Addressing the problem of capacity is an extremely complex issue and one which goes way beyond the scope of this paper. It is a matter, however, which is as relevant for affiliates as it is for COSATU. It involves a range of areas – technical, political, administrative and organisational - which have to be integrated into a comprehensive programme which balances short term needs and longer term objectives.

Short-sighted technicist solutions which rely simply on 'buying in' expertise and skills are no more useful than ideological constructs which cannot deliver in practical ways. In many instances, expertise does exist within unions and the primary question is how to harness these skills in an effective and useful way.

COSATU has to develop a much clearer strategic vision of where it wants to get in the next few years. It will then be far better able to work out in some detail how it is going to reach these objectives. Is it to become a run-of-the-mill national centre as we described in the opening paragraphs, or can it develop a very different role in which it retains the vision, the determination and the capacity to drive towards a democratic socialist South Africa?

Hard choices are going to have to be made. Such are the crossroads. ☆

Trade unions and labour law:

*past and
future*



PAUL BENJAMIN* discusses trade union experience of the law in South Africa from the 1970s onwards, and examines the challenges posed in the years to come.

The use of litigation (court cases) and other legal strategies has been an important part of the policies of the independent trade unions in South Africa. A look at the history of the union movement shows that it has faced different legal challenges over time.

Looking back

In the 1970s, trade unions with African workers as members were excluded from the Industrial Conciliation Act (the previous name of the Labour Relations Act). Their contact

with the law came chiefly through the criminal and security laws. These were used to prosecute workers for striking or holding unlawful gatherings; members and officials were often detained without trial. State policy, carried out by the police (often with employer assistance), was to harass union activity. The statutory conciliation structure for blacks promoted the committee system designed to undermine union development.

The failure of these approaches and of state repression to hold back union growth, was one

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of the reasons that led the Wiehahn Commission to recommend, in 1979, that the statutory industrial relations structure be extended to cover African workers.

The extension of the Labour Relations Act led, at first, to a division in trade union ranks reflected in the 'registration' debates.

Those opposing registration argued that participation in statutory structures would give legitimacy to the state, and that the controls of legislation would undermine internal union democracy.

Supporters of registration argued that it would offer crucial organisational space for struggles against capital and that the existence of potential controls in the legislation did not mean that the state could impose them on vibrant trade union movements.

History soon overtook this debate and, by 1985, all of the major industrial unions in the independent camp had registered. Unions made extensive use of the industrial court and a number became members of industrial councils.

At first, the unions had considerable success in the industrial court. The requirements of procedural and substantive fairness in dismissals and retrenchments greatly increased the security of employment of workers and had a major impact on employment practice in this country. In addition, a measure of protection against dismissal was extended to employees involved in legal strikes.

During this period, unions had the legal initiative, but by 1988 the balance had swung. Employers invested extensively in legal services and became increasingly aggressive in making use of the courts to obtain interdicts against strikes and unfair labour practice orders against unions.

The 1988 amendments to the Labour Relations Act undermined many of the protections gained by workers through litigation. The changed definition of an unfair labour practice restricted the powers of the Industrial Court, and allowed legal strikes to be classified as unfair labour practices. The law was also changed to assist employers who



wished to sue trade unions for the loss caused by illegal strikes.

These backward-looking changes to labour legislation led to a protest campaign, mass stayaways followed by unprecedented negotiations between organised labour, capital and ultimately the state, producing the COSATU/NACTU/SACCOLA

(CNS) accord and the 'Laboria Minute'.

The 1991 amendments to the LRA (which appropriately took effect on 1 May 1991) removed most of the changes of 1988. It was the first labour statute to have its origins in an agreement between labour and capital.

A consequence of this negotiation process, was that representatives of COSATU began to participate on the National Manpower Commission (NMC). They did so on the basis that the NMC would be restructured from a purely advisory body to a representative structure dominated by the negotiating parties - organised labour and capital - and at which the executive wing of government (in the form of the Department of Manpower) is present. This restructuring, which has not yet taken place, is discussed elsewhere in this issue of the Bulletin by Adrienne Bird and Geoff Schreiner.

The extension of labour law

One of the most pressing challenges facing the trade union movement is to extend the coverage of labour law to sectors of the economy that are either not covered or have inadequate legislation. These are agriculture, domestic workers, the public sector and the homelands. This task is complicated by the low levels of trade union membership in most of these sectors or areas.

Farm and domestic workers

The legislative protection of farm and domestic workers has already been on the NMC agenda. By the end of 1992, it is likely that the Basic Conditions of Employment Act (BCEA), and the Unemployment Insurance Act will cover farm workers. By 1993 the BCEA could be

extended to domestic workers. While this will create legislated minimum conditions of employment, it will not bring greater security of employment or create structures for collective bargaining. Nor will it provide for minimum wage levels. These require the extension of the LRA and Wage Act.



organised agriculture - it is unlikely that there will be significant changes in these sectors.

Public sector workers

Historically, the public sector has had separate employment laws with permanent (predominantly white) employees having considerable

COSATU's involvement in extending labour law to these sectors has begun to bear some fruit, but the process is not without its problems. Firstly, their experiences in regard to the agricultural sector illustrate some of the difficulties involved in converting the NMC. Although the NMC reached agreement on the basis for extending the BCEA to agriculture, the Department of Manpower made numerous changes in preparing draft bills to initiate the parliamentary process. All of these favoured employers.

The South African Agricultural Union which participated in the NMC deliberation subsequently withdrew its support of the legislation in an effort to delay the extension of protective legislation to farm workers. This appears to be an attempt to ensure less favourable conditions for employees in this sector. This would be the most likely consequence of a further fragmentation of labour legislation.

The extension of legislation to these two sectors, employing some two and a half million largely un-organised workers, raises a number of questions. How will minimum conditions of employment be enforced? It is highly unlikely that the present or a future government will be willing to spend the money required to increase the inspectorate so that these sectors could be monitored effectively.

Therefore the only institution that could realistically play a role in compelling employers to meet the new standards are the trade unions. But they are extremely weak and unlikely to develop until basic organisational rights have been gained. The most important of these is the right of access, particularly in agriculture. Unless this right is won - either through legislation or by negotiation with

security of employment, while virtually all black employees have been classified as temporary. Although, a number of Supreme Court decisions in recent years have improved the security of black state employees, all public sector workers remain without the protection of the industrial court.

In addition, there are no structures for collective bargaining and no conciliation procedures or provision for lawful strikes. Negotiations to create a public sector LRA which would contain conciliation and strike procedures and give access to the industrial court are in progress but, again, the ability of COSATU to have an impact on this process is restricted by its low level of membership among public employees.

At the same time, the development of increased security of tenure for certain public sector employees may hamper the ability of a future state to change the composition of the public sector through policies such as affirmative action.

The homelands

The apartheid homelands policy has created a nightmare for labour law with each homeland having the power to make its own labour statutes. As a result

- Bophuthatswana has laws designed to prohibit the operation of South African unions;
- Transkei and Ciskei have more progressive laws than South Africa;
- QwaQwa and KwaZulu have copied the South African law at different times and have statutes modelled on the pre-1988 LRA;
- Lebowa and Gazankulu have not made any labour laws, so that the racist South African law at the time they acquired self-governing

status - the early 1970s - still applies.

COSATU has pushed for the development and harmonisation of labour laws and its representatives have negotiated with some homeland governments or sat on their NMCs.

A democratic South Africa will not necessarily bring about uniform labour laws. If post-apartheid South Africa has a federal structure, it is possible that the different regional governments will be given the power to make labour laws - which is a feature of federal systems such as Australia and Canada.

This situation will perpetuate the type of confusion created by the homelands system. While the power to make labour laws may appeal to regional powers, the retention of this type of fragmentation would be disastrous for both trade unions and employers and create very many unnecessary disputes.



However, present labour legislation does contain many forms of regulation that are either unnecessary or irrational. For instance, the different labour statutes place many administrative and reporting duties on employers which duplicate each other.

These could be rationalised without adversely affecting the position of workers, and care must be taken not to argue for the retention of counter-productive forms of regulation.

Arguments for less regulation in this sector often ignore the limited role that labour law plays. Employers are to a large extent ignorant of the law and a number of studies of small business indicate that law plays a relatively minor part in the success or failure of these businesses.

Where they do fail, it is most often because of a lack of managerial skills and finance. There is a danger that the protection of conditions of employment could become a scape-goat for the wider ills of the economy.

The limiting of labour law

While trade unions have pressed to extend the coverage of labour law, other interests in society are arguing for it to be more limited.

Deregulation in the small business sector

The most significant area of pressure for 'de-regulation' is the small business sector. Already there has been extensive lifting of control from small businesses. The Temporary Removal of Restrictions on Economic Activity has exempted businesses operating in Small Business Development Corporation 'hives' from much labour legislation on what appears to be a permanent basis.

In addition, the Department of Manpower has adopted a policy of not applying wage determinations or industrial council agreements to small businesses.

The term "de-regulation" is a misleading term, for only the most extreme of free marketeers argues for a removal of all labour laws.

Labour law limitations in job creation schemes

The push for lessening the control over small businesses is one of a series of pressures on the protection of employees in formal employment. With continuing high levels of unemployment, much of the rhetoric of state and business seeks to portray workers in formal employment as a relatively privileged class whose demands are responsible for economic problems such as inflation. The need to create jobs could therefore become a justification for decreased legislative protection.

High levels of unemployment are expected to be a feature of the South African economy for at least the next 30 years and it is likely that an increasingly mechanised formal sector will exist alongside job creation schemes in which participants will receive low wages. This type of divided economy will be an additional source of pressure to limit the protections that have been extended to workers in formal employment.

Labour law evasions in the Southern African region

Similar pressures will flow from the increased regionalisation of the Southern African economy which is likely to occur once South African has democratic government. Employers may seek to move businesses to surrounding states where wages are lower, labour legislation less restrictive and union organisation considerably weaker.

This may have adverse effects on regional development, and one method of dealing with this 'social dumping' is to create a uniform structure of labour law throughout the region, as has been done within the European Community. The regionalisation of capital will need to be countered, by equivalent organisational developments on labour's side.



There also is no legal control over the minimum benefit that employees are entitled to when withdrawing their money from a fund.

This not only has the result that many employees receive unfairly low withdrawal benefits from funds they leave before retirement, but it is also economically inefficient because it

adversely affects the mobility of labour. The one attempt by the state to legislate in this area, which would have prevented workers from withdrawing their money from funds prior to retirement, was ill considered and withdrawn after it had provoked massive strikes.

Retrenchment and severance benefits

Another area unregulated by statute, is retrenchment and severance benefits. Here the court has developed the law in a rather haphazard way. Recently, the labour appeal court has held that there is no general obligation on employers to pay severance pay. The duty must be created by either collective bargaining or by statute. Unless legislation is introduced here, many workers (particularly those who are unorganised) will find that they will receive no severance benefits, no matter how long their period of employment.

Organized and unorganized

Some of the benefits discussed above are already enjoyed by the stronger and better organised sectors of the work-force.

This indicates one of the functions of legislation in this area: to extend to the work-force as a whole the benefits secured by leading sectors. This will ensure that the economy is not divided into two sectors- the organised and the unorganised- and that employers who have conceded these benefits are not placed at any disadvantage against their competitors.

Employed and unemployed

The development of a divide between the conditions of organised and unorganised workers is not the only division that should be borne in mind when new forms of benefits are

New forms of protective legislation

The term protective legislation refers to those laws that

- create minimum conditions of employment such as the BCEA;
- regulate occupational health and safety;
- create structures of employment-based social security such as the Workmen's Compensation Act and the Unemployment Insurance Act.

Much of our present statutory structure has its origins in the 1920s when the PACT Government (formed by an alliance of the Nationalists and the Labour Party) introduced significant protections for white workers. Little attention has been paid to the reform of this legislation in recent years and many aspects of modern employment that are not regulated.

Pensions and provident funds

One important illustration of this absence of regulation, is the area of pensions and provident funds. The law does not, for instance, require the appointment of employee representatives to the boards of pension funds, allowing employers effective control of funds.

considered. The other divide that is increasing in extent is that between the employed and the unemployed. The position of those who are not working is being aggravated by the increasing role played by market forces in the state economy, the most important example being the privatisation of health-care.

In this regard, it is worth looking at the contrasting experiences in Canada and the USA. In Canada in the 1960s the union demanded the introduction of a national health scheme that was available to all, but in which, those who could afford it, could purchase additional benefits. The American unions, on the other hand, concentrated on the development of plant-based benefit schemes. Today, the USA and South Africa are the only industrialised societies without comprehensive health-care schemes, and the absence of adequate social security is threatening the fabric of society.

The situation is considerably more complex here as a much larger section of the population is excluded from the work-force. Unions, both in formulating demands for employers and in lobbying for legislative reform, will have to take account of the balance between improving the position of the organised, and the improvement of the position of the population as a whole.

The challenge of a new constitution

One of the differences between the present legal structure and that of the future will be the creation of a democratic constitution and a bill of rights. This could have a dramatic impact on labour law and the positions of the trade unions in society. Two examples illustrate this point.

● **Property rights and rights of access**

The first is that the constitution will entrench the right to property. This could have a negative impact upon the ability of trade unions to have access to their members' places of work, and even the establishment of such a right in labour legislation would be overruled by the constitutional protection of property



rights.

● **Freedom of association and the 'closed shop'**

A more controversial, but equally important, issue in which trade unions need to intervene in the constitutional debate, is the relationship between the freedom of association and union security

arrangements such as the closed shop.

I say controversial because sentiment on this issue in the unions is divided, and many members and officials oppose the closed shop because of their historical experience of corrupt closed shops that operated through industrial councils and were used to block the growth of independent trade unions. Others support union security arrangements because they believe that they not only strengthen the position of unions but stabilise labour relations. Again, it is essential to ensure that unions make an independent contribution to these debates and are not left with a constitution that takes no account of labour's perspectives.

Conclusion

The issues that have been discussed are only some of the challenges confronting the unions in the legal arena. Another is the consolidation of the Labour Relations Act which has now been amended so many times that it is full of contradictions and inconsistencies which can hinder the resolution of disputes.

At the same time that the unions take a greater responsibility for the content of labour law, they will be continuing to take cases for dismissed or arrested workers and be running disputes against employers. But their relationship with institutions such as the industrial court will become more complex once it is a legitimate government - for whom many union members may have voted - that establishes these bodies.

To date, the unions have struggled to make the best use of a legal system of which they have been extremely critical and played no part in creating. Now, they have a real opportunity to reshape that system. ☆

Special Focus: Training

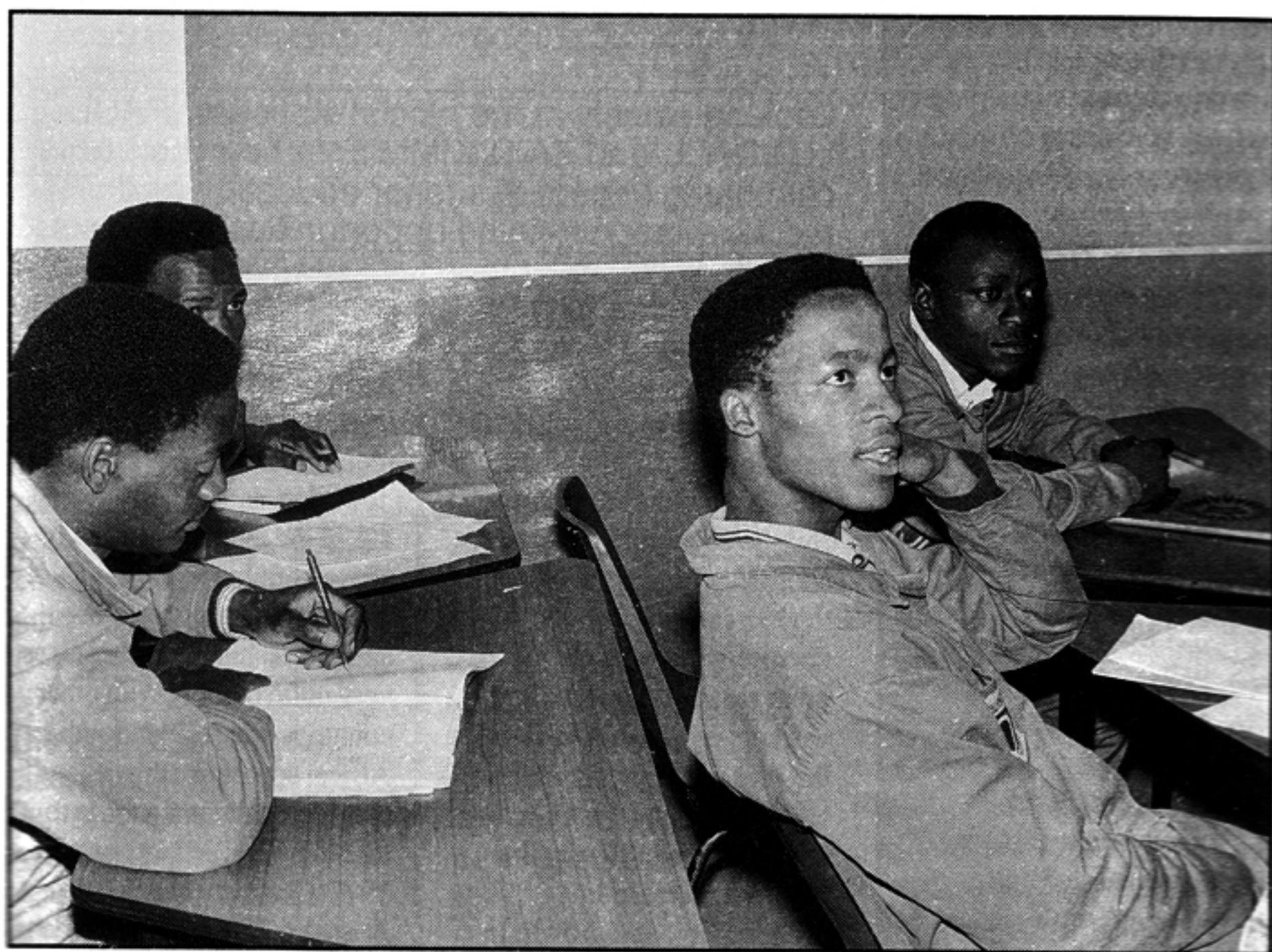


Photo: William Mattala

**Apprentice training and artisan employment:
changing numbers, but maintaining job reservation**

Paul Lundell and Zaid Kimmie

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COSATU unions take initiative in training

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Apprentice training and artisan employment: *changing numbers* – *but maintaining* *'job reservation'*

Some definitions

We have used the following definitions in order to make some sense of the confusing terms which are normally used:

- The broadest category is that of *occupational group* which refers to broad groups – such as artisans, apprentices, labourers, managers etc.
- Within each occupational group there are *occupational sectors* – such as Metal and Engineering Trades, Building Trades, Motor Trades etc.
- Within each occupational sector there are *job categories* – for example, in Metal and Engineering there are welders, boilermakers etc. ♦

Looking closely at the official statistics, PAUL LUNDALL* and ZAID KIMMIE** show the continuing impact of inferior education and racially-biased training opportunities for blacks.

The challenges involved in planning a broad strategy of economic restructuring for South Africa must include the need for industrial training for the workforce of tomorrow. But the economic strategy adopted will have to balance the increasingly serious unemployment levels for the great mass of the unskilled workers of South Africa, with the pressing need for skilled labour. Without a well trained and skilled workforce, the required increase in productivity, and growth in the economy, will be unobtainable.

Currently, only 10% of South Africa's workforce is

being trained in technical fields, while it is estimated that 75% should be trained in these fields to meet economic requirements.***

As late as 1983, just over 1% of the total economically active population in South Africa were registered for apprenticeship. This compares very unfavourably with other countries where, like South Africa, apprenticeship is considered the main route to training of skilled artisans. In 1977, Germany had 5,70%, Austria 6,15% and Switzerland 5,38% of their respective total economically active populations in the apprenticeship system.****

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** At SALDRU at the time of writing this article

*** South African Institute of Race Relations, Annual Review 1988/89, p411

**** Investigation into the Training of Artisans in the RSA, 1985, p 49

TABLE 1 Distribution of Artisans and Apprentices by Occupational Sector 1989

Occupational Sector	Artisans	Apprentices
Metal & Engineering	33%	40%
Electrical	16%	25%
Motor	15%	18%
Building	19%	12%
Printing	6%	3%
Furniture	3%	1%
Other	8%	1%
Total	100%	100%

Artisan employment and apprenticeship in South Africa are heavily focused on four occupational sectors – Metal and Engineering Trades, Electrical Trades, Motor Trades and Building Trades – which together account for approximately 90% of all apprentices and almost 85% of all artisans [see Table 1].* This is not surprising, since the trades in these occupations provide the bulk of the skilled labour force in the more important manufacturing industries, as well as in mining.

The statistics of racial discrimination

During the 1970s, Africans accounted for less than 2% of all apprentices and artisans. Although they are the overwhelming majority of the South African population, there were on average, during the 1970s, only 560 African apprentices and 4 600 African artisans in employment each

year. By contrast, there were 37 600 white apprentices and 174 000 white artisans in the same period [see Tables 2 and 3 on p 42].

The apprenticeship system was dominated by white apprentices, who accounted for more than 80% of all apprentices, and to a lesser extent by coloured apprentices, who accounted for about 15% of apprentices. A similar situation existed for artisans, where approximately 78% were white and 17% coloured.

There were also major imbalances in the distribution of apprentices across occupational sectors. The much greater number of white apprentices and artisans was reflected also in their domination of the four most important occupational sectors: Metal and Engineering, Motor Trades and Electrical Trades.

In only two occupational sectors did black apprentices form the majority, namely Building (about 58%) and Furniture (about 85%). Similarly, black artisans represented the majority only in the Furniture occupational sector.

Black apprentices and artisans were grossly under-represented in the Metal and Engineering, Motor and Electrical occupational sectors. General training opportunities for black apprentices were

Sexual, as well as racial discrimination!

Women have largely been excluded from the apprenticeship training process and this has added yet another dimension to the skills shortage in South Africa.

Between 1975 and 1987, the number of female apprentices in South Africa remained relatively constant – at about 2 000 per annum! – comprising between 3% and 5% of total apprentices.

In addition to the miserable number of female apprentices, persistent racial and sexual discrimination has resulted in

- 75% of current female apprentices being white; and
- 80% of all female apprentices being trained as hairdressers.

Similarly, the denial of training opportunities to female apprentices has systematically shaped the structure of female artisans in employment:

- almost 85% are white; and
- more than 70% are employed as hairdressers. ♦

* The statistics in this article are derived from the Manpower Surveys which were previously published every second year by the Department of Manpower but since 1987 have been produced annually by the Central Statistical Service

TABLE 2 Distribution of Apprentices by Occupational Sector 1969-1979

Occupational sector	Coloured	African	Asian	White
Building	55%	35%	45%	9%
Metal & Engineering	11%	7%	13%	40%
Furniture	11%	()	()	()
Motor	9%	28%	10%	20%
Electrical	()	14%	17%	18%
Other	14%	16%	15%	13%
Total	100%	100%	100%	100%
Average per annum	6 700	560	1 380	37 600

TABLE 3 Distribution of Artisans by Occupational Sector 1969-1979

Occupational Sector	Coloured	African	Asian	White
Building	63%	44%	48%	20%
Metal & Engineering	12%	11%	11%	42%
Furniture	10%	10%	11%	()
Motor	5%	15%	14%	14%
Other	10%	20%	16%	24%
Total	100%	100%	100%	100%
Average per annum	38 000	4 600	7 000	174

TABLE 4 Distribution of Artisans and Apprentices by Population Group 1981 - 1989

	Coloured	African	Asian	White
Artisans	17.5%	5.8%	4.1%	72.6%
Apprentices	13.5%	13.8%	4.1%	68.6%

severely limited. They were channelled towards the Building occupational sector because it is subject to severe cyclical fluctuations, and it provides little room for career advancement or long term security.

Barriers which excluded black apprentices from the more technologically advanced trades included inferior education and racially exclusive craft unions.

Changes and continuities

From 1980/81, after the relaxation of legal restrictions in the Manpower Training Act on apprentice training, there was a significant increase in the number of African apprentices. During the 1980s, approximately 7 200 African apprentices were registered per year, an increase of almost thirteen times the average during the 1970s. The number of

coloured and Asian apprentices remained relatively constant, at about 7 100 and 2 070 per year respectively. The number of white apprentices fell from 43 000 in 1985 to 31 000 in 1988, making an average of 36 000 white apprentices per annum.

A similar change was occurring with regard to artisan employment, but at a slower rate. The average number of artisans per year increased from 223 400 to 234 000 overall. The average number of white artisans per annum declined from 174 000 in the 1970s to 170 000 in the 1980s. The average number of African artisans increased from 4 600 to 13 500 per annum.

However, closer examination of the statistics [see Table 4 left] shows, that white apprentices still made up over 72% of all apprentices, and more than 68% of all artisans.

What is more, the increase in the number of African apprentices took a very specific form. In fact, a large proportion of the growth was actually absorbed by one occupational sector: Building [see Table 5 on p 43]. Furniture was the other sector where blacks continued to make up a majority of all apprentices.

Little real increase occurred in the more important occupational sectors such as Metal and Engineering, Electrical Trades and Motor Trades. In fact, apprenticeship in these and all the other sectors

continued to be dominated by whites, and these patterns were reproduced in the structure of artisan employment during most of the 1980s [see Table 6 right].

Artisans and apprentices in the metal industry

Doug Hindson and Owen Crankshaw noted in "New jobs, new skills, new divisions - the changing structure of SA's workforce"* that within the metal industry, artisan employment grew relatively slowly.

However, by not adequately analysing the racial structure of this important occupational sector, Hindson and Crankshaw missed a very significant feature evident within the figures.

Most artisan employment in the metal and engineering trades is concentrated in a limited number of job categories. Table 7 (on page 44) lists 9 out of 27 job categories which can be found in the industry.

Our investigation of the artisan occupational sector within the metal industry shows that white artisans are spread over a wider range of job categories than black artisans. The same is true for apprentices.

Furthermore, jobs such as tool-making, jig-making, die-making, mill-wrighting and pattern-making, which require a more thorough

TABLE 5 Distribution of Apprentices by Occupational Sector 1981-1989

Occupational sector	Coloured	African	Asian	White
Building	35%	40%	14%	5%
Metal & Engineering	26%	24%	31%	42%
Motor	12%	17%	22%	20%
Electrical	12%	12%	21%	26%
Other	15%	7%	12%	7%
Total	100%	100%	100%	100%
Average per annum	7 100	7 200	2 070	36 000

TABLE 6 Distribution of Artisans by Occupational Sector 1981-1987

Occupational sector	Coloured	African	Asian	White
Building	56%	42%	35%	12%
Metal & Engineering	17%	21%	18%	43%
Motor	7%	11%	16%	16%
Electrical	5%	9%	9%	12%
Other	15%	17%	22%	17%
Total	100%	100%	100%	100%
Average per annum	41 000	13 500	9 600	170 000

training and greater level of skills than boiler-making or fitting and turning, still remain almost exclusively dominated by white artisans and apprentices.

It appears that black artisan employment and apprenticeship training is heavily concentrated in occupations where operating skills and knowledge are acquired more quickly - such as boilermaking, fitting-and-turning and welding.

Table 7 shows the distribution of the different 'races' in artisan job

categories in the metal and engineering trades in 1987. While there is a large number of whites in the more skilled fitter-and-turner category, they are also spread over all the job categories.

Black artisans are very differently distributed. They are located in a much more limited number of job categories:

- **Coloureds artisans** - 83% are employed in only five job categories. The majority work as welders (31%), boilermakers (27%) and fitter and turners (13%).

* SA Labour Bulletin, Vol 15, No 1, June 1990

FEATURE

TABLE 7 Distribution of artisans according to occupation in the metal and engineering trades in 1987

Occupational types	White	Coloured	Asian	African
Welder	7%	31%	8%	29%
Plater (Boilermaker)	14%	27%	11%	13%
Construction Steelworker	32%		16%	5%
Fitter and Turner	16%	13%	15%	8%
Fitter (including machining)	16%	7%	8%	9%
Instrument Maker and Repairer	4%		12%	
Sheet Metalworker	2%	6%	15%	8%
Turner (including machining)	7%			
Toolmaker**	5%			
Other	13%	16%	15%	28%
TOTAL	100%	100%	100%	100%
Total no. of Artisans	67 367	6 418	2 079	4 460

* includes Architectural Metalworker

** includes Tool & Jigmaker, Machine & Tool Setter.

Table 8 Distribution of apprentices in training in 1987 according to occupation

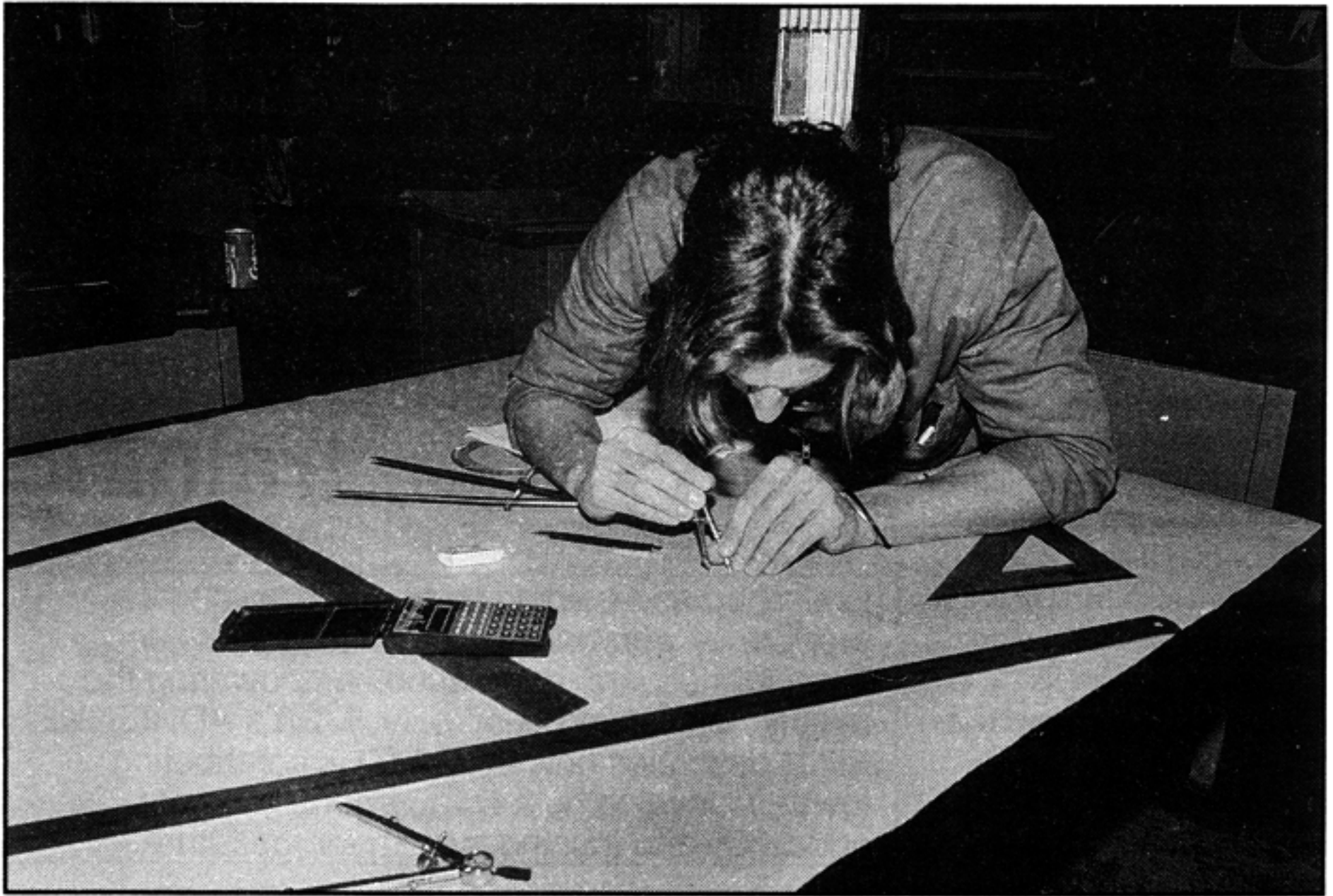
Occupational Types	White	Coloured	Asian	African
Fitter and Turner	32%	25%	27%	28%
Plater (Boilermaker)	12%	25%	20%	22%
Fitter (including machining)	10%	18%	25%	29%
Welder	5%	9%	7%	6%
Instrument Maker and Repairer	4%		8%	
Toolmaker*	6%	11%		
Millwright (Electro Mechanical)	10%			
Aircraft Maintenance Mechanic	5%			
Other	16%	12%	13%	15%
TOTAL	100%	100%	100%	100%
Total no. of Apprentices	12 426	858	411	1 771

* includes Tool & Jigmaker, Machine & Tool Setter

● **Asians artisans** – 90% are employed in eight job categories. A higher proportion than other black artisans hold more skilled positions but they are still mainly employed as

construction steel/architectural metalworkers (16%), fitter and turners (15%), sheet metalworkers (15%), instrument maker and repairers/mechanics (12%)

and boilermakers (11%).
● **African artisans** – 72% are in only six job categories. The majority of African artisans are employed as welders (29%), boilermakers



Why are there not more black artisans?

Photo: William Matlala

(13%), fitters (9%), fitter-and-turners (8%) and sheet metalworkers (8%).

This distorted racial distribution among artisans is strongly carried over onto apprenticeship training, as Table 8 above clearly shows.

The majority of white apprentices in 1987 were being trained over the whole spread of occupations covering the entire range of job categories.

It was the opposite for black apprentices. They were confined within particular job categories. For instance:

- The majority of **coloured apprentices** were being trained as boilermakers (25%), fitter and turners (25%), fitters (18%) and as toolmakers, tool and

jigmakers and toolsetters (11%).

- The majority of **Asian apprentices** were being trained as fitter and turners (27%), fitters (25%) and boilermakers (20%).
- The majority of **African apprentices** were being trained in only three job categories. These were: fitting (29%), fitting and turning (28%), boilermaking (22%).

Conclusions

What we have attempted to show is that while the 'racial composition' of artisanal and apprenticeship employment is changing, breaking down the available statistics reveals that this has been a very uneven process.

The mere removal of discriminatory legislation allows for a certain growth in the number of African apprentices and artisans, but has not fundamentally challenged the limited access which black, and particularly African, workers have to the more skilled occupational sectors.

- While further investigation is needed into this phenomenon, it is clear that there has been a tendency for the Building occupational sector to become a 'black' area of specialisation. At the same time, the dominant position of whites within most other sectors has remained relatively unchallenged.

● Even where there has been a movement of black artisans and apprentices into a more skilled occupational sector this is again an uneven process. The limited number of black artisans and apprentices in the more technologically advanced Metal and Engineering occupational sector shows that blacks are facing a clear bias in their placement in particular job categories – in fact those of lower skill levels.

From a policy perspective, details such as these are important because it is the intricacies and focus of the current apprenticeship training system which will determine the future growth pattern of black, and particularly African, apprentices and artisans.

It is clear that the potential for addressing the skills shortage in the South African economy does exist amongst the under-utilised and under-trained black workforce. Serious initiatives will have to be pursued to increase the level of technical skills generally, and also to correct the current racial imbalances within skilled occupational groups.

It is imperative that, while recognising that shortages exist in each occupational sector, methods must be found by which to combat these new forms of 'job reservation'. ☆

COSATU unions take initiatives in training

Education and training must move from "traditional" approaches, benefitting a few, to "transformational" approaches empowering the majority of working people. NUMSA's ADRIENNE BIRD describes how COSATU is contributing towards developing a comprehensive integrated education and training system for the future.

COSATU believes that a massive increase in both the quality and quantity of skills training is needed in South Africa as a necessary complement to the provision of general education to both school-goers and adults. Skills training, the federation believes, is also a fundamentally important part of a larger political and economic programme because:

- those with high level skills tend to wield greater influence in society - both on the political as well as on the economic terrain;
- skills training has an important part to play in ending labour market segmentation and in ending discrimination based on race, gender and class;
- without more and better

- skills, various opportunities for growth will not be born;
- the development of skills has redistributive effects as higher skills, especially in areas where shortages have been identified, brings access to higher income. COSATU accepts, however, that skills training can be approached either in:
 - a traditional way (that is, benefitting the few, which leaves structural inequality unchallenged); or
 - a transformative way (that is, benefitting the majority, and changing power in favour of working people.

This article explores some fundamental principles guiding COSATU's interventions in this arena of struggle and gives an assessment of progress thus far.

In 1981, the Manpower



More black apprentices, but into less skilled trades

Photo: William Matlala

Training act (MTA) was introduced. It ended the era of racist training legislation by bringing training for all workers under a single act. Its central focus was, however, still artisan training.

The act also established the National Training Board (NTB) – a tripartite body to advise the Minister of Manpower on training questions. However, it was white conservative craft unions that were appointed by the Minister to occupy a number of seats on the board. The progressive unions were, at that time, still fighting for more

fundamental rights in the political and economic arena. Training was simply not on the agenda for the predecessors of COSATU and NACTU. Education battles were being fought around schooling and were led by students and political groups.

The National Training Board

Following experiences on the National Manpower Commission, as well as the adoption of a comprehensive resolution on Education and

Training at COSATU's 1991 Congress (see box on pp 48-49), the federation agreed to be represented on the National Training Board (NTB). The basis of its participation was the same as that for the NMC. The first meeting its delegate attended was in August 1991.

Since then there have been ongoing problems about the nature of its democratic representation. This is because COSATU has clearly stated its principled right to operate in an open and democratic fashion and for its delegate to carry mandates and report back fully

to the federation.

Since COSATU participation began, there have been two central issues of contestation.

National Training Strategy (NTS)

In 1991 the HSRC reported its findings concerning a future national training strategy. The report had been commissioned by the NTB and was formally adopted by the NTB in April 1991. The recommendations of the report were then published for comment in the Government Gazette.

However, before the responses were received, the Minister of Manpower approved the establishment of a Task Team whose function was to prepare for the implementation of the NTS. In the November NTB meeting, COSATU tabled a detailed response to the NTS, proposing an altogether new process to allow for the fundamental principles of the report to be revisited and negotiated by a more representative and well structured forum. The NTB endorsed the COSATU position. In April 1992, the Minister of Manpower broadly endorsed the COSATU proposals and it is now anticipated that a new process will be established to negotiate a new National Training Strategy. COSATU will negotiate for a National Training Strategy that provides a national framework for the implementation of its adopted policy.

COSATU has openly

COSATU unions take the initiative

As they gained in power and confidence, trade unions such as the affiliates of COSATU began to identify training as a key site of the struggle. The amendment to the MTA, in 1991, ironically accelerated this process by establishing industry training boards. These provided a forum which forced unions to address the questions of institutional restructuring as well as of training content and scope. Following discussions in NUMSA and other affiliates around these issues, in 1991 COSATU adopted an important comprehensive resolution on Education and Training at its Fourth Congress. Included were the following:

COSATU's education and training resolution

3.1 We re-affirm our commitment to work for a single, non-racial and non-sexist educational system geared to meet the needs and aspirations of society as a whole. Apartheid education is an instrument of domination.

We are committed to:

- destroying all forms of apartheid, open and disguised, in the current educational system;
- free and compulsory basic schooling for all children;
- curricula which develop literacy, numeracy, and the ability to think critically;
- a formal education system which is not purely academic but is geared to providing scientific and technological skills which can contribute to the development of our country.

3.2 We acknowledge the role of the NECC and will continue to assist them in their struggle to overcome the education crisis

in this country. We support their efforts to expose corruption in the administration of education, their demands for proper distribution of textbooks, utilisation of empty or under-used 'white' schools, their advocacy of a culture of learning amongst students and their in-depth investigation of education policy.

3.3 A new education system requires the full participation of all those affected. We encourage the development of democratic and representative structures amongst students, parents and teachers, as well as Parent Teacher Student Associations (PTSAs).

Teachers are workers too.

We welcome the formation of the South African Democratic Teachers Union (SADTU).

3.4 COSATU should continue to play a role in restructuring the country's educational system.

3.5 Our economy needs massive growth to provide jobs and improve standards of living. But there is a serious shortage of skilled workers. Large numbers of adults, victims of the government's policies, lack proper basic education. Many lack literacy and numeracy skills and are unable to benefit from training programmes. Urgent steps are needed to provide extensive basic adult education and training. We need the skills to run industries, to shape and develop economic policies, to build a democratic society and enhance job creation.

3.5.1 Training

We will fight for the total restructuring of the training system along the following lines:

- Training should be linked to

economic planning and form an integral part of our attempts to restructure the economy.

- Unions should play a central role in planning, implementing and monitoring training, with agreed procedures for selection and testing. COSATU, and its affiliates, should involve themselves in restructuring existing training boards.
- The effects of past class, race and sex discrimination should be fought.
- Employers and the state have a duty to train and to help finance training.
- All workers have a right to paid education and training leave. Retrenched or unemployed workers have a right to re-training to help them secure employment.
- Education and training should continue throughout a worker's life to enable him/her to keep pace with technological change, and develop his/her abilities.
- There must be clear links between formal schooling, adult education, industrial training and other education and training systems (eg for youth and unemployed).
- Training must link to grading and pay. Increased skills must mean increased pay. Workers must be able to advance along a career path through training.
- Training must lead to national or industry certificates.
- There must be provision for recognition (and pay) for skills which workers already have.
- Training of trainers must be a central part of the system.

3.5.2 Women workers

Women workers face particular problems which need to be

addressed. We want:

- Women's skills to be recognised and paid for - "equal pay for skills of equal value".
- Women trained for skilled jobs normally performed by men.
- Career paths for areas of traditional women's work.
- To make it easier for women to receive training - by the provision of childcare for all trainees, equal facilities for men and women and non-sexist documentation.

3.5.3 Adult Basic Education

We need to negotiate with employers and the state for a nationwide adult basic education programme open to workers and the wider community and based on the following guidelines:

- Courses must provide a general basic education and must be based on clear standards allowing advancement from one course to the next.
 - All courses must lead to nationally recognised certificates, to formal education certificates, and must enable entry into training programmes.
 - Employers and the state must provide facilities for classes, paid time-off for workers attending, and must assist in paying for teachers and the costs of development of teaching materials.
 - Recognition of existing skills.
 - Use of existing training centres and state colleges to promote adult basic education.
- Agreed principles for evaluation, the selection of teachers, and the development of programmes. ♦

stated its commitment to the restructuring of the National Training Board as one of its objectives in these negotiations. But it is strongly of the view that development of an NTS must be closely integrated with transformations in a number of other areas - such as education, adult basic education, labour markets and economic restructuring - before finality is reached.

COSATU therefore proposed that the Task Team become a forum in which areas of agreement between the parties are explored. Recommendations based on these agreements would have to be tabled at a more representative forum.

Industry Training Boards

A number of COSATU affiliates have experienced fundamental problems with the establishment of industry training boards in their sectors. The problems may be summarised as follows:

- Unions are not notified when boards are established.
- Unions are not given the opportunity to negotiate industry training board constitutions.
- Unions are not given equal representation to employers on the boards.
- Unions are not represented in proportion to their membership (ie they are dominated by small craft unions).
- Boards are established for artisans only (ie not for all workers in the industry).

- Boards are established for sub-industries.

COSATU proposed interim guidelines, drafted within the frame work of the existing Manpower Training Act, to the Minister of Manpower to solve these problems. (Fundamental changes to the Manpower Training Act are clearly needed as a part of a new training strategy).

- Unions must be notified well in advance.
- Unions must have full rights to negotiate ITB constitutions.
- Unions must have equal representation to employers on boards.
- Unions must be represented in proportion to their membership.
- Boards must cover all workers and not only artisans.
- Boards must be for full industries and not for sub-industries.

The guidelines included proposals to change existing boards where these criteria are not met. The guidelines were referred by the Minister of Manpower to the NTB to consider. After a number of false starts, the NTB has begun to address the guidelines.

Should agreement be reached on them, they should guide the registrar, pending the complete re-writing of the Manpower Training Act itself. In the interim, the registrar is to ensure that only constitutions that have been negotiated with the relevant trade unions are considered for registration.

COSATU policy development

COSATU is working with its allies, both political organisations, and the other relevant organisations of civil society active in the following areas:

□ Adult Basic Education

There is now wide support for the central propositions that COSATU has put forward - namely the need for national standards of Adult Basic Education which relate both to the formal schooling system and the training system. There is also broad agreement that these levels should be nationally certificated within a unified certification system. Debate continues as to the details and practical meaning of these propositions.

□ Training

COSATU is developing its capacity to intervene more decisively in industry training boards - both in the private sector as well as in the public sector. COSATU is also exploring the possibility of drawing in other sectors of civil society onto the industry boards to encourage the boards to address the skill needs in the rural areas, and for the unemployed more generally.

The Building Industry Board is an obvious place to start as it already accredits courses for the unemployed within the Department of Manpower's unemployed training programme.

The Civil Engineering

Board is another area of interest. As labour intensive forms of work organisation look extremely attractive for employment creation especially with certain major public works programmes, COSATU is asking why training for such programmes should not be accredited by the Industry Board.

Civics too are beginning to look to these boards to accredit courses of training within development programmes more widely - so that trainees get access to courses which are properly monitored and give national or industry certification.

COSATU is presently conducting a number of strategic pilot projects in both of the above areas. In addition, the federation is planning a major eight month project in which to further develop policy both in regard to adult basic education and in regard to skills training. The two projects will run in parallel, as the federation believes that an integrated education and training system is what is necessary to address the needs of the majority in South Africa.

□ Education

COSATU actively participated in the recent Education Policy Conference and has played a central part in the NECC's National Education Policy Investigation (NEPI). It has also been involved in the Joint Education Trust - which developed out of the Private Sector Initiative. In this whole

arena COSATU has seen itself as a player within a broader alliance.

Conclusion

A multi-pronged approach is being adopted by COSATU and its affiliates in regard to education and training:

1 On the national level, COSATU views the restructuring of the National Training Board as an important part of establishing a nationally coherent system. At this level it is also working with its alliance partners to ensure coherence across a wide front.

2 On the industry level, negotiations to achieve parity of representation, as a basis for constructing paths for all workers, is well under way.

3 Adult Basic Education is being addressed in general education forums.

4 Ending racial and gender discrimination and redressing past discrimination is central to the initiatives at every level.

5 Company and plant specific initiatives are seen as pilot projects to achieve the larger objectives.

The need to move towards an integrated education and training system in a democratic South Africa is a fundamental goal for progressive trade unions. Life-long training must underpin a redistributive economic growth strategy aimed to redress the imbalances and injustices of the past and meet the needs of all South Africans. ☆

Union-employer training agreements: *uneven efforts and effects*

SNUKI ZIKALALA investigated the progress in training agreements with employers made by all the COSATU affiliates, and some NACTU unions that responded. He found that – with the exception of NUMSA – issues of representation and scope are blocking progress in most sectors.

National cross-industry initiatives in training have been complemented by initiatives at industry level. However, investigation of agreements aimed at, and actually secured, by the different trade unions show very uneven efforts and results.

NUMSA leads the way

In 1990 NUMSA carried out its first Training Project (see *SA Labour Bulletin* Vol 15 No 1). The Project involved 26 workers and two officials in an intensive three month research programme into the needs of NUMSA members in regard to training.

The recommendations were formulated into a resolution which was adopted

at the NUMSA National Congress in May 1991. NUMSA then forwarded the resolution to the COSATU Congress in July 1991 where – with amendments from other affiliates – it was adopted.

NUMSA submitted its set of principles to employers in the Automobile, Engineering, Tyre and Motor sectors in the 1991 round of national bargaining. In all sectors this required that work be done in the area of grading – as NUMSA has argued that grading is the ladder for a training based career-pathing and should be negotiated to reflect this.

It should be noted that 50% trade union representation has started in all sectors covered by

NUMSA. The progress varies in the different sectors.

Engineering Industry

The principles the parties agreed to were the need for training and career pathing for all workers and that "such training should aim to impart broad-based skills that are transferable and provide flexibility within the industry and the economy as a whole." The parties also agreed that "apartheid education policies have had a damaging effect on workers. Consequently the industry accepts that it has a responsibility, after the state, to undertake and contribute to uplifting standards of education, including, in particular, literacy and numeracy."

● **Industry training board**

In this industry there was already an artisan board which had been functioning for some time. NUMSA joined this board in 1989 in an attempt to restructure it from within - but without success. So in 1991 NUMSA proposed, and the parties agreed, to "work towards the integration of the training in the industry by the establishment of one Co-ordinating Industry Training Board within two years" – that is a single board for all workers, including both artisans and operators.

● **Grading**

NUMSA demanded that the present 14 grading levels in the industry should be reduced to five. What was finally agreed was "that the

number of job grades in the Main Agreement should be reduced in a systematic and objective way to accommodate a broader band of skills."

Progress since

reaching agreement:

A training sub-committee was established to implement the agreement. Employers and unions both agreed to start with the industry grading system. In an important departure from the past, NUMSA has worked closely with other unions, including the craft unions, to put forward joint proposals. Negotiations are still under way.

Automobile Industry

● All of the NUMSA principles were agreed to in this industry, including that "Employees who attend IETB approved training and education programmes will receive their normal rate of pay for the duration of such training taking place during normal working hours."

In addition: "It is accepted that Adult Basic Education needs to be accommodated in the industry's future training dispensation according to the following guidelines:

- Trade Union involvement in all aspects of literacy
- Courses must take learners to nationally recognised standards (note: national not industry based).

The only restraining clause was "Training and education

should at all times be arranged within the operational constraints and requirements of companies/industry".

● **Industry training board**

The employers agreed to NUMSA's demand for an Industry Education and Training Board (IETB). Detailed functions for the IETB were also agreed. Finalisation of the IETB is being held back by a difference between the union and employers on the upper limit of training to be provided.

● **Grading**

Prior to the 1991 negotiations, there had already been substantial agreement about the reduction of grading in the industry. Wages are presently being negotiated for hourly paid workers on six grades – where grade six relates to technicians. There are therefore five levels to artisan as proposed by NUMSA.

Tyre industry

As with the Auto industry, the employers in the Tyre industry have accepted the principles put forward by NUMSA.

● **Industry training board**

There has been considerable progress in negotiations about the constitution of an Industry Education and Training Board.

● **Grading**

Employers have been reluctant to finalise the details of a five level industry

grading system – even though they have agreed in principle to do this. The main reason appears to be reluctance on the part of employers to allow one another to know details of their production processes because of the highly competitive nature of tyre building. There are, therefore, a number of problems in this area which have yet to be resolved.

The way forward

In all of the sectors which NUMSA covers, there is now an urgent need to conclude this first phase of implementation - which includes the finalisation of Industry Education and Training Board constitutions, as well as the reduction in the number of grades. The central principles have been fought and won.

Phase Two will involve revisiting the grading systems in each industry and re-writing these in terms which can be meaningful for training and career progression. In order to prepare for Phase Two NUMSA has invited international experts from Germany, Sweden and Australia to come to South Africa in August to assist with this difficult task.

During the 1992 negotiation round, there have also been detailed discussions about the training and retraining of retrenched and redundant workers. There are likely to be agreements in this regard.



Artisan - their employers must contribute more to training

Photo: William Matlala

CWIU

The Chemical Workers Industrial Union (CWIU) is involved in a tussle with major chemical employers – SASOL, AECI, SENTRACHEM AND SAPREF. These employers want to establish an artisan only ITB. The union is arguing that the board must provide education and training for all workers.

The major chemical employers are resisting demands to extend the scope of training beyond artisans. According to the national education officer, Chris Bonner, employers have been resisting the COSATU principles – for

- discrimination and affirmative action;
- industry career paths which would allow all workers to acquire skills recognised throughout the industry; and
- provision of basic adult education.

One of the biggest problems that CWIU has is that negotiations in the chemical industry are decentralised. There are no industry bargaining forums and very few employer federations or associations.

In this sector, all education and training for semi-skilled workers has so far been done at plant or company level. Artisan training has been done at a company level or

FEATURE

through the metal industry.

Chris Bonner says that the employers are intent on forming a training board which will perpetuate the current racial divisions and informal job reservation. "Employers have refused our demand for proportional representation. They have also refused to put into the constitution any principled acceptance of education and training for all workers in the industry and any principled acceptance of non-discrimination and affirmative action."

COSATU approached the Minister of Manpower on behalf of the CWIU and won an undertaking from the Minister to convene a meeting of the parties to discuss the problem. In the interim, the board has not been registered. Following this move, CWIU and the employers have met in an attempt to reach agreement. However, at the time of writing no settlement has been reached.

SACWU

The NACTU affiliated South African Chemical Workers Union (SACWU) is committed to the establishment of an ITB for the chemical industry. General secretary, Henry Molefe, said that his union is disappointed by the attitude of the employers in the board who are refusing to cover illiteracy programmes. SACWU sees this as a

strategy by employers not to facilitate the formation of a training board.

"SACWU, having covered illiteracy programmes at plant level, saw the importance of ITBs as a first important occurrence in the country, even if at this stage it is limited. However, the union feels this does not preclude relevant parties from campaigning for literacy and developmental skills for the workers within the ITBs," said Molefe.

PPWAWU

The Paper, Printing, Wood and Allied Workers Union (PPWAWU) has begun to take up issues of education and training. The union is presently involved in negotiations with NAMPAK and Kohler (a Gencor subsidiary) on these questions. The union has also become involved in the Printing Industry Training Board where considerable progress has been made towards establishing industry wide training and career paths.

SACCAWU

The South African Commercial, Catering and Allied Workers Union (SACCAWU) is presently involved in a struggle with employers in the hospitality sector. According to the national education officer, Alan Horwitz, the employers in this sector have converted a training council into a

training board. The employers registered the Hospitality Industry Training Board's constitution without consulting the union. There are 18 seats on the board, but only two were allocated to the union.

"We have put up a vigorous fight and demanded that we should have equal representation and that the scope of the board be widened and not cover only technical training. It should include literacy and adult education. Employers have so far agreed that literacy be included. Adult education is still under discussion.

On 29 July we are going to give a final presentation on equal representation to the board. If they do not agree to parity, we will declare a dispute," said Horwitz.

SACCAWU's spokesperson said management has recognised that training is grossly deficient, especially in the hotel sector. The standard of service and productivity is very low, and this may result in the employers agreeing to union demands. Employers may argue however that workers make a financial contribution to training.

SACTWU

In the textile industry, the employers have established a training board. They have allocated few seats for the union. The South African Clothing and Textile Workers Union (SACTWU) is fighting

for equal representation.

According to the media officer of SACTWU, Shahied Teladia, the union put up strong opposition to this unilateral act. "We have made substantial progress and are about to secure equal representation on the ITB. At plant level, the union has also secured commitment from some of the employers to join the board and support the union."

A training board has long been established in the clothing industry. Presently, the union is engaged in a battle for equal representation.

CAWU

The Construction and Allied Workers Union (CAWU) has become involved in the Building Industry Training Board. Although, at this stage, the unions do not constitute 50% of the Board, there is commitment from all parties to move to this situation in the near future. The industry has pioneered career-pathing and is addressing the incorporation of education within its scope.

In addition, CAWU is considering establishing its own training centre in co-operation with the International Union of Bricklayers and Allied Craftsmen (a USA union). CAWU has extended an invitation to the NACTU affiliated Building Construction and Allied Workers Union (BICAWU) to participate.

NUM

The National Union of Mineworkers (NUM) has begun to take up the issue of human resources development. In the Mining Summit convened last year the Chamber of Mines agreed to establish a special working group on education and training. NUM submitted a proposal on training and education which was rejected by the steering committee.

In addition NUM has initiated a number of co-operative ventures for retrenched and dismissed mineworkers. These projects include a training component.

At this stage NUM is not involved in the mining engineering industry training board which addresses only artisan training. At present this board is controlled by the employers and white craft unions.

Federated Miners Union

The NACTU affiliated Federated Miners Union (FMU) says that they have not been approached by the Chamber of Mines to participate in the training programme. According to the president of the union, Lazarus Mfulane, the union has been negotiating with employers at plant level.

"We believe in negotiating for workers at plant level and that is why we have not been approached by the Chamber of Mines. However, as a

union we will not reject a training programme that will give skills to our members."

Challenges to the trade unions – and management

Education and training are essential ingredients for economic development. In taking the lead, trade unions need to combine recruitment with education for their memberships. Their own human resources will have to be developed to lead in the areas of education and training at industry level.

A change of attitude from the employers is also imperative. The involvement of workers in the ITBs will benefit both the employers and the employees. With workers represented on the ITBs the parties will be better able to identify the actual training needs in their companies. Programmes for training can then be planned in ways acceptable to both workers and employers.

Training is essential to productivity and growth in South African industry. It is the responsibility of both the state and employers to educate and train the work force in terms that have been agreed through negotiations with trade unions. Employers need to commit themselves to training and retraining of workers at all levels of skill. Negotiating channels have been opened. They have to be utilised by the employers as well as the unions. ☆



Trade union development in the Transkei: *a victory for worker initiative and self-organisation*

COSATU and its affiliates have become firmly established in the Transkei since the military overthrow of the authoritarian bantustan regime by Bantu Holomisa in 1987. ROGER SOUTHALL* shows that, despite some positive reforms by the military government, it was essentially initiatives and actions by workers themselves that brought trade union organisation to yet another region of South Africa.

The granting of 'independence' to Transkei in 1976 was based upon a despotic system of labour control. Employers could hire and fire as they pleased because of the unorganised state of the workforce and the availability of a massive pool of unemployed workers.

Trade unions were barred if not banned, labour protection was minimal, and sporadic worker protests within Transkei were unhesitatingly crushed by employers allied to the authoritarian Matanzima regime. It is not surprising, therefore, that there was a sudden upsurge of worker actions in Transkei, from 1988, along with the liberalisation of labour law under the radically inclined military

government led by Major General Bantu Holomisa, following his two stage coup of 1987.

Later openly associating with the (then still exiled) ANC, this military regime introduced an opening up of political expression and a tolerance of worker organisation which was previously unknown.

The conclusion that the emergence of trade unions in Transkei was due to the initiatives of the new regime does not, however, reflect the realities of the process. The sudden emergence of unions affiliated to the Congress of South African Trade Unions (COSATU) in Transkei is essentially a product of actions and

* Professor of Politics, Rhodes University, and member of the Editorial Board of the SA Labour Bulletin

self-organisation by workers themselves responding to a worsening economic situation in the 'independent' homeland.

Worsening economic situation

A number of factors working upon the economy of Transkei, mainly from South Africa, caused a serious decline in the local economy and job opportunities there from the mid-1980s.

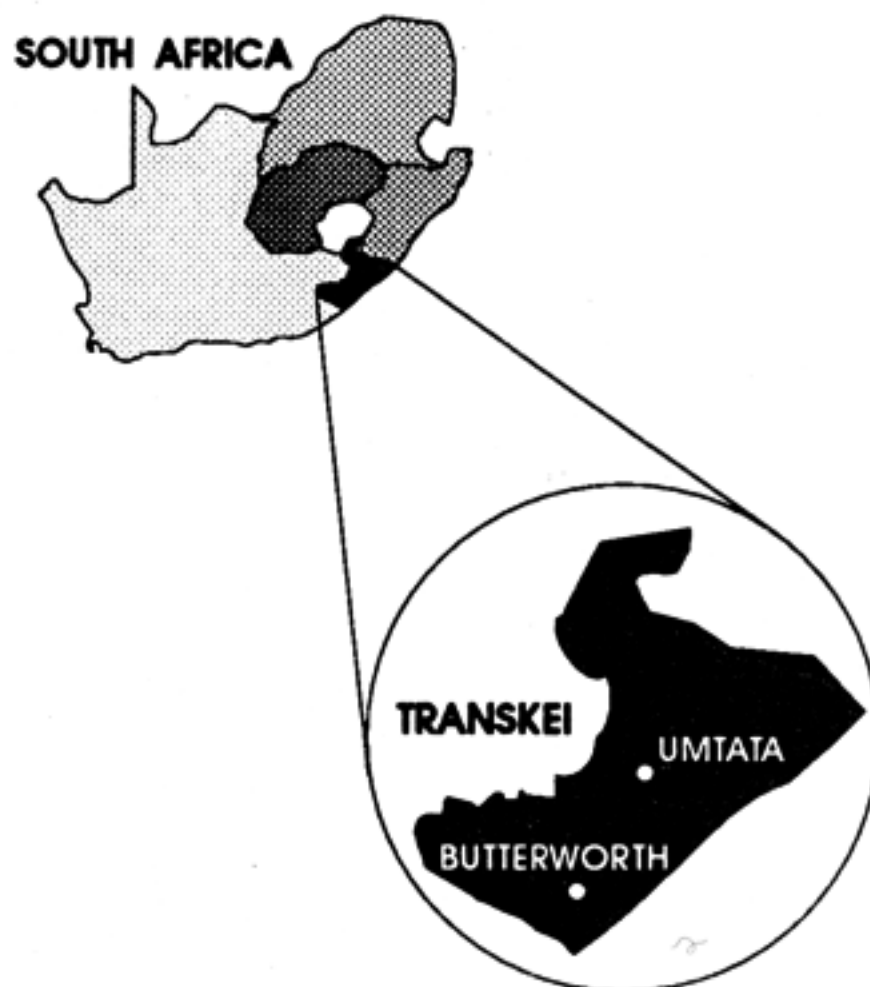
Financial limits upon the expansion of the homeland public sector had meant a failure to develop effective employment opportunities for the majority of the population. The declining recruitment of Transkeian workers by the South African Chamber of Mines, from 1986, seriously aggravated unemployment in Transkei.

Also depressing the job market was the phasing out by Pretoria of its industrial decentralisation policy. From 1968, this had involved the promotion of so-called 'growth points' designed to provide some employment to counteract the socially disintegrating effects of rural decline.

In Transkei, the capital Umtata, Butterworth (near East London), and later eZebeleni (near Queenstown), were selected as 'growth centres'. Under the Transkei Development Corporation (TDC) they were provided with basic infrastructure necessary for industrial expansion. By 1983, however, total employment in formal sector manufacturing in Transkei amounted to no more than 12 000.

Following the upgrading of industrial decentralisation by the South African government in 1982, the rate of industrial job creation increased substantially. This was mainly through foreign investments, especially from Taiwan. By 1985, the number of manufacturing jobs had climbed to 19 600 – only to fall back to 14 621 in 1989.

The reasons for this decline are not wholly clear. In part it was caused by the wider economic recession. It may also have been a reflection of the negative impact of Pretoria's lowering of protection for the textile industry in the early 1980s. Whatever the case, the rapid downturn in industrial development in



Transkei – and other bantustans – since the mid-1980s had a marked negative impact on their economies.

The Transkei labour market was even less able to absorb the growing number of new work seekers. By the mid-1980s minimum wage rates had fallen to less than a third of their equivalent in South Africa and to far below the official Household Subsistence Level. Workers became ever more dependent on the informal sector.

New forms of popular self-organisation

The downturn also caused a growing problem of political control for the bantustan regime, particularly in the peri-urban areas and 'squatter' settlements outside Butterworth and Umtata.

Such growth has been a marked feature of the last decade. These settlements did not come clearly under either municipal control or the Tribal Authority system of chiefs and headmen (which still exists in the rural areas), and their populations began to create their own forms of self-organisation which provided the basis for the emergence of a local worker movement.

During 1987, signs began to appear that workers were beginning to mobilise against the worsening conditions. There was a series of determined work stoppages at the Electricity Supply Corporation in Butterworth in August 1987. Reports by the Ministry of Manpower in 1987 noted that it had recently been



New forms of popular organisation – discussing ways to take control of their lives

Photo: Paul Weinberg

“inundated” with complaints and that there was now an “urgent need for a statutory body specifically designed for settlement of industrial disputes in Transkei”.

Contradictory interventions by the military government

The intervention of the newly installed military government on the labour scene began with new wage determinations for the private sector, in March 1988, which raised minimum wages considerably.

However, the determinations did not define the industries to which they applied nor the meaning of the skill categories into which they placed workers. They also accommodated employers by allowing for a three stage introduction of new minimum wages, concluding with a final increase only in August 1989.

The confusion surrounding the determinations triggered off significant developments in labour relations in Transkei. The military government immediately found itself subject to contrary pressures. On the one hand, the Ministry of Manpower began cautiously to advocate the introduction of trade unions. On the other hand, the TDC and the large body of industrial employers argued that such a move would frighten off investors.

The government dithered. No legislative changes followed. The wage determinations remained but the majority of employers ignored them. The inconsistencies handed workers a legal rights issue around which to organise.

At first there were some isolated wage disputes in the private sector by relatively small numbers of workers, as at B V Supermarkets in Umtata and Transkei Blue Line Transport.

What really worried the government were wage actions appearing in the public sector:

- Post Office clerks in Umtata staged a brief sit-in;
- hospital workers and nurses at Engcobo stopped work;
- more than 2 000 health workers in Umtata followed them;
- drivers at the TDC owned Transkei Road and Transport Corporation (TRTC) went on strike;
- mechanics at Transkei Engineering Services, also struck for higher wages.

The military authorities responded with persuasion as well as pressure. On the one hand, Brigadier Rodney Keswa, the minister responsible for manpower, announced that worker organisations could be established if employers agreed. On the other, workers who

struck at the Electricity Supply Corporation were charged with unlawful actions.

The government then imposed an umbrella ban on all strikes, boycotts and work stoppages in terms of the Public Security Act.

It also moved to secure the support of public sector employees. Earlier, General Holomisa had urged civil servants to form their own staff association. He then negotiated with South African Finance Minister, Barend du Plessis, to secure an immediate 15% pay increase for public servants and a gradual harmonisation of Transkeian and South African civil service benefits.

In the meantime, following initiatives from the Public Service Commission, the Transkei Public Service Association (TRAPSA) was launched in August 1988. Its aim was the representation of civil servants, and also to draw in all other public servants, including those then organised within the Transkei Teachers Association and the Transkei Nursing Association.

Reactions from public sector workers

A broad spread of public sector workers immediately rejected TRAPSA. They saw its official promotion as an attempt to prevent their own self organisation. There was a walk-out of TRAPSA's inaugural meeting in September 1988, followed by the launch for recognition by a Transkei Postal Workers' Association (TRAPOWA).

Various of the leaders were detained by the police. This gave TRAPOWA a high profile at a May Day rally in Umtata organised by the National Union of Mineworkers. This rally was also marked by the call to Transkei workers to link up with trade unions in the rest of South Africa.

The government attempt to contain the postal workers caused a widely supported protest strike in June 1989. Over 180 postal workers were arrested and charged, over 200 were suspended, troops were brought in to do their work, and pressure was applied on TRAPOWA to affiliate to TRAPSA.

The immediate result was a forced return to work. The strike had, however, encouraged a

close solidarity involvement by COSATU's Post and Telecommunications Workers' Association (POTWA). This increased the pressure upon a still reluctant military government to agree to trade union rights.

The government sought to divert that pressure by agreeing to 40-50% salary increases for all public servants in mid September. This quietened the mainstream civil service, but it encouraged the militancy of those who did not benefit and were already beginning to organise themselves.

Private sector workers take action

Even before the public sector wage rises had been announced, the postal strikers' militancy had been copied by a number of workers in the private sector.

Around 650 workers at Langeni Forest Sawmills (near Umtata) repeatedly downed tools in June and July to back their demands for prescribed minimum wages and 'proper representative structures'. Workers liaison committees began to appear in similar stoppages elsewhere.

The most significant struggle involved over 300 workers at Ohlsson's Brewery in Butterworth which dragged on for fully eight weeks. There was a heavy police involvement, the arrest of demonstrating workers, alleged intimidation of strike-breaking scabs and the fire-bombing of two delivery vehicles - and the eventual mass dismissal of the workforce.

Originally based on a call for wage parity with Ohlsson's workers elsewhere in South Africa, this particularly bitter struggle rapidly developed into a demand for recognition of COSATU's Food and Allied Workers' Union (FAWU).

The end result was a triumph for the workers. They got the first negotiated (private sector) agreement between a union and management in Transkei. The brewery had to agree to the principle of wage parity and the re-employment of those who had been dismissed. It also accepted an 'interim recognition' of FAWU - with a view to full recognition once the union could officially demonstrate its majority status.

This key struggle at Ohlsson's - one of the better paying employers in Transkei - set off a much wider drama. The effect of this determined, effective mass strike was electric. Workers from factories elsewhere clearly looked to the Ohlsson's strikers to break through the barriers so that they could force their own managements to respond to their own urgent wage demands.

When, therefore, Ohlsson's management sought to keep production going by taking on casual labour, workers at the majority of factories responded by downing tools. They united in a street march on the day of a Supreme Court hearing relating to the brewery strike.

Government moves towards trade union recognition

With the local police clearly unable to cope, General Holomisa stepped into the struggle. He received a flood of complaints from both sides: from management about the low productivity and poor skills of Transkei labour; and from an "ad hoc workers' committee" about excessive working hours, lack of job security, widespread ignoring of minimum wages, worker compensation, training opportunities, sick leave and recognition of service. The workers also protested salary disparities between Transkeian firms and their sister companies elsewhere in South Africa.

Holomisa concluded that Transkei would not be able to 'escape' trade unions for long. He arranged that all strikers and dismissed workers return to work unconditionally, and he established a committee of workers, employers and government representatives to monitor the situation.

With the expectation growing that the government would announce major labour reforms, workers gathered in an unprecedented mass rally in Umtata, on 22 October 1989. Waving flags and banners of COSATU and the NUM, the ANC and the SACP, a crowd of 15 000 was led by worker leader Oupa Kumalo to the Botha Sigcau building, where he presented a petition to Holomisa.

On 26 October, the government announced

that trade unions would be allowed. They were advised to register themselves by 30 November and then take part in a major redrafting of labour legislation, to be completed by early 1990. This was to be undertaken by Professor Nic Wiehahn, famous for his fundamental review of labour law carried out on behalf of the South African government in the late 1970s.

Continuing labour protest

The terms of reference of the Commission restricted its enquiry to private sector employment, but an important feature of the labour protest had been the extensive involvement of public sector workers. Thus labour protest continued:

November 1989

- 1 220 employees struck at the Ncora irrigation scheme;
- workers at TDC headquarters tried to force senior management's resignation;
- TRTC bus drivers disrupted public transport;
- striking workers at the TDC's bulk fuel depot nearly ran Butterworth's garages dry.

February 1990

- TDC security division workers struck for two days;
- some 3 000 workers downed tools at the Magwa Tea Corporation's various estates in the Lusikisiki district;
- Umtata Municipality's 1 800 workforce stayed away for two days over a wage claim, and more than 1 000 were dismissed.

March 1990

- wage demands were backed by stoppages by staff at Transkei Airways;
- 1 500 workers halted work for a week over wages at ten of TDC projects in Umtata.

These actions, combined with continuing private sector actions - notably by 1 500 workers who struck the Mzamba Wild Coast Hotel complex in February - kept up severe pressure on the government to deliver substantial reform.

The most important blow was administered by workers in Butterworth who staged a widely supported three day stayaway in early March in protest against the detention by the police of Mongameli Dyantyi, president of a

local Workers' Co-ordinating Committee (WCC). They got the rapid release of Dyantyi and Holomisa's personal assurance that Wiehahn's report would respond to workers' numerous specific grievances.

Workers draw COSATU into Transkei

By now, trade unions were rapidly gaining ground - to a large degree on the basis of WCCs which had become more and more active in the major employment centres.

The moment the government declared its acceptance of trade unions, the WCCs committed themselves to organising workers under COSATU's umbrella. COSATU itself was not directly involved, although it served to inspire the WCCs. Indeed, this enthusiasm led to a decision by worker representatives at Butterworth on 12 November to establish interim COSATU structures - even though COSATU itself was apparently being cautious about moving too rapidly, after warnings from Holomisa and Keswa against the activities of national unions in Transkei.

All such caution disappeared, however, after a call for COSATU's assistance by a major workers' meeting in Umtata in late January. Then Holomisa announced, just a few days later, that he was following in President de Klerk's footsteps by unbanning the ANC, PAC, SACP and SACTU.

Wiehahn labour reforms

If Wiehahn had tried to turn back the tide, the Holomisa government would have been in trouble. However, his report published in mid-March 1990, proposed the repeal of the Labour Relations Act of 1977 and the recognition of fundamental worker rights as a basis for a more just and functional system.

The report also argued that the exclusion of public sector workers, and farm and other employees, from the provisions of a reformed system would be discriminatory and that all classes of workers should be included under a new Act.

It recommended, in brief, that the labour relations system of Transkei should achieve harmony with the South African system as

soon as possible. This required

- the registration of trade unions and employers' associations;
- the creation of structures of collective bargaining; and
- the introduction by the state of suitable measures for the progressive implementation of a tripartite National Manpower Commission (NMC) charged with playing a key role in establishing the new labour relations system.

The main body of the Wiehahn proposals was later put into a draft Labour Relations Decree. The intention to recruit a COSATU advisor to represent labour on the NMC was widely welcomed, as was its recognition of the legitimacy and role of trade unions.

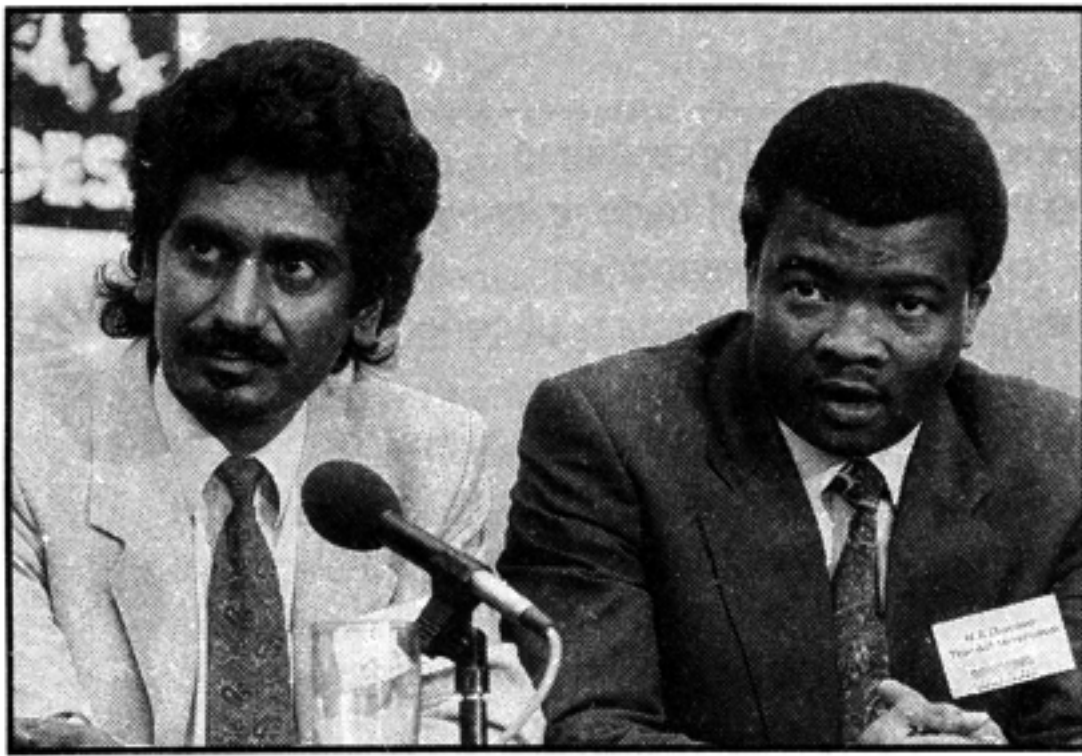
Government continues to vacillate

The government denied itself its expected reward because it excluded all public servants from the decree when it was finalised in August 1990.

Warning had already been given of the possible consequences of this. In March, the two day strike by Umtata municipal workers had mushroomed into a major challenge. Following the dismissal of more than 1 100 strikers, mass marches through the streets of Umtata forced the closure of many businesses. The police struggled to keep order.

Once again, the direct intervention of General Holomisa secured a return to work and the re-employment of the workers, but the incident raised widespread expectations concerning the scope of the government's forthcoming legislation. It became evident very rapidly that there would be no return to industrial peace without a further extension of industrial rights to public sector workers.

A first indication of this was the effective bypassing of the Act by the Magwa Tea Corporation. It managed to bring a (temporary) end to a bitter four month dispute at its Majola tea estate - by reaching a settlement negotiated by FAWU. This included increased wages and the re-employment of some 1 000 previously dismissed workers. Even after this, the dispute rumbled on until the following May when



COSATU's Jay Naidoo and Transkei's Bantu Holomisa at CODESA: but earlier Holomisa told COSATU to stay out of the Transkei

Photo: William Matlala

FAWU secured the re-employment of other dismissed workers.

An even more vicious battle broke out at the TRTC's Umtata and Butterworth depots, where management tried to clamp down on worker organisation. A long struggle followed in which the Military Council supported the management. It sent an ultimatum demanding that the strikers return to work, and provided soldiers to run the TRTC's services during the resulting lock out.

There were yet other confrontations. On 13 September, a day's stayaway took place in Butterworth. This was mobilised by community organisations against the government's detention of 29 police officers who had attended the launch of a local branch of the Police and Prisons Civil Rights Union (POPCRU).

These actions developed into a growing campaign against the limited application of the Wiehahn reforms. The TRTC workers' attorney openly accused the government of attempting to crush the labour movement and called for amendment of the new act to include parastatal workers. COSATU met with Holomisa in October 1990 to express its concerns. The federation pressed hard for the inclusion of all workers under the decree.

Under these pressures - and its desire to be seen to be aligning itself with the forces of liberation - the Holomisa government at last agreed to amend the Labour Relations Decree

to cover also the 14 parastatals. It also announced the appointment of a Commission of Inquiry under Professor J B Cloete to consider the situation of mainstream public servants.

COSATU unions take the lead

In contrast to developments within the public sector, labour relations elsewhere experienced a marked and rapid improvement. The labour unrest of the pre-Wiehahn period had had no institutional channel of communication but the post Wiehahn situation now saw rapid progress towards a regularisation of industrial conflict.

Other developments - such as the establishment of the NMC and the appointment of renowned labour lawyer Halton Cheadle as president of the new Industrial Court - also laid a basis for a functional system of industrial conciliation and conflict resolution over the longer term.

In the immediate sense, however, the labour reform package made an uneven impact. It was more successfully applied in industry than in the commercial sphere. This is evident in the quite limited number of strikes during the second half of the year.

Those strikes that did take place almost all showed three important features:

1 The most important was the appearance of COSATU unions at the head of workers in dispute. FAWU was involved at Tanda Milling. SACCAWU stepped in to represent workers in clashes at the Holiday Inn and Metro Cash and Carry. PPWAWU was pulled in to negotiate on behalf of 80 workers dismissed by Chipboard industries, and so on.

2 A second, closely related factor, was that a number of these strikes did not begin as local disputes but as part of wider South African trade union campaigns. Some of these confrontations were lengthy and the final solutions came through South African national level negotiations which were applied also to Transkei and other homelands.

3 The other notable feature was that these strikes remained within the work place. They did not spill over onto the streets, into other factories or into wider demands, even though

workers were clearly not forgetful of the wider political agenda.

What these developments underlined was the rapid entrenchment of trade unions in the workplace and the beginnings of their systematic utilisation of the newly established industrial relations machinery. This was evident in the creation in August 1991 of an industrial council for the metals and motor sector in Transkei following discussions between employers' consultants and the National Union of Metalworkers of South Africa.

Responses of employers

None of these developments has been automatic and inevitable.

Reports indicate, for example, that industrial employers have adjusted to the arrival of trade unions differently. Quite a number negotiated recognition agreements with unions even before the reformist legislation was enacted, and welcomed the stabilisation that unions have been able to bring.

One such company even managed to negotiate a retrenchment agreement with SACTWU - involving reduction of its labour force from 800 to 260, caused by the flood of cheap South East Asian textiles on to the South African market - without even having to go to arbitration.

Against this, less adaptable employers complain about the militancy and resistance of the unions with which they had to deal. They declare that with the poor quality of the labour and phasing out of decentralisation incentives, there is now little to keep them in Transkei. The loss of some 2 000 jobs in industry during the 1989/90 unrest confirms the long term battle against retrenchments that the unions are going to have to wage.

The workers movement had to push hard all along the way

The rapid development of trade unions, and the concession to them of many wage gains and industrial rights in the context of Transkei's seriously worsening labour market would appear contradictory.

Yet it would be wrong to conclude that the recent arrival of COSATU in Transkei is somehow a direct product of the military regime's initiatives or its association with the ANC. As the events show, this simply does not hold. The workers' movement has had to push hard all along the way for the concessions achieved.

What is also significant is that the development of the trade union movement was closely linked to the expansion of broader popular organisation within Transkei. During the 1960s and 1970s, under the heavy hand of the Matanzima's, oppositional activity was almost wholly unable to move beyond homeland electoral and legislative politics. The appearance of the various worker committees show that the substantial growth of the peri-urban settlements and 'squatter' camps since 'independence' in 1976 provided space for the development of popular movements which challenged the conventional patterns of bantustan political control.

No doubt this increased capacity for worker self organisation also had roots in former migrants' trade union experience outside Transkei. It is important to stress, however, that the various strike and other actions which forced the labour law changes in Transkei were, on the whole, not a result of organisation by South African trade unions.

There were almost certainly important cross border personal connections, and FAWU in particular claims to have arrived in Transkei ahead of Wiehahn. None the less, the overall shape of the process was that COSATU and its affiliates moved into Transkei alongside the reforms, and the overall push for the legitimation of unions came from the workers themselves.

All this is reflected in the present state of the unions in Transkei which is one of organisational growth and consolidation. However, against the background of the declining regional economy, the unions still face a major test of their skills and maturity in the struggles for work place gains and a living wage together with the need to retain employment. ☆



Social democratic dreams or class struggle realism?

A reply to Enoch Godongwana

In response to NUMSA's Enoch Godongwana on the prospects for socialism in a future 'social contract' in South Africa, ALEX CALLINICOS* urges SA workers not to repeat the social democratic accommodations with capital that have led to the weakening of trade unions elsewhere in the world.

Enoch Godongwana's article 'Industrial Restructuring and the Social Contract' in *SA Labour Bulletin*, Vol 16 No 4, March/April 1992, is a welcome contribution to the debate on the social contract. He sets the question in the context of the broader issue of the strategy for socialism, and insists that the implications for rank-and-file workers of the positions taken should be clearly spelt out to them.

He is right about both these things. This approach sets apart Godongwana's piece from the mixture of wishful thinking and academicism which has tended to dominate the debate.

Godongwana believes that a social contract between labour and capital can be justified when it is "informed by a socialist perspective" and therefore "seen not as an end in itself, but as a building block for further advance". Thus he rejects the root-and-branch opposition to social

**Are social
democrats
sitting at the
sickbed of
capitalism
both as
doctors who
want to cure
the patient and
as prospective
heirs who
cannot wait for
the end and
would like to
hasten it?**
- *German trade
union leader
Fritz Tarnow
in 1931.*

contracts for which I argued in the Afterword to a book I edited *Between Apartheid and Capitalism: Conversations with South African Socialists*.

Godongwana makes a fair point when he says that "It is important for those socialists who reject social contracts not to resort to rhetoric and dogmatism but to provide answers to questions facing the working class today." Before responding, let me say, first, that my opposition to social contracts is not based on some abstract theoretical deduction but on harsh experience – the experience, for example, of the social contract under the British Labour government of 1974-9, which so weakened the workers' movement, that had driven the

Tories from office in 1974, that it could be humbled by Thatcher in the 1980s.

Marxist analysis is based on the generalization of the international experiences

* *Politics lecturer at York University, UK, and Marxist writer*

of the workers' movement. If South African socialists don't learn from mistakes elsewhere in the world, they run the risk of repeating them.

Godongwana seems to reject both the Stalinist model in Cuba - which the International Socialist tradition to which I belong regards not as any kind of socialist 'model', but as a variant of capitalism, bureaucratic state capitalism - and the social democratic model in Sweden. He argues that "the immediate post-apartheid society [in SA] will not be a socialist one", and that the best the workers' movement can do is "to reform capitalism" on the basis of a social contract.

Godongwana recognises, however, "that our approach to the social contract can lead to social democracy and only reforming capitalism." To guard against this, he says, an "ideological outlook" is required whose aim is socialism, which will "empower the producers so that they have control over what they have produced."

There are two flaws in Godongwana's argument.

The realities of social democratic accords

The first is that he presumes a social contract can deliver reforms in the sense of "economic growth, employment creation and better standards of living for the whole population." But can a social contract work even these reformist terms? Those who argue that it can work are misrepresenting the record of social democracy in various countries in the world.

A good example of such misrepresentation is provided in an article in the same issue of the *Labour Bulletin* by two members of the Economic Trends Research (ET) Group, Avril Joffe and David Lewis. They propose a "restructuring accord" between capital and labour, arguing that "the experience of countries such as Australia, Sweden, and Canada indicates that restructuring is an inevitable response to the global challenges. It also shows it is only in reaching some kind of strategic accommodation between labour, the state and capital that unions will be able to



extract what potential benefits the reorganisation of manufacturing production offers."

This is, to put it mildly, a distortion of what has been achieved in these countries. In the current global recession how much have 'strategic accommodations' between labour and capital preserved the gains won by workers over many years of struggle? How much have 'social accords' guaranteed the rights secured by trade unions?

What difference have 'strategic accommodations' between labour and capital made to the situation of workers in the advanced social democracies as soon as conditions get difficult?

- In Australia - the Accord on wages between the Australian Council of Trade Unions and the labour government has simply helped to tie workers' hands in the face of a particularly brutal version of Thatcherite restructuring.
 - In Canada - the reformist National Democratic Party holds office in several provinces. In Ontario, the NDP government has presided over the worst of the industrial slump, slashing welfare services, and even jailing three militant postal workers for daring to go on strike.
 - In Sweden - the recession has swept the Social Democratic Party out of office and replaced it with a neo-liberal government which - with the enthusiastic backing of big business! - is seeking systematically to dismantle the famous Swedish 'model'.
 - Elsewhere in Europe - the reality of contemporary social democracy is best represented by the 'socialist' Mitterand regime in France, whose monetarist policies have kept unemployment at the highest level in the European Community thereby contributing to the growth of the first mass fascist movement in Europe since the 1940s; while the social democratic Gonzalez government in Spain is currently forcing through an anti-strike law.
- So, South African workers, when the 'experts' of the ET Group tell you that accommodations between capital and labour

under social democracy is securing real advances for the working people in the developed capitalist countries, don't believe them!



The real costs of 'restructuring'

And when capitalist economies need to restructure who pays the cost? Joffe and Lewis are, in a sense, right when they say that restructuring is "inevitable". Given that global capitalism is in severe crisis, it is inevitable that capitalists will seek to increase profitability by reorganising production, cutting costs, and raising productivity.

What Joffe and Lewis do not tell workers clearly is that this process will be at the expense of workers. They will find themselves having to work harder under tighter managerial supervision, often for lower wages, if they don't lose their jobs altogether! That's why workers have to resist restructuring in order to defend themselves and lay the basis of a socialist society.

Godongwana half sees this. That is why he wants "restructuring informed by a socialist vision". But that is where his second mistake lies: believing that a social contract can be "a building block for further advance". When Godongwana talks of a "democratic" social contract he shows himself not to understand what such a deal involves:

- A "restructuring accord" to restore the profitability of capitalism in South Africa has to be at the expense of workers. Militant organised workers are not likely to accept paying the price for capital. They will resist it. Is such an accord feasible where labour is organised and militant?
- Such resistance by the rank and file will put great pressure on the leaders of the workers' movement to centralise power on their hands and to restrain the self activity of the rank and file in order to fulfil the commitments they have made under the contract. A trade union accommodation to capital will, in all probability, have the effect of bureaucratising the unions and demoralising workers. All the experience of social contracts in

Western Europe in the 1970s was of the growth of the trade union bureaucracy at the top and increasing disillusionment and apathy at the base.

Social contracts therefore don't bring socialism nearer. On the contrary, by undermining the organisation and self-confidence of workers' organisation, social contracts weaken the main force for socialism.

Social contracts and collective bargaining

But, asks Godongwana, what's the difference between accommodations in social contracts and the kind of compromises which workers inevitably make when, for example, they end a strike by concluding a wage agreement with the employer?

Even those compromises carry with them dangers. They can encourage the development of a bureaucracy of full-time trade union officials whose job becomes that of reconciling labour and capital. Nevertheless, a normal trade union agreement over wages and hours is specific, focusing on the material situation of a particular group of workers. It is therefore relatively easy for the workers to monitor the implementation of that deal and to react to management backsliding.

When, however, COSATU proposes a 'macro-economic negotiation forum' with the employers and the state, it is seeking to exercise a degree of control over the entire policy of the capitalist class as a whole. Such an arrangement would put workers' representatives at a great disadvantage, since they would lack the resources possessed by the bosses and the government - a whole range of resources including the information relevant to policy-making, right across to capitalists' power to mount an investment strike against policies they don't like. The danger would be that the workers' leaders increasingly develop the mentality that they are in the same boat as the capitalists, sharing precisely 'the joint responsibility for managing capitalism' which Godongwana condemns.

Reviving AND burying capitalism?

Godongwana's problem is that he wants to have his cake and eat it. He wants to have the benefits social contracts allegedly bring - reforms under capitalism - without the disadvantages they inevitably produce - a weaker workers' movement. He does not see that the logic of all social contracts is to undermine workers' organisations by obtaining their leaders' consent to capitalist restructuring at working people's expense.

Those like Godongwana who want "restructuring informed by a socialist vision" confront the same dilemma described by the German trade union leader Fritz Tarnow in 1931 when he asked: "Are we sitting at the sickbed of capitalism, not only as doctors who want to cure the patient, but as prospective heirs who cannot wait for the end and would like to hasten it by administering poison?"

Typically, social democrats believe that they can act first as doctors, and then as heirs. They accept capitalist restructuring as 'inevitable' in the hope that, once the system has been nursed back to health, favourable conditions will exist for a move to socialism. In fact, what happens is that, once trade union and social democratic political leaders have persuaded workers to accept the 'emergency', 'temporary' measures required to restore capitalist profitability (at workers' expense), they themselves are discarded by the bosses as soon as they are no longer necessary.

Godongwana wants to reject social democracy, but the course he advocates would lead to the workers' movement once again sacrificing itself for the sake of capital.

Social contract - or - class struggle?

But are we simply proposing that South African workers should "wait for a socialist revolution", as Godongwana suggests we are saying? Absolutely not. The alternative to social contract is struggle - or rather, the struggles through which different groups of workers, or perhaps the labour movement as a whole, can defend, and even improve their



wages, hours and conditions. It was, after all, struggle that built the workers' movement in South Africa, that forced the state to legalise

independent unions, that dragged a great number of concessions from the bosses and that drove de Klerk to the negotiating table.

That struggle needs to be continued. A danger of the present situation in South Africa, and not just on the labour front, is that - despite all the formulations about 'combining negotiations and struggle' - negotiations are becoming a substitute for mass struggle. If this continues, the result will be to weaken the existing mass organisations.

And that will not simply make the movement more vulnerable to a regime which plainly is still seeking to hang on to power. The weaker workers' organisations become, the less they will be able to fight for socialism. Struggle isn't just a way of defending the material situation of the working class. It is essential to building workers' organisations - giving workers the strength and confidence needed to challenge a capitalist system which is in crisis, not just in South Africa, but all over the world.

Of course, 'struggle' can degenerate into an empty slogan. The real discussion that should be going on in the South African labour movement is not one about the social-democratic promises put forward by the ET Group and their like. Debate should instead be concentrating on the question of how to take the struggle forward.

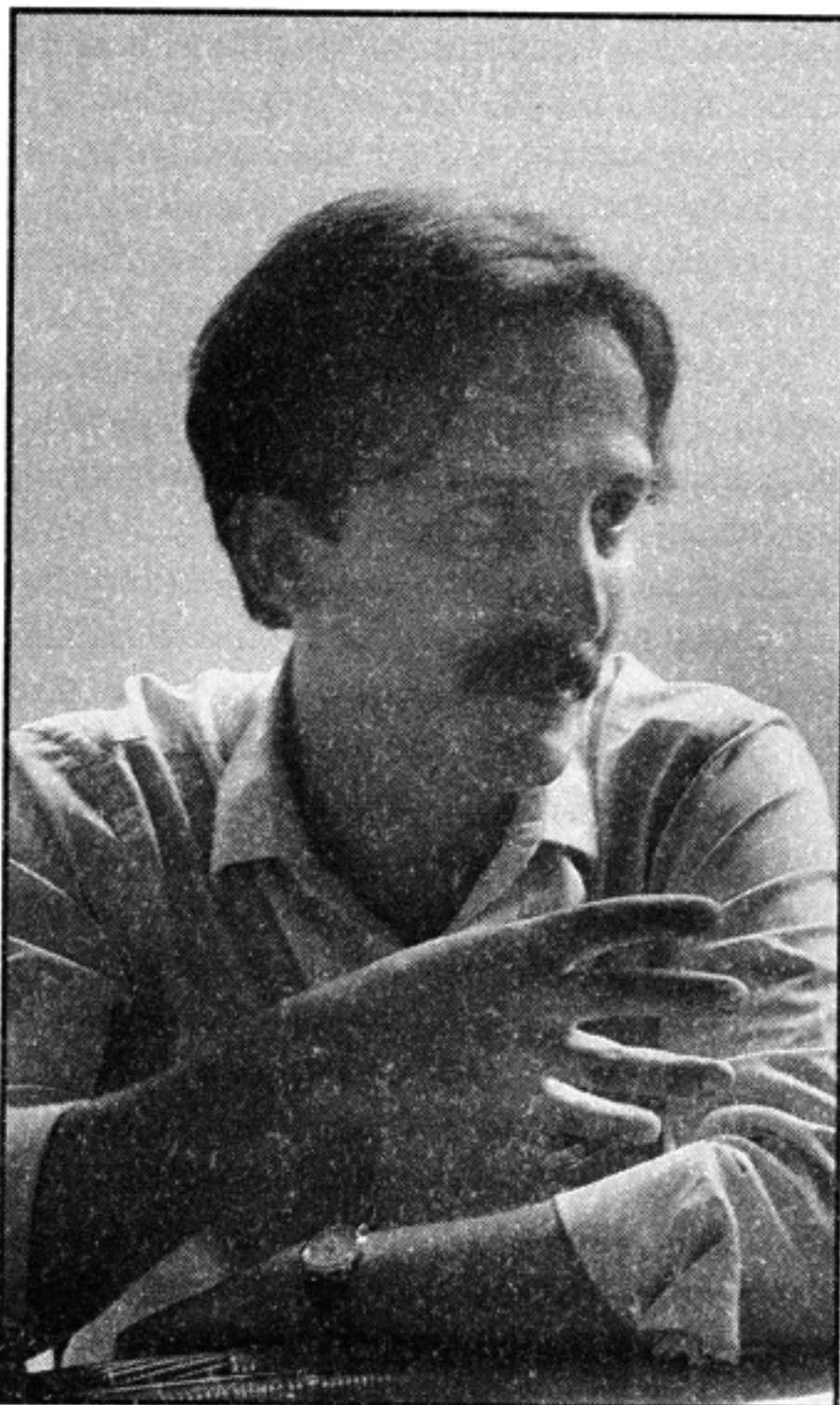
How should workers fight, both in specific industries and right across the working class, in the face of a bosses' offensive (for that's what restructuring really is) and a ruling class ruthlessly fighting to hold onto the substance of power?

That is a question which can only be answered on the basis of careful analysis of current conditions in South Africa. Socialists overseas such as myself cannot pretend to offer that analysis. But we can warn South African workers against being misled by the attractive pictures they are offered of the failed strategies of "accommodation" all over the world. ☆



The Workers' Party of Brazil

perspectives
and challenges



LUIZ DULCI*, member of the National Directorate of the Partido dos Trabalhadores (PT), spoke to *Labour Bulletin* editor Karl von Holdt, and NUMSA president Mtutuzeli Tom, when they visited Brazil recently.

The Workers Party of Brazil (PT) is a new kind of left party. What were its origins?

The Workers Party was created at the beginning of 1980 with three basic tendencies. The main tendency came from the so called 'new unionism'. It was the most important both because of the number of activists and people represented, and also because of its social importance. The new unionists had a very strong class perspective, but did not have a very ideologically clear position.

Lula, the leader of the Workers Party and our presidential candidate in 1989, is a typical example of this tendency. I myself have the same

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origins, as an activist in the teachers' union.

A second current were the progressive christians, mostly from the Catholic Church and supporting liberation theology.

The third current, or bloc, were the left-wing political organisations. These organisations already existed in the country but most of them were banned. They proclaimed themselves to be Marxist or Trotskyist. Some of them joined PT from the beginning. Others started to participate after five years. Generally speaking, the two major currents, the unionists and the christian activists, did not have any kind of political experience before. On the other hand, the left political organisations had a history of armed struggle against the dictatorship. They had already engaged in a self criticism of these earlier strategies. In the past they had also acted as very small vanguard groups and they also criticised this aspect of their past.

Now they argued for a mass-based strategy of class struggle. This was the policy they brought into PT. The activists of these left political groups adopted a new politics in relation to mass action and to reaching the people. But internally they maintained classical left concepts and traditions and theory of organisation. Although they now criticised vanguardism, they could not avoid vanguardist practice within the party.

The left groups also proposed that PT should be a *front* of different organisations. The majority tendencies – the unionists and the christians – argued that PT should be a unitary political party.

Did PT manage to develop an ideological programme out of these different currents?

Although the three currents agreed that the party should have an ideological dimension, the unionists and the progressive christians preferred to emphasise direct political action, for the masses to have an experience they had never had before. The political groups on the other hand emphasised more the ideological objectives.

So, apart from actually organising the party nation-wide, the first five years of PT were

characterised by a central debate over whether the party should define its programmatic points. The question was whether the leadership should define this programme – the ideological programme for the party – immediately, or whether this should come gradually through the participation of the masses in political action, so they would learn from their experience.

The question was also whether the party should adopt one specific political doctrine of social transformation, or whether the party should try to make a synthesis of the political culture that could be received from different experiences of the world. The left political groups argued that PT should be proclaimed Marxist in terms of explaining the society and its transformation, and be Marxist-Leninist or Marxist-Trotskyist in terms of action and thinking of the members.

Most of the christians and the unionists argued that they did not need official doctrine or official philosophy in order to exist and to act. They defended a synthesis of the international political doctrines and Brazilian reality. They also thought that the culture that the party was creating should be based on a dialectical relationship among the different groups inside PT: between the new unionism, with experience of work and the workers struggles, the christians and their values, the typical values from the left organisations, and also the other groups like the popular movements, the ecologists, the feminist movements. It would be healthy for the party to express a new ideology created inside this discussion and this exchange of experience, instead of only adopting a simple philosophy like Marxism.

The position that finally prevailed was the one of the new unionists and the christians. This happened at a moment when something similar was happening in society. Society was experiencing a democratic transition and also a modernisation of industry, the economy and cultural values as well as a process of urbanisation. These processes brought up new elements, new movements, new subjects of history. For example, the classical left groups in Brazil had a very small participation of

women, but in the moment when PT was created millions of women started to enter the labour market and this was something new. What structures should be created to receive these women? How would they participate in the party? Because it was something new, it was necessary to give things time to develop.

With these different perspectives, was PT able to develop a unified strategy?

The biggest polemic in the first five years of the party was over the relationship between the struggle to occupy institutional spaces, for example in parliament or in municipal administration, and the social struggle of the unions and other movements. The left political groups had a very severe criticism against occupying these institutional spaces. They still adhered to the classical idea that in order to win power the workers would adopt direct democracy in place of the traditional representative democracy.

On the other hand, the majority believed that in a society with millions of people it would be impossible to establish a system based only on direct democracy. We argued – that is, the majority of unionists and progressive christians – for a combination of strong and creative struggle in the social field, with struggle in the institutional field. We argued for the reform and the democratisation of parliament, of congress, and not only trying to abolish it. We also argued for reform of the judicial system and so on.

So the different tendencies in PT had different priorities. This meant that the commitment of the christians and the unionists to the city elections or in other elections was different from the commitment of the left organisations.

The third fundamental difference within PT was over the goals of the struggle. We were at that time at the end of the military government. The left groups in PT believed that it would be possible to combine the end of military government with a more radical transformation of our society. The majority tendencies believed that this was not possible. We

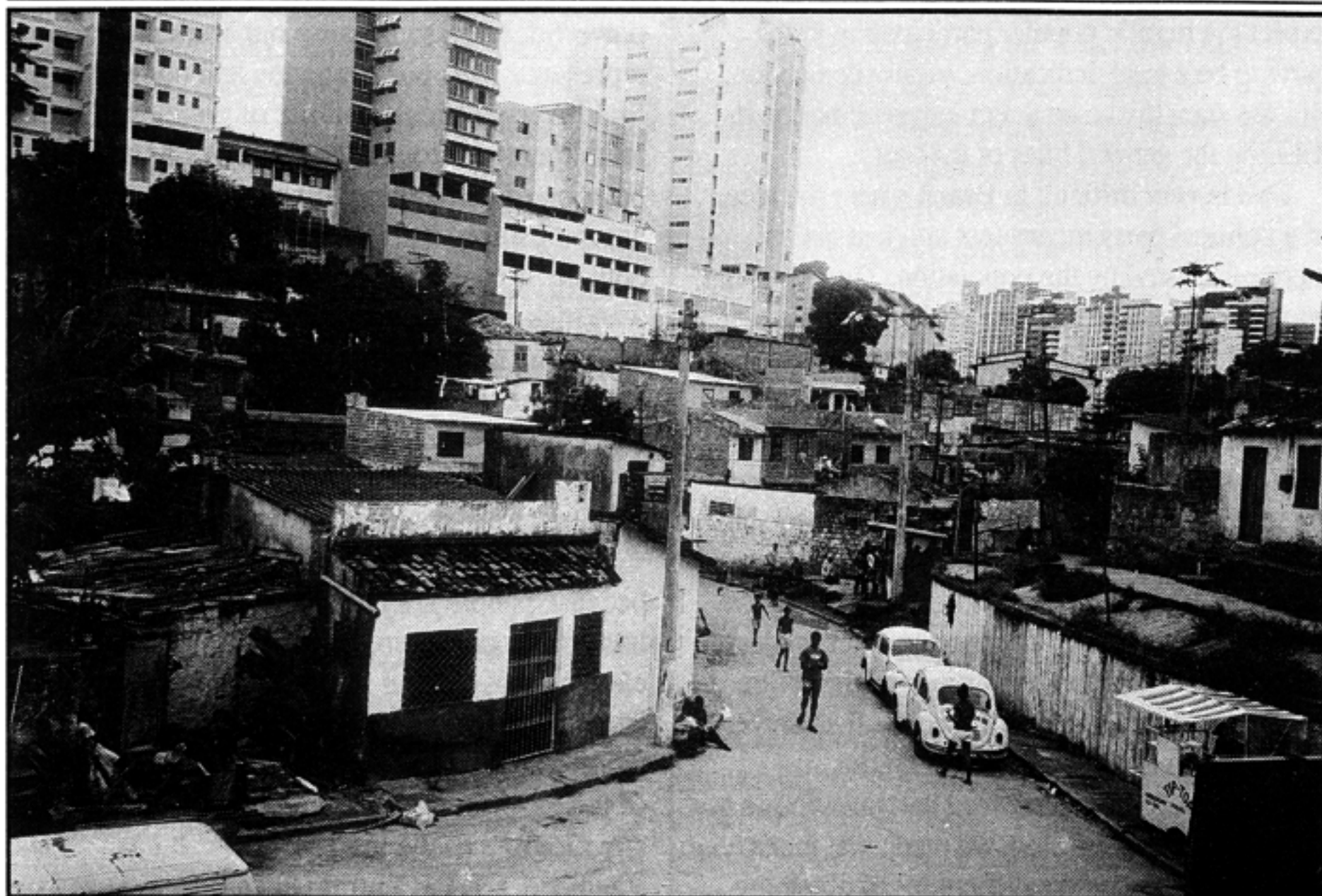
believed that it required a lot of work, a lot of popular pressure simply to obtain a democratic government after the military regime. This meant a *democratic popular* programme. We believed that creating a popular party was already a revolution in itself.

The majority defended a policy of *accumulation of forces* in the process of transformation of society. We still retain this concept and this policy. The left wing tendency criticised this as a policy of gradualism. They argued that this was a struggle in parts and a struggle in phases which they rejected.

How were these differences resolved?

The programme of the party that prevailed in the end was the democratic popular one. The left groups had proposed a programme for transition to socialism. The view that PT should be a political party, not a front of different forces, also prevailed. But it was not to be a monolithic party. It should have different ideas inside it, it should be a mass party and not a vanguard one. This was the position of the majority tendencies inside the party, but it also incorporated an important contribution of the small sectors about internal pluralism. Through mechanisms like proportionality in the elections, we could insure internal pluralism. We also established a norm that PT candidates in elections would be drawn from the different tendencies. For example, if the candidate for mayor came from one tendency then the vice-mayor would be drawn from a different tendency.

The proposal to construct our idea of socialism progressively over time, rather than defining it immediately, also prevailed in the party. The political culture of PT incorporates many important contributions from Marxism together with other doctrines or ideas. For example, the criticism of the capitalist economy in Brazil by PT could be characterised as neo-Marxist. On the other hand, the interpretation of our history and our culture has much of the christian point of view and of cultural groups. In our politics the collective dimension which is a characteristic of Marxism lives together with – not always



Wealth differences are stark in Brazil - the PT aims to restructure society in the interests of the workers and the less-privileged

Photo: Labour Bulletin

very well integrated – strong attention to individual issues, which is linked to the christian philosophy of personal relations. So we have got a kind of synthesis, after a lot of debate and discussions between the different currents in the party. So the three basic different currents in PT participate in everything inside the party.

This enabled us to contest the presidential elections in 1989 with a programme that was approved by 95% of the party. This unity in PT has enabled us to construct alliances with other left political parties which supported Lula's campaign for president. In my opinion, this synthesis was not the result of any individual proposal of a way forward. It came about because these three groups worked together.

But at the same time that this permits us to move forward, it also favours the re-awakening of old questions that were never resolved. For example, in the second round of the presidential elections, there were groups inside the party that argued that PT should not accept

the support of centre-left parties like the social democrats. These groups have a more exclusivist view of the transformation process than the majority in PT.

What are the major challenges and problems facing PT?

PT is recognised by everybody as one of the biggest parties in the country. Both in the quantity and quality of its members, and also because of its social audience. But the organisational structure of the party is still based on nuclei of activists which is inherited from the Leninist version of the party. We have still not been able to create the space for broader participation in the party. We have broad popular participation in the party's election campaigns, but between campaigns only of professionalised activists. This is the greatest challenge today, how to combine the broad participation of ordinary people with the construction of an efficient and organisationally unified party. We cannot

expect the regular popular participation in the party to be a total dedication, a daily dedication. But we want this to be a regular participation in defining the general lines of the party.

This is very difficult in Brazil where the idea of a political party means less and less and is more mistrusted by the population. The population became disillusioned with the political parties that emerged after the military government and ran the transition. This is something that may interest you as South Africans. It was a mistake that we made here on the left. The transition from military dictatorship to democracy was portrayed to the people as a salvation. It was portrayed not only as a political salvation, but also as an economic and social salvation. The right wing parties and the centre political parties wanted to dissociate themselves from the sins of their past and from the dictatorship, so they portrayed the transition as a salvation. On the left, too, we made that mistake. We underestimated the difficulties of obtaining social and economic improvements for the population. The people then became disillusioned with all political parties when they found that there was no salvation.

There are two political challenges facing PT as the leader of the left parties in the country with the real possibility of getting to power through democratic elections. Firstly, PT lacks a culture of government. In other words, we do not know how to govern. This is real and serious among the leadership and even more so in our bases. We have a very defensive attitude in relation to the state. Our bases, not only in the party, but the social bases such as the trade union movement, see the state either as a police state, which it really was for 30 years; or it is a juridical-technocratic state that plans and organises everything from above; or it is a paternalistic state that tries to co-opt people and destroy their organisations. In all these three cases, it is an enemy state. We have difficulties in imagining a state that potentially will be ours and benefit us.

For example, if Lula had won the presidential election in 1989 we would have had great difficulties in governing, not only because of the enemies, the right which is very

powerful, but also because our leadership, our representatives, our strategies and our bases find it very difficult to think of policies to be implemented through the state. We have a position of demanding things. That is a trade union position, isn't it? We criticise from outside. It is also the position of the Christians who make social demands on the state. This is one of the most serious problems that the city authorities where PT governs are having today. The city government may be controlled by PT, but the attitudes of most of the population in relation to the government have not changed.

The second challenge is even more serious because people are not aware of it. The party has grown greatly in the institutional arena, electing mayors and so on. But it has stagnated in the social arena and organisation. The trade union movement is the most important sector of the movement in Brazil, but it has not made any progress in the last two years. It has stagnated. CUT [Central Unica dos Trabalhadores - the major national union federation] has not advanced in its organisation at the base, it has not advanced in the work places - in some areas it has gone backwards. Nor has it advanced exceptionally in the improvement of internal democracy, and in some important respects it has gone backwards as well. The national congress of CUT last year was a reflection of that [See *SA Labour Bulletin* Vol 16 No 3]. The democratic election of a new conservative government has also created new problems for the labour movement, and it has been unable to put forward proposals for the new situation.

This problem is faced by PT too, not only the union movement. PT has had many difficulties in responding creatively to the restructuring of the national economy under the neo-liberalism of the government. The difference between PT and CUT concerning this matter, is that inside the party there is more or less a general consensus that the party lacks proposals and policies for facing the present situation. There is no sector inside the party - except for Socialist Convergence, a Trotskyist group that only represents two or three percent of the party - that considers that

they themselves have an answer for the country. You could observe this in the first congress of PT last year. There was not a struggle over proposals because nobody had a real proposal. What happened was a collective contribution to get to something and you could observe many groups changing their position. I think that nobody is sure and there is a lot of doubt. What has happened is that the policies that were adopted by the party and were very useful in the first ten years of its life, today do not answer the new challenges and the new terrain on which the party is acting, including the new international order.

Although many of the tendencies which are in PT are also in CUT, there is really a big difference between the two. Most of the tendencies inside CUT are more arrogant and think they have answers for the problems. Often the majority tendency considers that their proposals do not have good results only because the minorities have damaged or spoilt their action. The minority currents are also absolutely sure they have all the answers. They think that the struggle of workers does not advance only because most of the leadership are conservative. The consequence of this in CUT is that the political debate about paths of action is replaced by a struggle to dominate the structures. This is very different from PT which has other problems, but not this one.

How is PT responding to the political and economic policies of the Collor government?

Today the debate about our immediate policy is focused on the question: should we have an alternative proposal to the policies of the Collor government for restructuring the Brazilian economy and reforming the Brazilian state? Some sectors inside the party are against the very idea of reforming the state. They think that this state should be destroyed. Therefore, it is not up to us to present proposals for its reform. They also argue that it is not up to us to present an alternative way, different to Collor, of restructuring the capitalist economy.

On the other hand, the majority argues that we have to present an alternative global

proposal for reforming the economy with democratically popular characteristics. So even within the capitalist structure, we should argue for a reform to ensure a democratic and popular character. The majority argues also for reform of this state into a democratic popular one. That does not mean a state that would drive the country to socialism. Even to reform the state, it would be necessary to establish alliances with other parties on the left as well as sectors like the social democrats.

They hold these views because of the current correlation of forces in both national and international spheres. This includes the affects of the crisis of the socialist Utopia. There is not a socialist culture among workers except in vanguard sectors that have been formed in the last ten years. These factors make it very difficult to implement any kind of modification in a state or in the economy, even if these are democratic modifications and do not question capitalism itself.

This is a complicated problem for PT because it is a socialist party. For us, democratic socialism is not just a symbol as it is for the social democratic party. The socialist goal energises the party and is a stimulus for people to join it. The overthrow of capitalism, the construction of a new society with a different logic is something very real for our militants. But we feel that today, if we want to engage in concrete political action and not only political debate, we cannot exclude ourselves from the debates on the restructuring of the economy. Economic restructuring has already been happening without our participation and it will happen independent of our participation.

The same thing applies to the Brazilian state. The ruling class in Brazil has already decided that the state which has been in existence for the last 30 years is no good any more. The state is already being transformed and because we do not have a proposal for the state that we would like to have today – not for the future, not for the socialist state, but for today – we cannot affect this process. Because we do not have a proposal, the government has advanced with its own neo-liberal proposal for a reduced state. We see reductions in investment

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in basic services and social investments, we see privatisation and internationalisation of strategic sectors of the economy. And our answer has been defensive and corporatist, defending only the interests of a group.

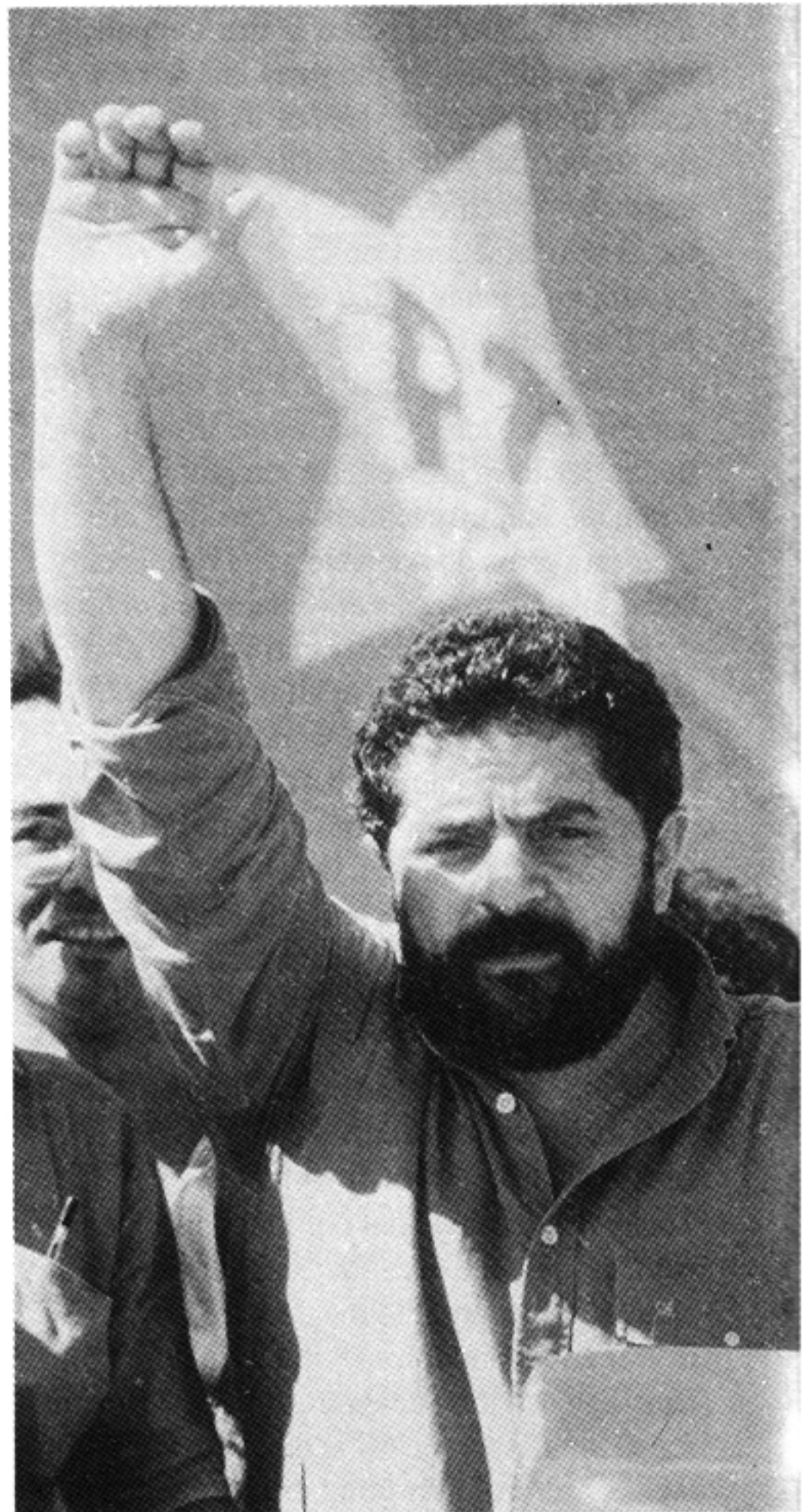
For example, the first big steel plant that was privatised in the state of Minas Gerais was the most modern and profitable steel plant in the country. From the beginning the steel company was state owned, associated with the Japanese. Management was extremely authoritarian, manipulating the policy of tariffs, of prices according to its own interests and not in the public interests. There was no control from society. The government proposed selling this company and what was the answer of the union movement and of PT? Simply the maintenance of the enterprise as it was.

The party has got to produce an alternative proposal. In fact the party was beginning to develop an alternative proposal to the privatisation, but it was not able to discuss this with society nor with the workers in order to transform the proposal into an initiative that would be defended by everyone. The result was that 80% of the 15 000 workers in the company itself defended the privatisation as proposed by the government.

The party's proposal was based on trying to establish a new concept of public ownership, neither state nor private. We were proposing that the company should be partly owned by private capital, partly by the state and partly from worker controlled provident funds. However, we were not able to transform this proposal into political action. Even today among the workers the idea of a minimal, efficient neo-liberal state that is different from the one inherited from the military government has major support. PT is going against the wave. Many members of CUT and PT actually agree with the neo-liberal criticisms of the state that we have today. So they accept the policies of the government because our own alternatives are so weak.

In spite of its weak global proposal, PT is still growing. The restructuring of the economy proposed by the ruling class is very very brutal. This makes a social situation that was already

bad even worse. So although both CUT and PT cannot put forward an alternative global restructuring policy, they are at least able to express the feelings of the people, very authentically and with a lot of combativity. Lula has been travelling the country, the mayors are always talking and expressing this



*PT leader Lula during his presidential campaign
Photo from SEM MEDO DE SER FELIZ*

anguish and the suffering of the people and so PT becomes the representative of this general feeling. So while PT has not been able to

organise significant political demonstrations against government policy, the people will certainly vote for PT in an election. Of course, while this is positive, there is a risk too because the party may occupy positions without a corresponding active support from the population.

Although PT does not have a global restructuring policy, Lula almost won the presidential elections in 1989 and will be running again in 1994. What economic programme is he putting forward in that campaign?

Our economic programme maintains the state in a strategic position in production and in the economy. Our economy is open to the international market, and we cannot avoid this. There should be a balance between production for the internal market and for the external market, but it would be a disaster to cut relations or damage the presence of the Brazilian economy internationally. This would be harmful to our sovereignty because our political sovereignty can be exercised only inside the international market by securing a different position there. So the state would occupy strategic positions in the economy in order to ensure this.

For example, the Brazilian state was fundamental in the creation of a steel industry 30 years ago. Today the key sectors are fine chemistry and the electronic industry. The state should act in these sectors as a direct economic agent or associated with international capital. Besides this, the state should dedicate its resources to social policies in health, education so on. It should be an agent to correct the social imbalance between regions in the country. There will be room for international and national capital, within the framework of regulations. We cannot have the present situation, where all the logic of the economic structure is to service international capital. International capital should have a profit rate similar to what they have in their own countries, not four, five, six times bigger here. It should assume responsibilities concerning the common infrastructure of the country, like transport and services.

In the arena of social policy, 60% of the population live outside the market. They live below the minimum level of consumption of goods and services. Our programme is to reincorporate this sector of the population into what we call social citizenship through urban reform, fiscal remodelling and imposing progressive income tax. As an example, there are 50 000 residential plots that are kept for speculation rather than for building housing. Our policy would be to prevent speculation and encourage the building of houses. Land reform is an important part of our programme. We also have policies for reform in the educational and health systems.

Lula likes to say that this programme, which many comrades consider very modest, would be in Brazil a revolution – not *the* revolution, but *a* revolution. And through different revolutions we can organise this strategy to get to *the* revolution, if it really comes to happen one day!

PT argues that socialism does not just involve socialisation of the economy, but also socialisation of politics. What does this mean?

The first stage of socialisation of politics is to incorporate direct political participation for the great majority of the population that has never participated before. We believe we have made quite good progress at this level. The second stage, which we also thought equally necessary, is politicisation of the daily space in peoples lives. This means what you could call micro politics, within each work place, the neighbourhoods, the small communities and other groups. We have advanced very little at this level. For example, we would like to politicise the work world, not through abstract discussions, but discussion over production, organisation of production, the productive equipment, the pace and speed of production, the environment and the circulation of the product up to the consumer. This would happen through the independent organisation of workers in the work place, not through the political party.

We should now search for a balance, to direct part of the energy that we have accumulated in

the institutional space back into this micro politics. We have to abolish in PT an idea that exists that political parties are the superior form of organisation of people. Due to this, the party has sucked from society many independent movements – not intentionally – but we have drawn the energy from the society into the party. The party has sucked in activists, material resources, experiences. We are thinking today, with a lot of difficulty but a lot of determination too, about how the party can contribute to and stimulate the autonomous independent organisations of society – without being a conveyor belt. For example, an independent organisation of women could have a more creative role in society than an organisation of women in the party.

How is PT responding to the problem of political division within CUT?

At the next meeting of the national leadership of the party the main point of discussion will be the situation in the union movement. Not for PT to determine the way CUT should go because this is not the kind of relationship that exists between PT and CUT. There are differences and even contradictions between us. But for the party, as a democratic institution that intends to guide and direct the movement to democratically say what it thinks. PT should assume its own responsibility for the impasses and difficulties of the main independent movement in Brazilian society – CUT.

CUT may or may not take into consideration these reflections of PT. In the same way, we consider it natural, and even necessary, that CUT as an organisation in civil society should also have an opinion, an evaluation of PT and other left parties' performance concerning the interests of workers. This is a new development – the mutual reflection and evaluation – because for so long CUT and PT have been wary about interfering in the positions of each other.

What is the relation between CUT and PT? Many leading unionists are leading members of PT. Has this led to any confusion of roles – what we call 'the two

hats problem' in South Africa?

There are no institutional or statutory links between PT and CUT. They are autonomous organisations, with distinct purposes and independent structures. We even have leading unionists in CUT who are associated with other political parties from the Left and the centre-Left.

Although the historical objectives of both PT and CUT are very similar – that is, to transform Brazilian society with the perspective of a socialist democracy – the political tactics and kinds of struggle adopted are often distinct. In the past years it has been very habitual to see PT use a tactic (and a main slogan) for the conjuncture and CUT adopt a different one. This has caused tensions. But we have tried to understand and face them with a pluralist concept of society, in which differences are considered natural and even necessary, especially inside the Left.

“Two hats” is really a serious problem. We try to prevent activists taking on so many functions in the two organisations that they become less efficient. The union leaders in PT participate in decision making in the party, but seldom are its daily spokesmen, neither are they in charge of implementing the party's initiatives.

What is socialism? How do you see the relation, between the democratic popular programme of PT and a struggle for socialism?

The concept of socialism, as we all know, is being debated today. It is certain there is no longer one unique, ready-made model of socialism, as there was with Stalinist orthodoxy. Then, one only had to establish a state economy, plus a state politics (the so called proletarian dictatorship) plus a state ideological and cultural life, to mathematically get to the concept of socialism.

Today it is different. A libertarian project of socialism must be rebuilt both in general theory as well as in practice in every country. We already know what we do not want: a predatory, individualist, anti-humanist, anti-ecological and neo-colonial capitalism. But we do not know exactly how the economy, the politics and the culture should be organised

in the socialist democracy we fight for.

And it is not completely negative that things are this way. An historical project 200 years old cannot be redefined and even reinvented in months or even in a few years. History has its own rhythm and, little by little, through action and reflection we will be able to specify our historical horizons.

So far we have got some important clues which permit us to handle the democratic and revolutionary struggle firmly. We want a socialism with all the democratic liberties of today as well as others, which have to be created. We want a plural political party system without any kind of symbiosis between the state and political parties. We want a combination of representative democracy with direct democracy, based in the working place. We want an autonomous civil society, self-organised and able to control democratically the state and economic life, in both public and private companies. The social control over property is just as important as the ownership of property itself.

The main point of our economic project is the socialisation of *access* to goods and services, the basic equality of citizens in terms of well-being, and not establishing state control of economic creativity.

This way, the popular-democratic programme is an intrinsic part and is the necessary historical mediation of our broader socialist project. There is no contradiction between them; one requires the other historically.

If Lula does become president, will he be able to implement PT policies, given for example, the influence of the military in the state and the control of the media by forces hostile to the left?

I'm convinced that Lula will win the elections in 1994 and will be the next president of Brazil. I believe he will be able to accomplish our democratic-popular programme, in spite of the numerous obstacles, because this project corresponds to the structural need of modernisation and democratisation of Brazilian life.

The reaction of the economic and political oligarchies will be ferocious. However, I don't

think they will be able to make our government unviable, due to the popular support we will have and due to our policy of broad alliances, both social and political, which we have already been building.

Concerning the military, they will always be an important factor of power. After the unsuccessful experience of military dictatorship, they seem to be more interested in technological and corporate modernisation than in general political matters. Besides this, PT has got a very good image among the low and middle-ranking military officers.

What lessons has PT drawn from its experience of running the various cities where PT mayors have been installed?

PT was created under the military dictatorship. Our culture has always been one of resistance to the state. When we took office in the government in some of the main cities in the country we soon found out that this culture of resistance was not enough. We also needed a culture of *government*, with proposals that we can implement. Or, at least, we needed a synthesis between criticism and resistance on one side and creative action inside the state apparatus.

We worked hard with this objective to create the popular councils as mechanisms of participation of the workers in the government of the cities. The result is still to be evaluated. The Brazilian popular classes have started to think the state as potentially theirs.

On the other hand, we have found problems of the left itself in the leadership of local governments. A kind of administrative deviation, for instance, which over-values technical solutions instead of political ones. Or, on the other hand, contempt for a technical dimension of the problems.

Our biggest challenge in this field is to combine the conditions of being in the local government, on the other hand, with being in opposition nation-wide. We are government and opposition at the same time. We cannot escape from this double and rich position, which permits us to practice at the local level the policies that propose for the country as a whole, at the same time as we radicalise the class struggle. ☆

**We are convinced that our way of dealing
with the gender issue in SACTWU
has a lesson for other unions. Instead
of side-lining women into separate
structures, women need to be part of
the mainstream of union life, and
women/gender issues must feature actively
on the agenda of all union structures
— Rachel Visser, SACTWU Organiser**

When I became a union rep and started attending meetings, I knew nothing about the 'women's struggle' and labour issues.

I was elected as shopsteward at Ensign Clothing Factory in 1986 because I stood up and confronted management when they proposed a one day short time. I was very excited and eager to learn, and I have learnt the hard way.

Becoming a unionist opened my eyes. It was only then that I realised what immense problems the women of the world are facing. You constantly have to struggle to be twice as good as a man in order to prove you can do it.

Women are active in shopsteward committees all

over South African and all over the world. They have shown that they are committed to their trade unions and to their federations. But if you look at their representation on the structures of their trade unions and federations across the world they shine in their absence. Even in the day to day work of trade unions, women have difficulty taking on roles such as organisers.

Trade unions and federations all over the world have at last been forced to look at these issues. The most common solution has been to set up women's committees and separate structures for women. The question is: did that help?

I have been involved in many women's workshops,

including a National Women's Seminar in Lesotho in 1990. My assessment is that these forums have helped, but there have been problems. The most serious problems are:

- These committees were in fact only advisory committees, therefore they lacked the power to influence effectively policy within the unions.
- Women's problems, and building campaigns around these issues, were discussed in isolation in women's committees rather than in the decision making bodies of the unions and federations.
- These issues were treated as side issues and not so important as the 'real' trade union issues.



Rachel Visser

Photo: SACTWU

- 64% of our union membership are women
- 59% of National Congress delegates are women
- 60% of the National Executive Committee members are women
- 50% of national office-bearers are women.

All this does not mean that our problems and struggles have ended. There's still a lot of work to be done.

Even in COSATU we still have problems. There is not one single woman on the National Executive Committee of our federation.

We have Dorothy Mokgalo as National Gender Co-ordinator who is doing a great job. Regular workshops and women's forum meetings have been held, but as Dorothy says, and I quote *Labour Bulletin* March/April 1992, Vol 16 No 4,

"Organising the mixed gender forums is a responsibility of the *constitutional structures* and exactly how this is to be done must still be discussed with the national office-bearers."

The question is: how often does the Central Executive Committee actually discuss gender issues?

We are convinced that our experience in SACTWU has a lesson for other unions. Instead of side-lining women into separate structures, women need to be part of the main stream of union life, and women/gender issues must feature actively on the agenda of all the national office-bearers. ☆

● Women felt isolated because they were pushed aside to deal with women's issues.

In SACTWU we assessed the whole situation and decided not to adopt the approach of setting up separate structures for women. We decided that we had to tackle the gender issue through our union's constitutional structures.

We were convinced that we had to keep women's issues in all the 'mainstream' discussions and activities of our union. We decided that by not organising separately, all the union members would be confronted with the issues.

This does not mean we are

not ever going to come together as women to discuss specific concerns. That will sometimes be necessary.

We have fought hard and vigorously for recognition and education for women in our union, and today we are beginning to reap the benefit within our structures.

The confidence of SACTWU women has increased and the attitudes of men in the union have also changed. Everybody is beginning to realise that the problems aren't just women's problems but men's as well.

Women are now playing a central role in all the union's structures from the local up to the national level:

Media workers on power and participation in real decision making at work

As the readers of *Labour Bulletin* know, we members of the Media Workers Association of South Africa (MWASA) have been out on a long strike over wages paid to black workers on SABC TV and radio services [see *Labour Action* – ed]. We black professional workers still suffer racial discrimination in wages and employment conditions, appointments, training and promotion – as blacks suffer in other areas of work in this ‘new South Africa’.

However, we would like to tell you about other particular problems that black journalists and presenters, camera operators and other technical workers employed by the SABC have at the workplace or on our ‘shop floor’.

Black faces and voices, but whites still control everything

Although we are professional workers, like workers elsewhere in South Africa, we have no decision-making powers in our work, and initiative is kept out of our hands. Our white colleagues dominate and hold all decision making positions in the SABC.

Despite the appointment of black faces to some managerial positions, our black colleagues who are on the board of directors have no powers at all. Like the rest of us blacks, they do not really decide on issues.

MWASA members, Sam Petlane, Sello Thulo, Sibusiso Magasela and Vincent Mfundisi, warn fellow workers:

“We black radio and TV presenters are looked on as sell-outs. We are often ashamed when we go to our communities because of the lies that we have had to read.”

Journalists - no freedom to report what we see

Despite the fact that we journalists live in the townships and know the realities of the experiences and thinking of fellow black people, we are not able to take an influential part in reporting what is going on. We are not given the right and freedom to express our views, or to contribute to changing the culture of South Africa.

Our job is not to really help shape the content, but only to put flesh or ‘local colour’ here and there. If you come up with ideas, it is such a problem to get approval. You can’t use your own imagination.

Researchers – very limited scope

Researchers, too, have very limited scope. As a news researcher - for example in

Scoop and Agenda - you are given a particular assignment to research. It is not blacks who suggest what the programmes should be. What we are doing is simply gathering information on a given topic. There is very little creative work that you are involved in.

Commissioning and sanctioning of programmes is the responsibility of the editor plus the producer.

Editors – minimal influence

In Scoop and Agenda there are only two black editors and their influence is very minimal. The final word and the shape of the programme is decided upon by the executive editor who is white.

If it is political, and it affects the lives of white communities and is researched by a black person, that programme will never see light. These are just some of the serious methods of continuing political control over what is seen and discussed on radio and TV in South Africa.

On important programmes – for example where Nelson Mandela will be on the air – three researchers, two whites and one black, will be called to a conference room to prepare questions. We all table questions, but it is management who decide which questions to use. You

won't know whether your input was relevant or not.

Programmes bought in from outside for black audiences are screened and selected by our white colleagues – some of whom are members of the CP and the Broederbond. For instance, in the Drama department, which is headed by a black person, they just push programmes at him claiming that these are what are good for us. Blacks who are 'heading' departments have no power. They can't pull a trigger on anything. This really frustrates us.

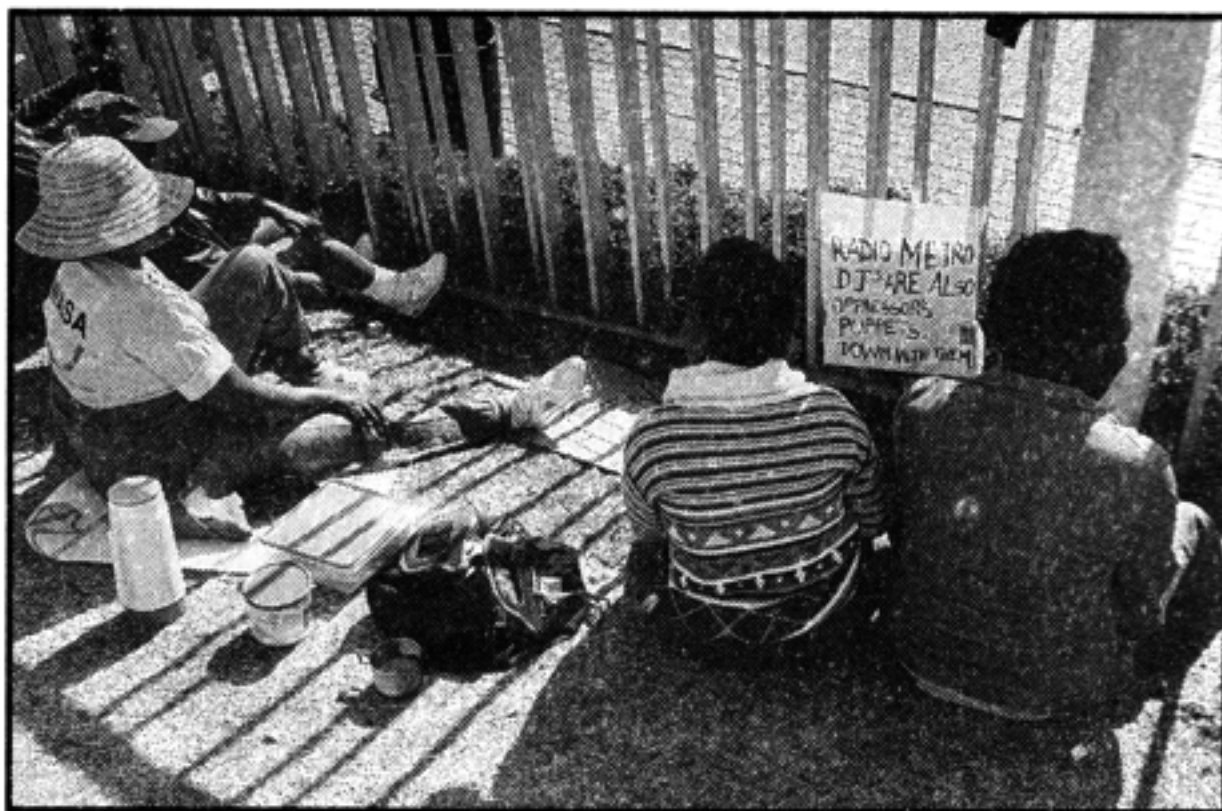
Camera operators - kept dependent

As camera operators, too, SABC does not give us room to develop. We are only given black productions to do. It is a 'privilege' to work on a white programme and you are told not to make a 'mess' of it. Black cameramen are made to depend entirely on their white colleagues.

Even if you have bright ideas on how to improve programmes, you know that you will be told that your ideas are irrelevant. This demotivates us. It is only now that we are given training, but still some of the courses that we undergo are not relevant to our profession.

Black radio announcers and editors under white decision makers

As in all other sections, black editors in the radio depend on whites who are the decision makers. You are not given the



On the picket-line at the gates of the SABC

Photo: William Matlala

responsibility to plan and be involved in the production of programmes. 'Mental work' is left to our white seniors.

As radio announcers we do everything – from collection of information to the final presentation. It is very difficult to be a black announcer within the structures of the SABC. We do our own typing, editing and presentation. At the end of the day, the pay does not reflect the tasks that we have to do.

It is different with white announcers. They just read scripts which have been prepared for them. This is really unfair since they earn more than us black announcers and yet do much less.

White radio and TV presenters are celebrities in their communities. We black radio and TV presenters are looked on as sell-outs. We are often ashamed when we go to our communities because of the lies that we have had to present.

Who is influencing black public opinion?

It is frustrating to work in such

an environment. We are looking ahead, but there are people who are putting concrete blocks in front of us. Our white colleagues are not prepared to change at all. Some senior editors are even members of the Conservative Party. After the Potchefstroom by-election they told us openly they were busy the whole night working for the success of the CP.

These are the type of people who are placed in strategic positions to influence public opinion. How can we have such people controlling editorial content on 'black' radio and TV? They are the ones who are controlling our work, and have big influence on the thinking and public opinion in the black population of South Africa.

We want our fellow black workers to know that most of what they see or hear on 'black' radio and TV is still being decided by Broederbond and CP whites, even if there are black faces and voices there. ☆



"A couple of days into post-communism a friend of mine said he was off to the hypnotist to stop smoking. While he was at it, he said, he might as well get the whole Communist era wiped out as well. It would be soothing, a straight transfer from Kerensky and the Duma to Yeltsin and the Russian parliament, with everything in between a blur. Whatever happened to that nice Czar Nicholas? Collectivization, what's that? Joseph who?" - *Alexander Cockburn*

After the fall: the failure of communism and the future of socialism
Edited by Robin Blackburn (Verso, 1991)

*Review by STEPHEN LOUW**

The above quotation, taken from one of the contributions to this collection, accurately summarises a popular response to the communist experiment in Eastern Europe and the former Soviet Union: close your eyes and pretend it didn't happen. There are, however, 'left' sympathetic thinkers who do not regard the adjective democratic in 'democratic-socialism' to be self-evident. Those who wish to interrogate critically the *communist* tradition in a search for a democratic and economically viable form of *socialism*, will not be happy with such an approach. It is to such an audience that Robin Blackburn's collection is aimed.

The contributors to the collection argue that the conditions in which communist revolutions occurred adversely affected their chances of success. They took place in countries lacking developed economic infrastructures and without traditions of democratic rule. Furthermore, soon after seizing power they were faced with vicious offensives by the imperialist powers.

But this does not justify the repression by the new regimes that followed. The arrogance of the Leninist Parties and their insistence on the scientific status of Marxism-Leninism must take

a good share of the blame. (Remember Lenin's boast that "Marxism is all-powerful because it is true".) Armed with an infallible doctrine, the vanguard party's policy of substituting itself for the working class rapidly turned into an excuse to do away with democratic institutions and justify the perpetuation of one party dictatorships.

A second reason for the collapse of the communist regimes is their economic stagnation. Central planning was relatively effective when there was a clearly defined national priority - for example the construction of a defence industry - to which all other demands were subordinated. From an overall perspective, however, it was a disastrous mistake which contemporary socialists should not try to repeat. In this regard the message is clear. As one of the contributors to this volume, Jürgen Habermas, puts it, "complex societies are unable to reproduce themselves if they do not leave intact the logic of an economy that reproduces itself through the market" (p 40).

This does not mean that socialists should abandon their commitment to egalitarianism and to economic democracy. The simple logic of 'the market' remains antithetical to democracy.

* *Department of Political Studies, University of the Witwatersrand*

In a context of unequal individual capacities and circumstances, it discriminates against the weak and the poor and allows the rich and powerful to exert an unaccountable influence on society.

In short, the message is that socialists have to learn to utilise the positive aspects of the market - its ability to co-ordinate the decisions and actions of millions of independent actors in an efficient and *relatively* cheap manner - without slipping into acceptance of the neo-conservative illusions about the 'free market' of Thatcher and Reagan. Neither of these, Norberto Bobbio reminds us in his contribution, has managed to solve the problems which originally gave rise to working class movements.

In order to do this, the market has to be socialised and subordinated to democratically - not centrally - determined objectives. Whilst this form of socialism-with-markets will seem inherently reformist to the surviving left-overs of the Third (and Fourth) Internationals, the arguments advanced in its favour seem more likely to win popular support than the Marxist call for an end to commodity production.

A second argument in favour of the socialised market (or "market socialism") is an ecological one. People must be made accountable for the resources they consume. Such accountability will necessarily require continual interaction between management of industry and representatives of environmental and community interest groups. It will also require the public disclosure of information central to the running of these concerns, a factor which is a direct assault on the unfettered operation of 'the market'.

At the same time, we must be careful not to overstate the importance of economic failure in our analysis of the collapse of the communist regimes. Many countries with far lower standards of living have been able to withstand the pressures of widespread dissatisfaction and revolt. In contributor Fred Halliday's view, the decisive aspect that needs to be examined is the way in which the changes in global communications made it impossible for the regimes to shelter their subjects from news about conditions in the western world. Once the enthusiastic commitment to the industrialisation

drive had ended, people were no longer willing to contribute an ever increasing proportion of their resources to the arms race. Unless we take seriously the effects of this change in popular opinion in the communist countries, we will not make sense of the collapse.

But it is not only the market mechanism that needs to be taken on by the socialist tradition. Norberto Bobbio argues that while the limitations of 'liberal democracy' must be subject to a permanent critique, it is important to acknowledge that the 'four fundamental freedoms of modern man' - individual liberty, freedom of the press and opinion, freedom of assembly, and freedom of association - are central to the socialist project. They make it possible. Without these freedoms it would be impossible for free trade unions and free parties to be formed, and for the concept of a democratically managed and pluralist society to have any relevance at all (p 3-5).

The book is not, however, without its disappointments. In contrast to those who see multi-party democracy as a viable alternative to the concept of proletarian democracy defended by classical Marxism, Ralph Miliband argues that "some degree of representation may be unavoidable, but it should be kept to the minimum." He urges that socialists should vigorously defend "the radical alternative to representative democracy" as stipulated by Marx and Lenin (p 12). Can we really take Miliband seriously in the light of Lenin's definition of the dictatorship of the proletariat as "rule won and maintained by the use of violence by the proletariat against the bourgeoisie, rule that is unrestricted by any laws" ? With all due respect to Miliband, this is not a promotion of unrestricted popular rule, and is certainly not something which should be defended, in however qualified a fashion, by democratic socialists today.

What then are we to make of the socialist project in the context of the contemporary 'crisis of Marxism'? We have to break decisively from the classical Marxist tradition by

- accepting that a true communist person, who is neither selfish nor greedy, does not exist; and

● accepting – and not just as interim measures – that the market and representative democracy need to be defended for the freedoms (although imperfect) which they contain.

This is, however, a necessary development. As Robin Blackburn points out: “As we enter the last decade of the twentieth century, the ruin of Marxist-Leninist Communism has been sufficiently comprehensive to eliminate it as an alternative to capitalism and to compromise the very idea of socialism. Today’s moribund ‘Great Power Communism’ is not a spectre stalking the globe but an unhappy spirit, begging to be laid

to rest” (p 173).

For those of us disgruntled with the failure of the classical Marxist tradition to provide a workable alternative to Soviet-style communism, but who believe that the struggle against the capitalist system is far from over, this book marks an excellent move in the correct direction. It is a great pity that the South African Communist Party has chosen to ignore the very real lessons of history which this book so effectively highlights, and, like Alexander Cockburn’s friend, they have preferred to close their eyes and pretend that nothing ever happened. ☆



From De Loor* to Enoch Godongwana, from Geoff Schreiner to Barend du Plessis (before his knock out by NUMSA’s Fanaroff), the social contract is the buzz word as South Africa slowly moves away from formal apartheid, and debates over economic strategies attempt to move with the times.

In this context, Bashier Vally’s slim volume on the social contract is a welcome, although introductory, contribution to this debate. He has two main objectives in this book. His first is to introduce the basic concept of the social contract. His second is to offer a dismissal of this project.

1 What is a social contract?

At the outset, it is necessary to point out some concerns in relation to Vally’s understanding of the social contract. On page 3 he says “the terms ‘social contract’ and ‘corporatism’ are

used interchangeably”. In this context corporatism is the same as social democracy and social accord.

I am not comfortable with this. Firstly, it seems to me that corporatism has various faces - one of which is fascism! Secondly, whilst the participating parties are the same (state, labour, capital) in all these forms of corporatism, particular historical, economic and ideological factors are important in understanding the subtle differences that exist, for example, between the corporatism of Australia and that of Sweden.

A social accord that might be agreed in this period of transition in South Africa would have a different character yet again. It seems to me that to conflate these modes of corporatism is not helpful at all.

Vally is relatively successful in his initial undertaking when he looks at the current debates in South Africa on the social contract. In this regard, he quotes the *Business Day* (19/2/91) which argues that, “South Africa’s ‘haves’ must

* Head of government committee on housing

always be aware that, not least for reasons of their own security, they cannot exclude this country's most disadvantaged people from the coming new deal."

Previously the same paper had sermonised: "If there is sufficient in a deal to advance the interests of all contending parties, an arrangement can be realised/reached. A powerful incentive for South Africa to aim in this direction is, to coin a phrase, the ghastliness of the alternative."

These sentiments are echoed by leading figures of the labour movement although inspired by different motivations. For instance, COSATU assistant general secretary, Sam Shilowa, does not dismiss the possibility of a social contract when he says, "a social accord is not something that we should rule out, but it is something for which the climate does not exist at the moment" (*SA Labour Bulletin* Vol 16 No 3).

NUMSA's Geoff Schreiner and Enoch Godongwana are more clear on the need for a social contract which they see as having the ability to "culminate in socialism", provided mass involvement and a socialist perspective is maintained (*SA Labour Bulletin*, Vol 16 No 1 and No 4 respectively).

Will the views of these different actors in South Africa lead to a social contract? Vally comprehensibly shows - even though in the abstract - that all parties benefit in a social contract though to different degrees. For now he considers that "whether this will result in the conclusion of a social contract remains unclear?" (p 10).

2 What are the alternatives?

Having given the background and clarified the concepts, Vally goes to his second objective which is to look at the problems of a social contract. Whilst this section is pregnant with interesting insights, its verdict for the South African working class is, for Vally, very clear: Do not enter a social contract!

The important question is: what is the alternative?

There appears to be truth when Bill Freund says (*SA Labour Bulletin*, Vol 16 No 5) that the ANC and the SACP are content with preserving

the present socio-economic status quo (with the racism removed). This is acknowledged by leading thinkers of the congress movement such as Rob Davies (cited in *Workers' Voice*, No 3, June 1992).

If this is the case, is it realistic in the present conjuncture, to argue for an alternative? What is such an alternative? Is an alternative (a possible socialist revolution, or militant abstentionism) possible or correct in the interim without the involvement of the Congress Alliance? Whilst Vally, by his rejection of the social contract implies this perspective, or some version of it, he is however silent on an alternative.

To put the question in another way: which is better in the current situation, unbridled capitalism or a social contract? Vally does not enter into the demanding arena of positing a way forward. He says as he wants to avoid being like "academics in the universities (who prescribe) to the labour movement from the side lines(p iv)". But is this the case? Is he really "short on prescription and speculation", as he claims to be?

I would argue that, like anyone involved in this debate so far, Vally, though apparently carefully 'balanced', does take sides on the issue. In order to maintain his apparent neutrality in this debate, Vally has to evade the challenge of coming openly with an alternative to the social contract. This, to me, is his major shortcoming.

The strength of this book is in its ability to introduce us to the debate on the social contract. It succeeds in painting the broad picture and introducing the key concepts and key commentators on the subject. It is also a strength that it is critical, although in a very generalised way, on the social contract. Its major weakness is the fear to probe the unknown and to posit the way forward for the working class in South Africa.

Maybe what we ought to await is not a convincing argument on the pros and cons of the social contract (important as this is), but rather an argument on what is the best way to advance the socialist struggle in the current period in South Africa. This has to be the yard stick by which commentators on the way forward have to be measured. ☆



Recent developments on retrenchments

by PAUL BENJAMIN of the Centre for Applied Legal Studies, University of the Witwatersrand

The guidelines for fair retrenchment were laid down by the industrial court in the mid-1980s. These include procedural requirements such as the obligation on the employer to consult with a trade union and explore alternatives to the retrenchment and disclose relevant information; as well as substantive guidelines like the use of objective tests such as 'last in, first out' (LIFO) in selecting employees for retrenchment.

The economic recession has meant that high levels of retrenchment have continued. In the last three years there has been considerable uncertainty on the rules for

retrenchment. Different members of the industrial court have differing views on issues such as

- whether there must be consultation over the decision to retrench,
- what steps the court should take against employers who have not complied with the procedural guidelines,
- whether there is a legal obligation on employers to pay severance pay.

The labour appeal court has now given a number of decisions in retrenchment cases and this has brought greater clarity to the law, although there are remaining areas of uncertainty.

What is a retrenchment?

The language used to describe retrenchment has been confusing. However, the labour appeal court in *Young v Lifegro*, makes accurate use of the relevant terms. A *retrenchment* is the dismissal of *redundant* employees. An employee is redundant when he or she is not needed by the employer to run its business. The reason for this may be a down-turn in business, mechanisation, rationalisation or closure of a business or a section of business. The reason does not effect the nature of the dismissal as a retrenchment.

In the *Young* case, the employees were senior officials in an insurance

company taken over by another insurance company. They were both offered jobs of equivalent status in the new corporation created as a result of the merger. They refused the offer and requested instead that they be paid severance benefits. The court said that the employees had not been retrenched because the reason for their dismissal was their refusal to accept an offer of suitable alternative employment. Where a worker refuses an offer of suitable alternative employment, he or she will not be entitled to any severance benefits. Whether or not an offer of alternative employment is considered 'suitable' depends on the nature of the new job and whether it will involve the employee in hardship. For instance, if the new position involves a major change in job, a demotion or decrease in earnings, or requires the employee to travel excessive distances or move house, the court would accept that the employee was entitled to refuse the offer and still receive severance benefits.

Are employers obliged to pay severance pay?

In the *Young* case as well as another labour appeal court judgment (*Cele v Bester Homes*) the court has held that there is no obligation on an employer to pay severance benefits to retrenched workers. It will therefore not be an unfair labour practice for an employer to refuse to

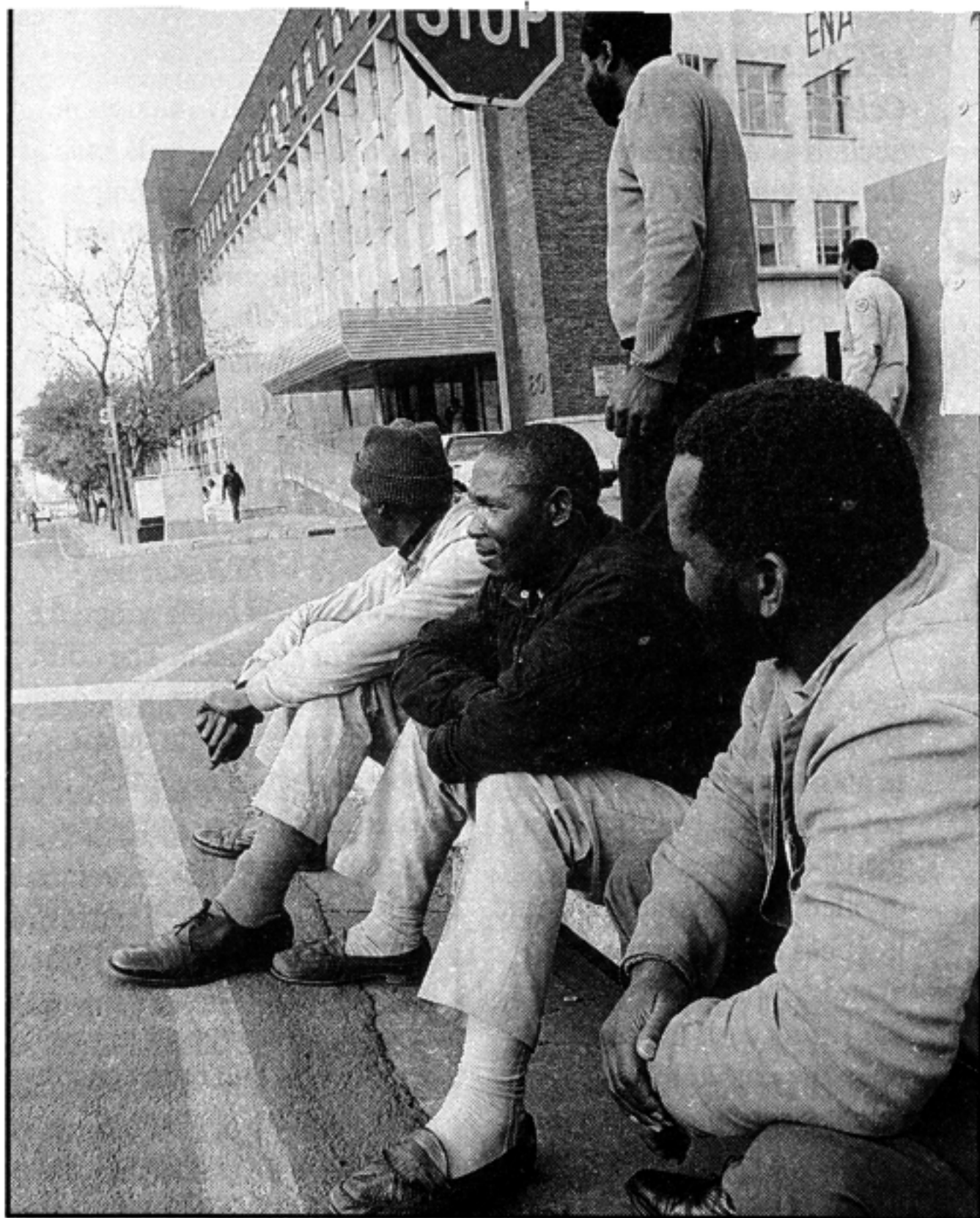
pay severance benefits and the court will not order the payment of severance benefits. The court said that in the absence of an express statutory duty (for instance, a duty to pay severance benefits introduced into the Basic Conditions of Employment Act) there is no obligation to pay severance benefits.

The effect is that severance benefits have to be achieved through collective bargaining. Trade unions are well advised to demand (either during wage negotiations or at another time) at least a minimum level of

severance benefits. If the benefits negotiated are 'minimum benefits', unions will be able to press for additional benefits during any particular retrenchment.

What should a trade union do if the employer refuses to negotiate over severance pay?

As severance pay is now a subject for collective bargaining, it falls under the general 'duty to bargain' and logically a refusal to bargain on severance pay is an unfair labour practice. However, in



Out on the streets - little joy from the courts for retrenched workers

Photo: Shariff

Cele the court refused to declare as an unfair practice the employers' refusal to consult or negotiate on severance pay, because the company had a policy of not paying severance benefits. This must be wrong: if there is no right to severance pay, it can only be determined by collective bargaining and the refusal to bargain is a breach of the duty to bargain.

What if the employer agrees to negotiate but then adopts the attitude in negotiations that it will not pay severance benefits? Here the labour appeal court is divided. In *Cele* the court said it would not intervene and award severance benefits. In the *Young* case the court left open the possibility that there might be circumstances in which the employer's refusal to pay severance pay was so unfair that it could be an unfair labour practice.

Procedural unfairness

Some members of the industrial court have adopted an approach known as the 'no difference' principle in considering the procedural fairness of a retrenchment. The effect of this approach is that an employer's failure to consult with a trade union or with employees over a retrenchment is only an unfair labour practice if the employees can prove to the court that proper consultation would have changed the outcome of the retrenchment (for instance, that it could have saved some of the jobs).

This is generally impossible to do as the union will have to show that the retrenchment was unfair without having received information about it during consultations. As a result, the failure by employers to consult is often not punished by the court.

In a very recent labour appeal court judgment, *Ellerines v Du Randt* the labour appeal court adopted a different approach. The court held that the failure to consult was an independent unfair labour practice regardless of whether it had an impact on the outcome of the retrenchment. In that case the employee was awarded two months wages as compensation for the employer's failure to consult over the retrenchment. Hopefully this judgment will mean the end of the no 'difference rule'.

The obligation to consult

When does the employer's obligation to consult with a trade union over a retrenchment arise? The initial approach of the industrial court was that the employer must consult over the *need* to retrench. However, in some recent decisions, the court has said that a retrenchment should be divided into two phases: the decision over the need to retrench and the implementation of that decision. They have said that the employer need only consult on the second phase of retrenchment - the

implementation of the decision - but need not consult over the 'in principle' decision to retrench. The effect of this approach is to exclude the union from participating in the most important consideration: whether or not to retrench. Although, there is one labour appeal court case *BCAWU v Murray & Roberts* which appears to endorse this view, it is hoped that the more perceptive trend in recent cases such as *Ellerines v Durandt* could lead to a revision of this attitude.

Conclusion

As you will see, the law on retrenchment is in a state of flux. But, by and large, it is an area in which there is little joy from the courts for workers and unions. Once an employer has consulted, there is little prospect of the workers getting assistance from the court. The primary response to retrenchment therefore must be organisational. Severance benefits will have to be negotiated. If the right to severance pay is to be secured for all employees, this will require a successful campaign for new legislation. ☆

Further Readings:

Labour appeal court cases (Industrial Law Journal)
Young v Lifegro (1992) 3 ILJ 256 (LAC)
Ellerines v Du Randt (1992) 13 ILJ 611 (LAC)
Cele v Bester Homes (still to be published)
BCAWU v Murray & Roberts (1992) 13 ILJ 112 (LAC)

New threat to the closed shop: a defence campaign is needed

Objections to the closed shop

Progressive unions have had serious objections to the closed shop as it was used in the 'old' South Africa. White unions used the closed shop to keep black workers out of skilled jobs.

But now progressive unions are seeing the value of the closed shop. It is a measure for protecting unions against free-riders, splinter unions and sweetheart unions. It has become vital for the protection of union security.

Government proposes new change

Recently the government proposed that the new Labour Relations Act – currently under discussion – should give workers the right to “elect not to become a member” of a trade union. This is a direct threat to the collective rights which form the basis of the union movement.

Such a change – unfortunately supported by a number of lawyers – will seriously weaken many



Economic Notes is supplied by the Labour Research Service (LRS), Cape Town

unions, especially in industries with high labour turnover. Such unions will have to recruit their whole membership over and over again every few years. The hotel, clothing and textile industries are examples.

The Chamber of Mines has also demanded the abolition of the closed shop in the mining industry. They liked it when it was used for racial discrimination; they abolish it when the NUM wants a non-racial 'agency' shop!

Collective rights of workers undermined

Serious study of the various draft 'Bill of Rights' set out by political parties is also needed. Individual rights are protected heavily, but the *collective* rights of workers are undermined.

A defence campaign is needed

The banning of the closed shop is another form of deregulation. A defence campaign is needed. ♦

'Combatting inflation' but workers pay the price

Workers suffer, and companies gain

A leak from the Department of Manpower has revealed that the Manpower minister is interfering with industrial agreements. He says he is combatting inflation, but it is workers who suffer, and companies which gain.

It is believed that the minister is refusing to gazette agreements which exceed the rate of inflation. So collective agreements made voluntarily by employers and trade unions can be refused by the minister.

This may be what the previous minister meant when he said in Parliament that “agreements should be published **unless they are not in the public interest**” (*Hansard*, Col 6414, 6 May 1992).

Government against real wage increases

The government obviously believe that increased real wages are against the public interest. With the long delays before the minister's approval for agreements is obtained, industrial councils are greatly weakened – by ministerial interference alone.

There will be little point to

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statutory collective bargaining if such interference continues. If workers cannot use industrial councils to achieve higher real wages with the agreement of the employers, they will be forced to resort to other measures.

Nothing in the LRA

Nothing in the Labour Relations Act empowers the minister to refuse publication of agreements in order to fight inflation.

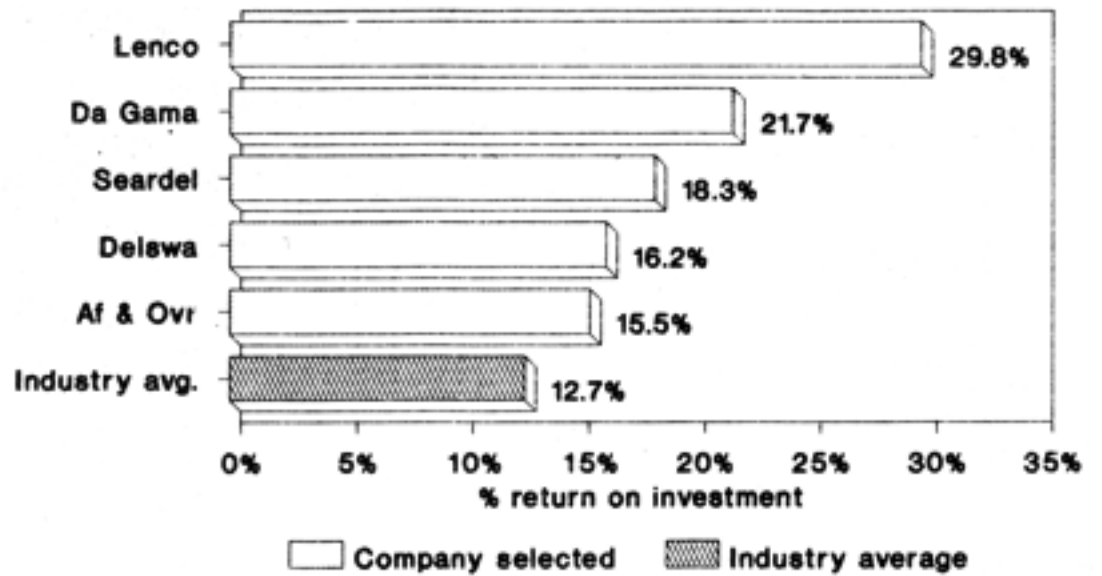
Perhaps the government should set an example by controlling its own ballooning costs, before using administrative controls to make the workers pay. ❖

Industry profile: clothing sector

The clothing industry had a bad year in 1991. The 1991 annual reports of clothing companies show large decreases in company profits and sales. Both sales and profits increased on average by less than the 1991 inflation rate of 15,3%. Sales increased by only 8,7% and profits after interest and tax fell by 5,5% from their 1990 levels. This means that clothing companies suffered losses in real terms in 1991.

Return on shareholders' funds, however, which shows how profitable a company is, gives a better picture. The calculation "return on

A STILL PROFITABLE INDUSTRY
Shown by return on shareholders' funds



Labour Research Service 04/92
Source: McGregors-on-line

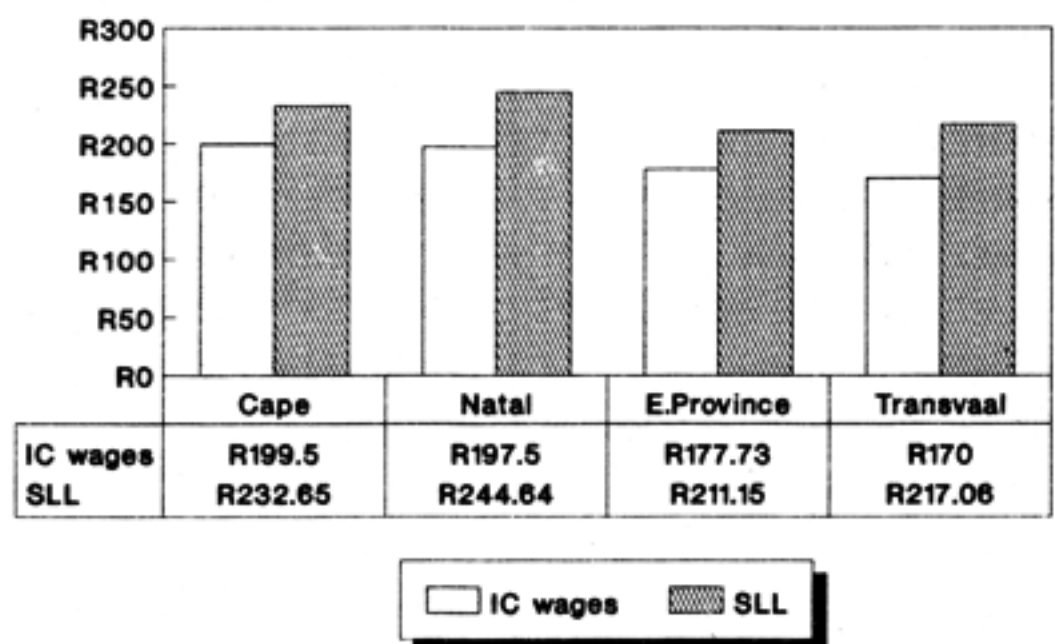
shareholders' funds" takes the shareholders' funds and divides by the profits after interest and tax. The graph below shows that the returns in five big clothing companies were above the inflation rate.

Machinists' are still earning less than the Supplemented Living Levels (SLL) for February 1992. The SLL is a poverty datum line

produced by the Bureau of Market Research of the University of South Africa, for August 1991.

Employers in the clothing industry expect levels of exports to increase considerably within the next twelve months. The average factory use in the clothing industry in November 1991 was already at 84,4%. Therefore an increase in

Machinists' are earning poverty wages
wages compared to the SLL



Labour Research Service 04/92
Source: Bureau of Market Research

exports should result in an increase in employment or, at least, an end to retrenchments.

The economic recession has had a silver lining for the clothing giant Seardel. It has meant that the stronger companies can take over the weaker companies. Seardel has recently taken control of the textile group Frame. This is significant because the clothing industry is very sensitive to the price of material. About 55% of the cost of a garment represents material costs. This places Seardel in a better position to exploit an increase in demand for South African clothing exports. This is a fine example of how monopolies can thrive in an economic recession.

On the whole, however, the recession has negatively affected the clothing industry. During 1991 employment fell by about 20 000 in the clothing and textile industries. It can be expected that clothing employment will rise in the third and fourth quarters of 1992, as the economy picks up. ❖

Building a million jobs

Labour intensive construction

Unemployment is one of South Africa's most urgent problems. It is a legacy of apartheid that cannot be easily undone. Recent research has indicated that

labour-intensive methods in the construction industry can go a long way to alleviating the problem of unemployment.

Switching to labour-intensive construction means a 200%-500% increase in employment. At present, a rural road costs R100 00 per kilometre using conventional methods - but only R10 000 would go to employing workers. Using labour-intensive methods, this could be increased to R65 000 (ie a 550% increase) for the same quality of road.

Not only has the level of unemployment increased, but the economy has become more capital-intensive (ie employers are replacing workers with machines). Between 1981 and 1990, 1% economic growth resulted in only 0,5% growth in employment. This means that the pattern of economic growth (ie increasing capital intensity) is causing unemployment.

Create employment as well as quality products

Research by the World Bank in 1986 revealed that it is feasible to replace machines with workers in civil construction (for example, constructions such as dams, roads and buildings).

Sometimes it is even cheaper to do so. In South Africa there is great need for housing and infrastructure like water and electricity supply, especially in the rural areas. A labour-intensive employment

creation programme could be established to construct and maintain the required infrastructure.

These employment creation programmes must create both employment and quality products as well. A reason for the failure of many 'emergency', or short term, employment schemes was that they concentrated only on creating jobs, but not on producing quality goods.

Public sector provides the funding

The public sector must be the source of funding. It is also the institution responsible for the planning, control and evaluation of the programmes. But it does not have to be the employer. Most employment in the construction industry is provided by the small contractors involved in short term projects. The public sector thus provides the planning and the incentives to which the small contractors will respond using the prescribed labour-intensive methods.

Most labour-intensive construction involves good interaction with the community in order to succeed. Proper consultation with the community must take place during the planning stages.

Problems with the governments' job creation schemes

The government's 1992/3 budget released R1 billion from oil reserves for job creation. And the Independent Development Trust (IDT) has

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allocated R750 million for projects that create employment. Unfortunately these projects are short term projects (about 15 months) and were launched without planning or discussion in the community. These projects also do not fit into any national programme. They will not leave any permanent structure to alleviate unemployment after these short term projects are completed.

Conclusions

- It is not true that labour-intensive methods, in the construction industry, would be more costly, take longer and result in lower quality work.
- There should be a ten year national plan based on research in participation with the community and unions.
- Small scale pilot projects should first test the plan.
- Small contractors must be encouraged to tender for local projects.
- Products created must belong to the communities and be useful to them.
- There must be a training component in the programme so that trained workers will be provided for companies and organisations in the country. ☆

● **Source:** *Employment Creation in Construction in South Africa: The Potential and the Problems*, Rob McCutcheon, 22 February 1992.

Inflation

Area	Consumer Price Index (1990=100)	Annual rate of inflation (% increase over 1 year)
	Mar 1992	Mar 91 - 92
Cape Town	127.9	16.9%
Port Elizabeth	126.5	14.6%
East London	126.8	15.5%
Durban	125.4	15.1%
Pietermaritzburg	129.0	17.7%
Witwatersrand	128.5	16.3%
Vaal Triangle	123.5	13.2%
Pretoria	125.9	14.1%
Klerksdorp	126.8	14.5%
Bloemfontein	122.5	14.2%
OFS Goldfields	126.2	14.4%
Kimberley	125.9	16.0%
South Africa	127.3	15.7%

Source: Central Statistical Service

Inflation

Area	Consumer Price Index (1990=100)	Annual rate of inflation (% increase over 1 year)
	Apr 1992	Apr 91 - 92
Cape Town	130.1	17.0%
Port Elizabeth	128.5	14.4%
East London	128.6	16.0%
Durban	127.0	15.1%
Pietermaritzburg	130.8	18.0%
Witwatersrand	129.5	15.4%
Vaal Triangle	124.7	12.9%
Pretoria	128.2	15.5%
Klerksdorp	128.5	15.0%
Bloemfontein	124.0	14.9%
OFS Goldfields	127.9	14.2%
Kimberley	127.1	15.5%
South Africa	128.9	15.6%

Source: Central Statistical Service

What people say about the Community Growth Fund

"...the fund will give workers, through their unions and the fund's structures, increasing leverage over major companies ... they will doubtless attempt to use this collective financial muscle to influence longer term management practices ... This is no bad thing.... socially irresponsible companies often make unfavourable investments." *Business Day*, editorial comment
Phone the Labour Research Service at (021) 471 677 for your Community Growth Fund brochure.

I believe in socialism as the only system which will bring about fundamental change for workers. I do not believe in a system where one person exploits another.

LES KETTLEDAS, NUMSA's National Secretary for Collective Bargaining, talks to Snuki Zikalala

I was born on 11 May 1948 in Johannesburg, but I left the Golden City with my mother at the age of six for Humansdorp, in the Eastern Cape, where I completed my primary education. In 1965, I went to Port Elizabeth and completed my secondary education at Patterson High.

I then worked for a year and half in the chemical laboratory at Bostik, an adhesive factory in Port Elizabeth. In 1968, I moved to General Motors where I stayed until 1974.

First involvement with trade unions

My first involvement with trade unions was in 1968. Although I was still young, it was immediately clear to me that workers were exploited and oppressed as a result of discrimination in employment practises. I joined the National Union of Motor Assembly and Rubber Workers of SA (NUMARWOSA), and was elected as a branch executive member.

In October 1974, I became the branch secretary of the union and later reached the position of national treasurer.

In those early years we were affiliated to the racially-based Trade Union Council of South Africa (TUCSA), but because of that organisation's lack of interest in organising black workers, we disaffiliated from TUCSA in 1976.

Moving to non-racial trade unionism

In the early 1970s the so-called coloured workers' unions were legal in terms of the Industrial Conciliation act, but unions for African workers were illegal. I was one of the people who started organising African workers into unions in 1971, even though it was illegal.

We assisted quite actively in the formation of what was then called the United Automobile Rubber and Allied Workers Union, the African sister union to the so-called coloured union then.

We organised African workers because we believed in non-racialism from the start. It was important for us to have unity of all workers in fighting exploitation and oppression.

However, there were really major problems in those days in organising workers into the unions. Because of fear of dismissals, workers were afraid to associate themselves with the union. We analysed and discussed this problem and were able to convince our workers. We showed them that as individuals they were weak in the face of the employer, and they had to unite with all other workers to be stronger.

From NAAWU to NUMSA

That co-operation and development culminated in the formation of one auto industry union on 26 October 1980. It was possible to merge

PROFILE

when the legislation was amended, in 1979, allowing black workers to form their own unions, but even before that we were effectively operating with African workers as one union.

Then, through the merging of NUMARWOSA with the United Automobile Rubber and Allied Worker Union and the Western Province Motors Assembly Workers Union, we formed the National Automobile and Allied Workers Union (NAAWU).

In NAAWU, I was elected the regional secretary of the Eastern Cape until I later became a national organiser responsible for the automobile, motor and tyre industries.

In 1991, I became the national secretary responsible for collective bargaining in NUMSA which was formed in 1987 out of a merger of NAAWU, the Metal Allied Workers Union (MAWU), and Motor Industry Combined Workers Union (MICWU).

NUMSA continued to attract a large number of semi-skilled and skilled workers into its ranks. Most of the coloured workers in auto and motor industries have been organised into NUMSA. In the engineering industry, we don't have as many coloured members as we would like.

In recent years, as NUMSA proved its effectiveness in defending workers, we have even been able to recruit some white workers, although as yet not many. We believe that all workers in the industries in which we operate should become members of NUMSA.

From FOSATU to COSATU

During that period of the 1970s, I was also the regional secretary for the Eastern Province for the Federation of South African Trade Unions (FOSATU), and later when COSATU was formed I became the acting regional secretary for COSATU until 1987. Those positions were in fact held as honorary and part time positions in addition to my own work within the automobile union.

The strength of FOSATU was that the federation brought together most of the independent unions. In FOSATU, there was tremendous co-operation in the fields of

organising, education and negotiations. During that period there was militancy in the affiliates of FOSATU and that tradition of militancy has been carried through to COSATU.

The job of national negotiator

Some people see national negotiators as being 'caught' between two sets of pressures - from the bosses on one side and from the workers on the other.

I have never seen myself as being caught between the employers and the trade union members. This is because my function primarily is to represent the interests of my members in terms of the mandate that I hold. I fully support the demands for which I have to negotiate, and therefore I cannot see myself in a situation where I must take into consideration the employers' view.

Negotiation is a process. In the final analysis, it is the membership that decides whether to accept what has been negotiated. I would never go back to the workers and ask them to modify their demands because I believe those demands are justified.

We have a practice in the union that negotiators are not empowered to accept and sign agreements on behalf of their members until such time that those agreements have been ratified by the members.

Difficulties of a recession period

The main difficulties that we face in the current recession is that the employers are trying to make us pay for *their* problems. Whether in a recession or even a boom period, employers always refer to our demands as being "unrealistic".

But it is much more difficult for us in circumstances of economic recession to convince them that, even though they may see our demands as unjustified in current economic circumstances, in our view they *are* still justified, taking into consideration the long history of exploitation and oppression that has been going on. We always have difficulties in getting the employers to understand that workers' demands are fully justified.

COSATU has to play a key role

One of the biggest problems that we have in our country today is the growth of unemployment. We in COSATU have to make a serious contribution towards getting the economy to provide for full employment for all working people. The social problems that we are having are being aggravated by unemployment.

As a trade union movement we have to play, and accept to play, a key role in the development of the economy.

As an affiliate of COSATU, we do not accept the unilateral restructuring that is going on at the moment. The campaign to have the National Economic Negotiation Forum established is the right direction. We should continue to push for that, so that we are recognised as a key player within the economy.

I fully support mass action

I fully support the ANC's programmes for mass action. We would ourselves as a trade union engage in industrial action in order to secure our demands if the bosses are stubborn. If there is no real progress in negotiations, then we would be forced to go to our membership, ballot them and determine whether or not they are willing to embark on industrial action. This will secure our demands.

I support the position of the ANC on the Interim Government and the Constituent Assembly. Workers will, I am sure, participate in the programme of mass action so that these demands are met.

At this stage I am not directly involved with any political organisation. I am spending a lot of my time in union activity although I fully support the principles and policies of the ANC. In Port Elizabeth, I was involved in the formation of parent, teacher and student organisations. Because of the intensity of union work one hardly has time to get involved in other activities.

I believe in socialism

I believe in socialism as the only system which will bring about fundamental change for workers. I do not believe in a system where

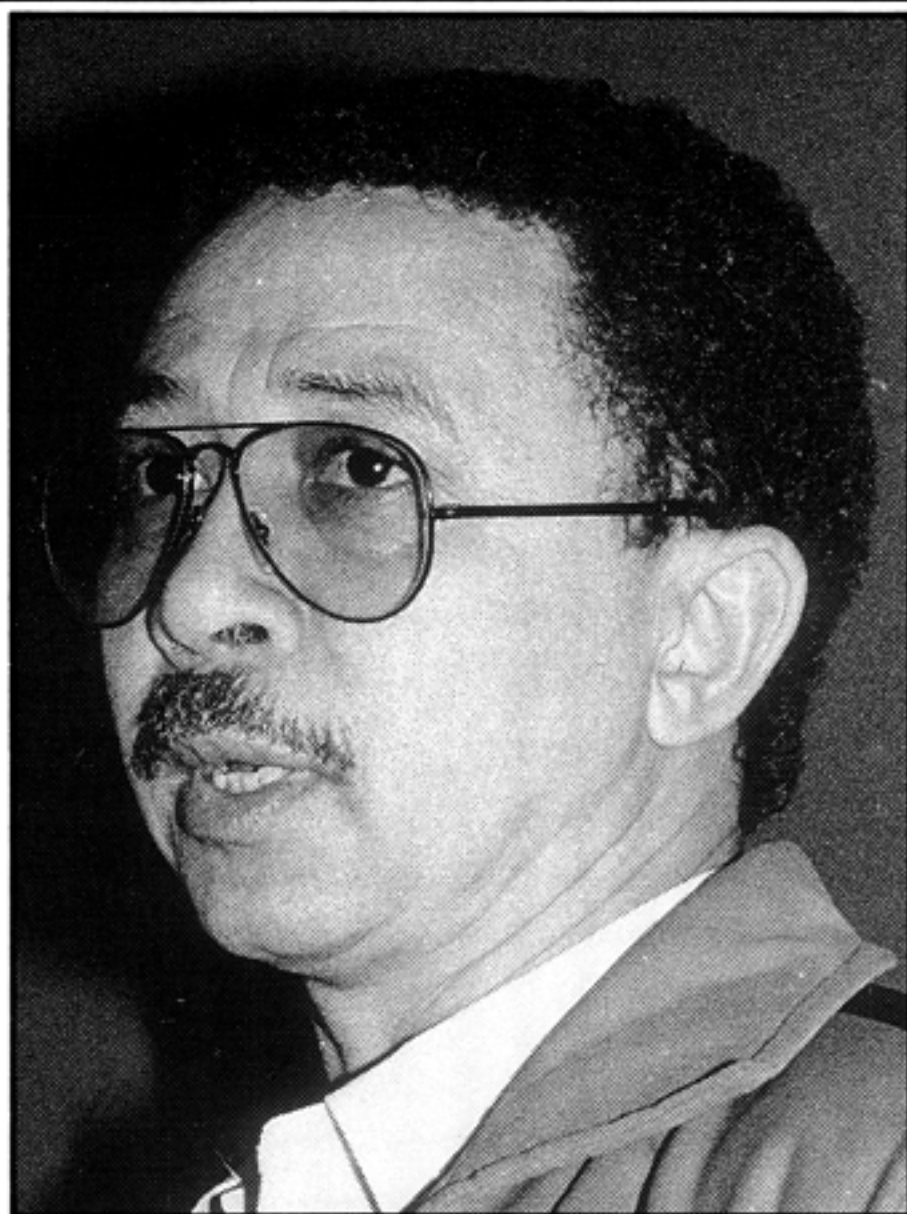


Photo: William Matlala

one person exploits another.

I have been to the United States, Britain, Sweden, Japan, Jamaica, Denmark, Holland, Germany and Italy. Certain aspects of the Swedish economic system are appealing to me. It is much better than what we have in South Africa.

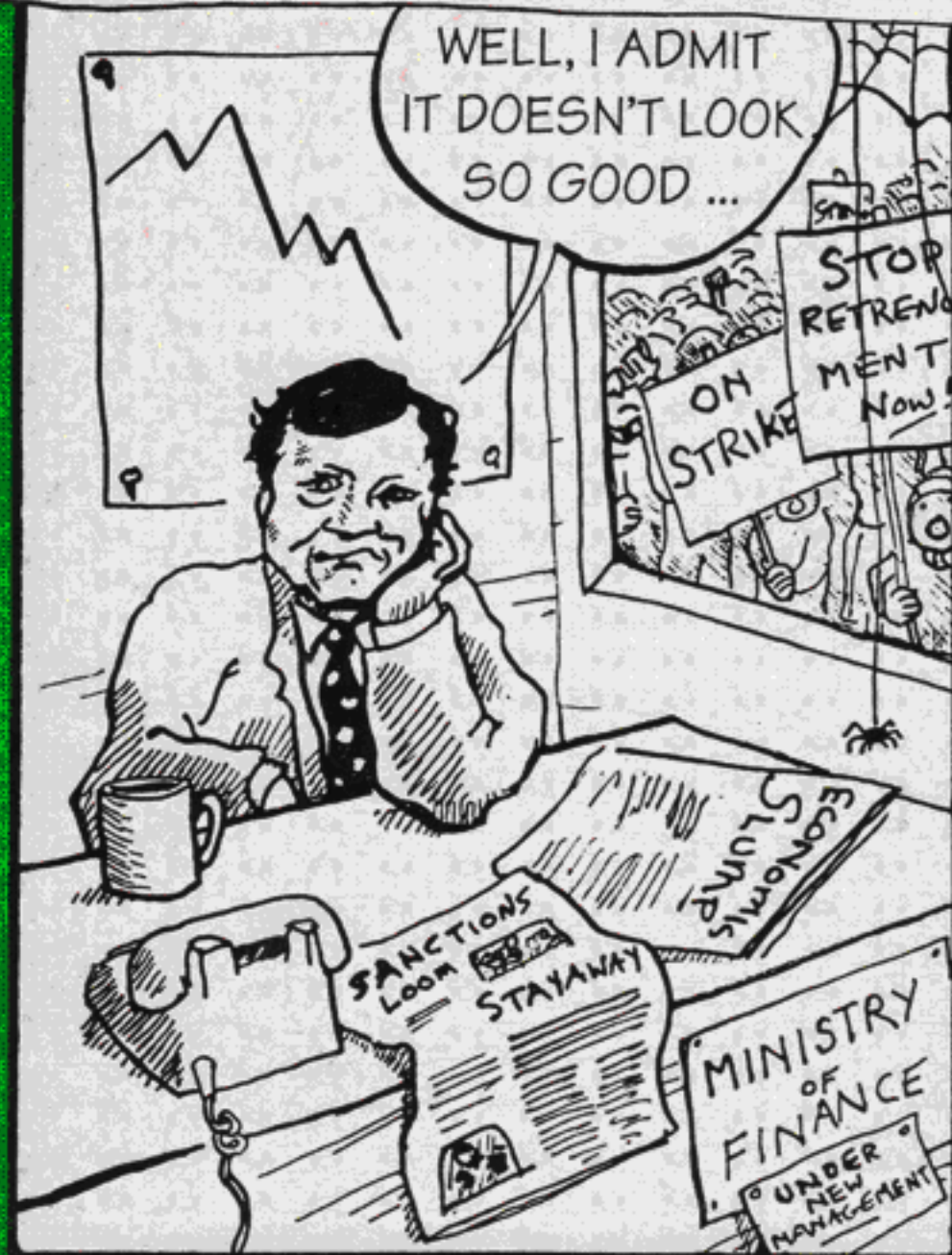
Workers in this country have been exploited and oppressed for centuries. The level of unemployment is unacceptable. Hunger, poverty, homelessness, joblessness must be eradicated.

My family, work and leisure

I am married with three kids. The little time that I have, I always try to spend at home in Port Elizabeth. This is particularly at the end of the year when we shut down for about a month. I like to go to Jeffrey's Bay and spend sometime at the sea. I grew up in that area and it reminds me of my youth. I prefer smaller and quiet places.

My favourite sport is rugby. I played it when I was at school. From time to time I watch soccer and tennis, but due to union activity one does not have time to join one of the gym clubs. ☆

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