

SOUTH AFRICAN LABOUR BULLETIN

LABOUR ORGANISATION AND REGISTRATION

FRANCINE DE CLERCQ	A HISTORY OF REGISTERED UNIONS
W.P. GENERAL WORKERS UNION	REGISTRATION AND ORGANISATION: THE CASE OF THE STEVEDORES
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SOUTH AFRICAN LABOUR BULLETIN

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Letter From TUCSA

Comment - 'The Re-alignment of the Registered Trade Unions'
SALB Vol. 5, No. 3 - October 1979

In the interests of accuracy it must be pointed out that the second President of the Trade Union Council of South Africa was Thomas Charles Rutherford, and not John Rutherford, as stated in your article. It is further pointed out that the quotation attributed to Rutherford comes from a speech made by him, and not a letter. The remark made was contained in his opening address, delivered to the Conference of the South African Boilermaker's Society, on November the 7th, 1955.

Rutherford's speech was indeed quoted by Mr. M. Steyn in Parliament, but the year was 1956, during the debate on the draft Industrial Conciliation Bill.

As it is a well known fact that quotations out of context can be made to prove almost anything, it is therefore important to consider the sentence in Rutherford's speech following immediately after the one quoted: **'We did not object to the employment of Natives in industry, but we desired the creation of effective machinery to protect the workers from the exploitation of Native labour for cheap labour purposes'**.

This speech made by Rutherford outlined the steps which had been taken, first by the Unity Committee and the subsequent Conferences, and then by TUCSA to combat the National Party's proposals, contained in the draft Industrial Conciliation Bill, to racially segregate the trade union movement, and introduce job reservation, both of which proposals were bitterly opposed by the unions which comprised TUCSA. It should also be noted that it was the then Government's intention to racially segregate the labour movement which was the catalyst leading to the formation of TUCSA.

To use this quotation to attempt to prove TUCSA's concern as being solely that of protecting White workers' interests, is a gross distortion. TUCSA at that early stage was already a multi-racial organisation, the overwhelming majority of its affiliates being 'mixed' trade unions. (Indeed, as mentioned above, it was the government threat to the **mixed** trade unions which led to the creation of TUCSA). It is therefore difficult to understand how the stand which was taken by a multiracial organisation can be construed as being in the interests of Whites only. Incidentally, TUCSA is still the only completely

business to help in the organisation of Black workers in their industries, and have retained close links with such unions - which could not be registered, up until very recently. In the trade union tradition, this concept is best summed up as 'in unity lies strength'. Such organising activity is also, most certainly, a legitimate trade union activity. As committed trade unions, it must naturally be the objective of TUCSA's affiliates to help in the organising of as great a part of the workforce as is possible, thus building a united and strong labour movement.

It must also be pointed out that the subject of parallel unions was not a topic which received attention at the most recent TUCSA conference. It has received attention at several TUCSA conferences in the past. Over the past two years, in anticipation of the new labour dispensation, many TUCSA affiliates have given increasing attention to the organisation of Black workers. It must again be emphasised that this is activity undertaken by the TUCSA affiliates, as independent trade unions. TUCSA is a co-ordinating council and, as previously stated, may not interfere in the domestic affairs of its affiliates. TUCSA certainly has a policy in this regard, namely, to encourage and foster the establishment of **bona fide** trade unions and trade unionism, but TUCSA itself cannot, and does not, undertake organising campaigns.

TUCSA, therefore, is not conducting an 'organising drive' as is contended, but its affiliates are certainly working to make the labour movement in South Africa stronger. Even less is TUCSA conducting an 'offensive' against independent African trade unions. TUCSA would like to be presented with some factual information to justify this unwarranted and incorrect assumption. All organising is done by TUCSA affiliates, and not as part of any centralised campaign. It may be that TUCSA affiliated unions have on occasion entered areas in which the so-called 'independent' unions have an interest, but it is certain that often such 'independent' unions have been known to attempt to go into areas in which TUCSA affiliates have an interest, or where they are actually engaged in organising programmes.

Perhaps the hollowness of the case of the author of the **comment** is best demonstrated by the apparent necessity to deviate from accuracy, already referred to in an earlier paragraph. This is again accentuated by another complete deviation from the truth: Mr. Ronnie Webb has at no stage, either during the TUCSA conference or at any other time, made an overt - or even covert - attack upon the Food and Canning Workers' Union.

As a legitimate trade union co-ordinating body - representative of over

250 000 workers - TUCSA completely refutes the allegation in the article of **'collaboration with both the government and employers'** in any strategies whatsoever. We do believe in trade unionism for all workers, and in the achievement of such organisation of the workers. We most certainly welcome the Government's decision to extend trade union rights to all, and employer recognition of these rights. Both are long overdue. Not only does TUCSA refute the allegation of **collaboration** (which is a value laden word favoured by propagandists of both the extreme left and right) it is also of the opinion that the word is inappropriate in **comment**, which implies that a degree of objectivity will be maintained. TUCSA, does of course recognise that **comment** and **opinion** can be a guise for propaganda for particular interest groups. TUCSA frankly does admit to seeking co-operation on a tri-partite basis with both Government and employers. This again, in our opinion, is a legitimate function of organised labour: how else, indeed, can labour make its voice heard in the corridors of power? TUCSA would submit that it is vitally important for organised labour to have such means to make **known** its position and aspirations, if the politics of **street negotiating** are eschewed.

Your commentator states that **'TUCSA has now become crucial for the working out of state labour policy'**. There is an implied sneer here, which TUCSA will ignore, but TUCSA does not find it strange that this should be so. A viable body of organised labour, in co-operation or otherwise, is always a critical factor in the development of national labour strategies.

Your commentator's contention that TUCSA has moved closer to the Confederation is almost too absurd for comment (although we have noted with interest a certain interest in the **rate for the job** concept amongst some of the Confederation's affiliates). Your commentator then states: **'their interests and mechanisms of protecting the White worker coincide'** - a manifestly ridiculous and demonstrably unsound statement, when it is considered that the White workers in TUCSA comprise only in the region of 30% of the affiliated membership of the Council. As evidence for these very tenuous conclusions, TUCSA's **rejection** of a resolution at the last Conference concerning the Mine Workers' Union is cited. In fact this resolution was not rejected, but referred to TUCSA's National Executive Committee, for further consideration. Conference took this decision because it was felt by the Conference participants that the resolution was badly drafted, and parts of it were erroneous. TUCSA's National Executive Committee will, however, decide during the course of the coming year, how best to process this resolution.

Finally, the commentator's conclusion is faulty as a prediction, since it is

based upon a false premise, namely, that TUCSA is attacking the **'Independent African trade union movement.'** TUCSA is not. If the legitimate organising activities of any of our affiliates are construed by anyone as attacks, we would opine that this is indicative of their rather tenuous position, both as trade unions - and in relation to reality. We would counsel that the best remedy of the **'Independent African trade union movement'** against such **'attacks'** and **'member poaching'** is the effective organisation and thorough consolidation of their trade unions into real positions of strength, and popularity amongst their membership - and not in the gymnastics of inaccurate and distorted attacks upon TUCSA, which are superficially researched and then written by anti-TUCSA apologists.

J. A. Grobbelaar
General Secretary
TUCSA

A Reply

In response to the comment in **SALB** Vol. 5 No. 3, the general secretary of TUCSA disputes the argument put forward by the editors. The pivotal point of that argument was to compare TUCSA's stated position in respect of African workers with their **de facto** lack of activity in that regard for the last two and a half decades. The argument likewise attempted to understand the reasons which lie behind TUCSA's sudden commitment to organising African workers.

In the general secretary's letter to the editors, we are told about TUCSA's **'long and committed stand against job reservation, against the denial of trade union rights to Black workers and against the inferior and discriminatory labour relations system designed for Blacks'** However, when its activities with regard to this stated 'commitment' are criticised, TUCSA then turns to justify its policies in terms of the 'legitimate' principles of trade unionism. In line with this, we hear appeals for the rights 'to protect the economic standards of its membership' and 'to control the dismissal of its members'.

It is not, however, the legitimacy of TUCSA's actions which is being debated. Undoubtedly, TUCSA experiences few problems proving its legitimacy to both government and employers. Rather, it is the real reasons governing TUCSA's policies which should concern us.

Firstly, the general secretary attempts to convince us that TUCSA has, from the very outset, been committed to non-racial principles - that in fact, TUCSA was established **in order to fight against the government's threat to 'mixed' trade unions.** History demonstrates the weakness of this claim. The formation in 1954 of SATUC (later TUCSA) as a 'mixed' co-ordinating body, was largely an expedient move designed to protect its membership. The draft Industrial Conciliation Bill threatened to isolate organisationally a diminishing white working class. Unless those workers - coloureds and Indian - could be kept within the TUCSA fold, the co-ordinating body would be drastically weakened. The then TUCSA president, Rutherford, did in fact spell this out unequivocally. In a speech made in December 1955, he discussed TUCSA's strategy against the IC Bill in the following terms:

'I must point out that registered trade unions are prohibited by law from admitting natives to membership. Hence, the belief held in some quarters that our opposition to the Bill is because we wish to retain native workers within our ranks, is, of course, totally incorrect. It is true that the fact that they are not members of registered trade unions is responsible for the present wholesale exploitation of them to the detriment of the other workers, but that is not the issue in our struggle against the dangerous provisions in the IC Bill. The non-white workers we are concerned with are those who have been members of our organisation for more than half a century, and have worked beside us at the occupation for even longer than that'.

Secondly, the general secretary seeks to prove that TUCSA's policies **vis-à-vis** African workers are firmly based on accepted trade union principles, such as the need to build 'a united and strong labour movement'. However, as de Clercq argues in an article analysing the strategies which the craft and 'mixed' industrial unions adopted in order to protect their job control, the acceptance of African workers as union colleagues has a more expedient base to it. Rather, she argues, such acceptance has far more to do with the historical outcome of the processes of job fragmentation and deskilling than with the commitment to build up a genuinely 'united and strong labour movement' - let alone a non-racial one.

Thirdly, in spite of TUCSA's continuous protestations to the contrary, it has at no stage in its history actually mobilised workers in support of these principles. There is no clearer index of TUCSA's 'commitment to workers interests' than its response to actual worker struggles. As Cooper and Ensor show in this edition of SALB, TUCSA has consistently refused to support workers engaged in such struggles. The most condemning indictment against TUCSA is that after 25 years of existence, only 1% of African workers

belong to trade unions, and the majority of these unions were formed outside its auspices.

Finally, TUCSA's attempts to gain control over the statutory bodies which have been set up to 'represent' the African working class, must be understood as an attempt to stem the advance of potentially militant African trade unions which would inevitably threaten the **status quo** within the registered trade union movement. According to the general secretary himself, (see page of this bulletin) 'underprivileged' workers 'are not in a position to appreciate the **status quo**'. For this reason TUCSA hopes to control the field of trade unionism, by effectively monopolising statutory channels of negotiation, thus neutralising the democratic black unions as a force with which to contend.

It is in the light of the aforementioned points that one should view both TUCSA's activities and - what follows from the real nature of these activities - its need to justify the role it has adopted in South African trade unionism.

Managing Editor
SALB

Letter to SALB

With regard to the WPGWU memorandum, published in Vol. 5 No. 4 a number of important points must be made. Firstly, serious doubts must be cast on the advisability of publishing such articles in the South African Labour Bulletin. There has been an air of expectancy following this publication, as it is felt in many circles that the points made in the memorandum should not go unanswered. The fact that the Bulletin has carried no serious answers to the points made by WPGWU has naturally given rise to much misguided criticism of other labour organisations which are perceived as being obliged to respond publically.

To start with there is, of course, a certain academic and intellectual self centredness in equating debate about registration with articles in periodicals. It suggests that a debate within the labour organisations themselves is somehow not debate because it has not received the seal of approval from the intellectual and academic community. Now there is no doubt that this community is important and attempts by labour organisations to exclude it from all debate, probably do indicate a paucity of debate and self criticism.

However, there is a much more important point regarding debate and the role of intellectual comment and that is that the exact way it is conducted is

governed by the historical circumstances in which it is conducted. To comment in this fully is not possible in a letter, however, certain general points should be made in order for the Bulletin to locate itself more adequately.

When labour movements are weak and confronted by powerful state and managerial forces, then public debate as to the actions of the organisations concerned is misguided. This is particularly true when the labour movement is attempting serious worker organisation and as such in a minority political position.

In these circumstances, the forum chosen for debate does have implications. Attempts to conduct the debate at the most public level possible through journals such as yours, the press, universities and international trade union conferences, reflects a pre-occupation the general attack on the state. That registration is important for the labour movement is indisputable. However, to make the legislation central, again reflects a pre-occupation with the state and the general political attack on the state. The various tendencies correctly identified by critics of registration such as growing bureaucratisation, excessive legalism and a distancing from the organisation of workers, are exacerbated by registration, but most certainly, registration is not the sole cause of such tendencies.

To guard against such tendencies requires debate and self criticism within the labour movements and such debate should have been held long before the advent of the registration choice. Registration as such reflects the particular power of the South African state to impose direct control on trade unions that would be unacceptable to the more powerful union movements elsewhere. The specific interests of business and the existence of a weak, divided and sectional labour movement that has accepted registration and the Industrial Conciliation Act for more than 50 years strengthens state power by allowing control to be dressed up as reform.

Thus realignment of forces against labour into a less vulnerable block was quite clearly in the making some years ago. As a result, the general interest in labour and attempts here and internationally to influence the growing labour organisations developed.

To their credit, the divided and fragmented independent unions responded to those looming threats by trying to forge a nationally based federation and more important, to forge a sense of common purpose with regard to policy. That the attempt was only partially successful is well known. However, for the informal observer, the exercise has provided those involved in

the formation of FOSATU and in the less urgent, but nonetheless important reassessments with the Consultative Committee.

So debate, there has been, and for those in FOSATU it has had 3 years to take place. Even in this case, where structurally common policy is actively sought, common purpose has been, and will be a slow process. This must perform be the case.

There is no doubt that we would see this article in this context since it does emanate from a group that has until recently, chosen to remain very isolated. It is now belatedly and somewhat frantically attempting to generate debate and have by chance of circumstance, chosen very public forums for that debate.

I feel that in publishing this article, the Bulletin has to be aware, as must its readers, of the points made here. Particularly problematic are the misinterpretations of certain actions taken by other unions. This stems both from a general position that reflects a concern to take strong stands against the state, but a more accommodationist stand toward capital.

It would be naive to feel that such differences should be debated in the pages of the Bulletin, at one minute past midnight.

Halton Cheadle

The Response of African Unions to State Labour Policy

- Jun '77** **Appointment of the Wiehahn Commission**
- May '79** **Publication of Wiehahn Report Part I**
- May 19** **FOSATU attacks both the Report and White Paper on the basis of the intention to divide the working class along racial and craft lines, arguing that in certain respects the Report and White Paper represent a withdrawal of existing rights enjoyed by African workers. (see page 12)**
- May 21** **Industrial Conciliation Bill tabled in Parliament.**
- May 23** **FOSATU rejects the proposed legislation as unacceptable in terms of internationally accepted labour practices. The Federation attacks the extension of state control over all aspects of trade union activity as well as the government's intentions to halt the operation of unregistered unions in future and to deprive the majority of African workers of their rights to join trade unions.**
The Consultative Committee attacks state policy on migrant workers. It also predicts that the state will encroach on union territory through safeguards to exclude politics from labour. The Cape unions (WPGWU and the Food and Canning unions) make known their refusal to register under the terms laid down by the Bill.
- Jun 12** **In simultaneously released statements, the Consultative Committee and FOSATU condemn the IC Amendment Bill currently being debated in Parliament for the exclusion of migrant workers.**
- Jul '79** **FOSATU initiates moves to bring together independent trade unions with a view of formulating a joint policy towards recent legislation.**
- Sept 25** **The Minister of Manpower Utilisation announces that by power of exemption, trade union rights would be extended to all South Africans including migrants from former South**

African territories.

- Sept 27** Cape unions announce that they would abide by their decision not to seek registration in the light of the ministerial exemption.
No clear picture of the Consultative Committee's position emerges, with reports that its affiliates are divided on the question.
- Oct 1** FOSATU states that despite the fact that the exemptions constituted an important change in the situation, substantial problems still remain to be weighed against the exemption. Here the racial segregation of unions is referred to as a major stumbling block. The Federation declines to take up a position on the changes until other unions have been consulted with a view to adopting a common stand. During the course of October, a meeting between FOSATU, the WPGWU and the Food & Canning unions is organised.
- Nov 2** On the eve of the joint meeting, WPGWU release to the press its independently formulated response to the question of registration. (see SALB Vol. 5 No. 4)
- Nov 3** FOSATU unions report back to the Central Committee on the views of affiliates. The situation is further considered and FOSATU formulates a statement intended for use as a basis for discussions with the Cape unions to be held later in the day.
- Nov 4** WPCWU and FOSATU release a joint statement (see p17) to the press emphasising that their struggle is not over registration *per se*, but for the maintenance of certain basic principles. At the same time, FOSATU releases its memorandum prepared the previous day. (see p14) This outlined the policy of the organisation with regard to registration in the light of its objectives.
- Nov 5** FOSATU states that it intends to test the new law by applying for registration on its own terms.

Statement on The Wiehahn Commission Report and its Implications issued by FOSATU after its Central Committee Meeting on the 18 and 19 May 1979

FOSATU views the Wiehahn Commission recommendations and more particularly the Government White Paper with considerable misgivings. The Report, White Paper and various Ministerial Statements reflect an ignorance and misperception of the aims and objects of the unregistered union movement and its present operations. This is not surprising in view of the persistent disregard on the part of the Government for the views of these organisations.

FOSATU believes that at this time the best move towards a fair and stable industrial relations structure would be to remove the racial discrimination in the definition of employee in the Industrial Conciliation Act.

The effect of the Report and the White Paper has, however, been to change the whole context of registration and operation of unions from one of reasonable legislative certainty to one of unreasonable administrative discretion and uncertainty. This change is held to be necessary to protect existing organisations against disruption by African workers and their unions. The latter parties are thus surely justified in treating these new elements of discretion with the utmost caution.

FOSATU, therefore, believes that the Report and the White Paper do not represent the substantial move towards non-racial freedom of association that is being claimed for them. In certain important respects there is the clear prospect of an actual retraction of rights enjoyed by African workers in the present dispensation.

FOSATU particularly wishes to note the following major problem areas that reinforce this view:

Migrant Labour - a major positive aspect of the Report was the recommendation that there be no restriction on the eligibility of individual workers for union membership. However, the White Paper recommends restricting eligibility to those 'who enjoy permanent residence in South Africa and who are in fixed employment'.

This constitutes a **very serious** and in FOSATU's view, an unacceptable restriction for the following reasons:

It conflicts with the principle of freedom of association as the majority Report very competently argues.

It constitutes a loss of union rights for what is probably the substantial majority of existing members of unregistered trade unions.

By using the structures of separate development it will exclude the substantial majority of African workers from membership and if carried through in terms of existing legislation, the numbers of eligible workers will decline absolutely and as a proportion of the workforce.

FOSATU believes that **all** workers working in South Africa irrespective of race, creed, sex or country of origin should have the full rights normally accorded in an industrial relations structure.

Registration - the new provisions for registration in the Report and apparently accepted by the White Paper introduce an unacceptable process of administrative discretion which was not present in the existing legislation. For instance, the Registrar can now take into account 'any other factor which would serve to maintain peace and harmony within the undertaking, industry trade or occupation, and the national interest in general'. This extends discretion to absurd lengths and has the effect of calling the principle of freedom of association into serious doubt.

It has also been stated by the Minister that mixed unions will not be registered for the time being. FOSATU believes in the full freedom of association so that all workers should be allowed to join the union of their choice. FOSATU, therefore, believes that this restriction is unacceptable.

Industrial Councils - FOSATU is very concerned about the recommendations accepted by the White Paper that there should be veto rights on certain matters, such as the admission of new parties, for existing parties to the Industrial Councils. This can only be seen as giving unnecessary powers to existing parties that are likely to be prejudicial to new entrants to the system of Industrial Councils.

Industrial Courts - in view of the discretionary powers of the administrators the Industrial Court assumes a particular significance. However, once again the scope of the court has been expanded so that extra-legal considerations can be taken into account in deciding on matters.

For instance the Report mentions that anthropological factors could be taken into account which in South African society can be little cause for comfort. This could be a serious problem for a new Court such as this, where the same body will be making new laws well as carrying it out.

The fact that the Report and the White Paper accept that African workers should have the right to be members of registered unions has been seriously altered by these qualifying factors - the major ones of which are outlined here. FOSATU therefore has serious reservations as to whether the Commission will lead to an organised trade union movement that is not bedevilled by racial and craft frictions.

FOSATU Central Committee Statement on the Amended Industrial Conciliation Act that forms the basis for the Joint Stand with other Unions

What have we been struggling for?

There is no doubt that it is the years of struggle by workers and the representative organisations that have led to the changes in the legislation. However, the acceptability of these changes depends on what we have been struggling for.

Our struggle has been for the right to freedom of association as set out in the internationally accepted I.L.O. Charters and to build an effective and powerful labour movement. Our struggle has not been to achieve registration as an end in itself.

We have struggled to eliminate the legislatively enforced racial divisions in the labour movement that have weakened it and made it largely ineffectual.

We have struggled to limit state interference in labour relations to a minimum. The powers of the state and its officials must be minimal, clearly defined in law, open to question and with a guaranteed right of appeal by affected parties to the independent judiciary.

We have struggled for the fundamental principle of worker control of their own independent trade unions through free elections in their factories.

We have struggled to establish broadly based industrial unions on a national basis so as to escape the fragmented, craft based divisions that characterise the weak registered union movement.

Have we won our struggle?

Both the Amended Legislation and the unprincipled actions of the majority of the registered trade union movement must cause us to answer no to this question.

The Legislation:

1. Retains racial restrictions on membership and racially segregated executives in the case of mixed unions.
2. Retains restrictions on the right to registered union membership.
3. Introduces new areas of Ministerial discretion and powers of exemption.
4. Introduces new areas of discretion to the Registrar in the form of provisional registration where in addition he need give no reasons for his actions.
5. Introduces a National Manpower Commission with wide powers of investigation and recommendation but no legislatively established guidelines as to the procedures of investigation.
6. Introduces an Industrial Court that adjudicates on disputes of right and of interest and in addition will establish its own rules of conduct. The Industrial Court cannot replace the independent judiciary and the normal courts.

The Actions of the Majority of Registered Unions:

The Principles outlined above have been fought for with valour and at great cost to the labour movement throughout the world.

Regretably here in South Africa the leadership of the great majority of the registered trade union movement seems incapable of taking any stand of principle. The majority of this leadership and that of certain other unaffiliated unions, have shown that their actions are governed by expediency.

Unfortunately it would appear that in general only those registered unions adopting a misguided racist stand have shown themselves prepared to defend principles.

Since the decision on the amendment to the Industrial Conciliation Act in 1956, the registered trade union movement, with a few heroic exceptions,

have done very little to organise African workers. On the contrary, they have expelled African unions from their ranks after Ministerial threats, and in the 1970s, generally adopted a hostile stand toward the independent unregistered unions.

Now these registered unions are falling over themselves to form new unions for African workers without a single word of criticism for the substantial shortcomings that remain in the legislation. Furthermore, these unions are receiving employer backing and support in a well-planned offensive against the existing independent unregistered unions.

We do not hold all members of these unions or all registered unions to account for these actions. We are confident that there are those who will still act with integrity and in the best interests of workers. However, we despair of TUCSA ever taking any principled action.

Should We Register?

In considering our joint course of action in the present situation we have been strongly influenced by the unprincipled actions of the majority of the existing registered unions and the support they are receiving from employers and potentially the state.

We believe that we would be sacrificing the best interest of all workers if we were to surrender our present role as a representative voice of integrity and allow the voices of expediency to dominate.

However, it would be pointless to seek registration in order to maintain our position, but in doing so to sacrifice the principles set above.

We therefore resolve that:

1. We will act as FOSATU and that a registration working group will be set up to co-ordinate the actions of all unions in seeking registration on following basis:
 - a. It is of paramount importance that non-racial unions will be registered with no racial divisions in their executive structure.
 - b. Provisional registration will not be accepted so that registration will be effected as final registration as presently embodied in the Act.
 - c. that the spirit of registration will be such that it is designed to acknowledge existing unregistered unions and not eliminate them.
 - d. Registration will be for broadly based industrial unions and will not be used to fragment and localise existing organisations.
2. Whether registered or unregistered, we will strive to eliminate all restrictions on Union membership other than those prescribed by union constitutions and all areas unnecessary state discretion and control.

Press Statement on the Industrial Conciliation Act following a Joint Meeting between the Federation of S.A. Trade Unions, The Western Province General Workers Union, The Food and Canning Workers Union and The African Food and Canning Workers' Union

At a joint meeting of the 14 FOSATU unions, the Food and Canning Workers' Union, the African Food and Canning Workers Union and the Western Province General Workers' Union to discuss their stand on the amended Industrial Conciliation Act, the unions agreed that their struggle was not for registration but for the maintenance of certain basic principles. These internationally accepted principles are the right of all workers to join unions of their choice and the right of workers to unrestricted control of their unions.

It was agreed that the amended legislation continued to violate these principles by continuing to racially segregate unions and by increasing state control at the expense of worker control of their unions.

The participating unions strongly condemned the majority of registered unions for abandoning these principles and, in collaboration with employers, attempting to enrol African members, whereas for many years they have bowed to government policy and have made no attempt to organise African workers.

The unions agreed that they would not be prepared to similarly abandon their principles. It was, therefore, agreed that they would not accept any registration which was not granted on the following basis:

1. unions must be completely non-racial in their membership and control;
2. provisional registration will not be accepted. Registration must at least accord with the present criteria for final registration and any additional controls will not be accepted;
3. existing unions must be acknowledged and registration should not be used as a means for fragmenting them. Our struggle has been to create effective, national, broad based industrial unions.

The Organised Labour Movement and State Registration: Unity or Fragmentation?

Francine de Clercq

This article attempts both to trace the historical development of the organised labour movement and to examine its changing relationship to the state from the beginning of the 20th century to the present. It will try to explore the nature of state intervention in restructuring the industrial relations system and will concentrate on the state's enforcement and redefinition of racial and other sectional divisions within the South African working class. The responses of the organised labour movement will be examined and an attempt made to characterise the different tendencies that developed over the years among the various trade unions in terms of their strategies and practices.

Two qualifications need to be expressed at the start of this analysis. Firstly, it is important to remember that in analysing the organised labour movement we are dealing only with a minority section of the South African working class and consequently the full significance of this analysis can only be assessed in relation to the general movement of the working class as a whole.

Secondly, the state's role must be seen alongside various other political factors in the South African system of industrial relations as tending to undermine the economic processes which are creating the possibility for the building of a united non-racial labour movement in the country. For example, it is clear today that the whole of the South African working class is under attack through falling living standards, rising unemployment and job de-skilling as well as being subjected to a certain homogenisation within the production process; however, this economic backlash, far from breaking the racial prejudices and traditional exclusory practices of the bulk of the white, coloured and Asian sections of the labour force, seems to provide the state and some sections of the union leadership with the opportunity to further entrench the divisions existing within the labour movement by exploiting the workers' insecurity and by playing one group off against the other. Thus, it is necessary to understand precisely the nature of the various political tendencies within and outside the labour movement which obstruct or at least set back the building of a united movement.

1. The State and the Institutionalisation of Trade Unions during the Twenties

At the turn of the 20th century, both black and white workers' militancy intensified, expressing itself in various forms such as urban unrest, strikes and the development of political forms of organisation such as trade unions and political parties. These new conditions of struggle posed a challenge to capital and the state by slowing down the process of capital accumulation and by effecting a loss of economic and political control over the whole of the working class. The necessity for a radical restructuring of the social relations of production led the state to intervene not only through its repressive apparatus (with the bloody crushing of the Rand Revolt) but also through the passing of labour legislation (such as the 1924 IC Act and the 1925 Wage Act) designed to contain and control further working class action.

The provisions of the IC Act represented an attempt to extend the mining pattern of labour organisation to the manufacturing sector. By granting protection and statutory bargaining rights to the organised (and therefore mainly skilled) section of the white, coloured and Asian labour movement, it tended to perpetuate the gap which existed between skilled and unskilled workers. Under the terms of the Act, the upper stratum of unionised workers were able to negotiate settlements and win concessions from the employers, if necessary at the expense of African and other low paid workers. The bulk of the non-white unskilled labour force was left without protection and at the mercy of the employers and was *de facto* barred from competing on the labour market and from gaining access to skilled status and training facilities. Thus, the IC Act became an instrument of racial domination in that it reproduced and reinforced the racial hierarchy in the wage structure and in job allocation (even though it did not explicitly contain a colour bar). With this Act, the state hoped to defuse workers' militancy and create further divisions in the South African workforce so as to weaken it. The Act also aimed at undermining the independence and effectiveness of those workers' organisations falling under state control through the setting up of state-regulated bargaining procedures centralised in the Industrial Council system thereby moving the focus of bargaining away from the shop floor and into the hands of union bureaucrats. Over the years, the bureaucracy has managed slowly to entrench its control over an increasingly apathetic membership (with some exceptions) which it appeased with short-term economic gains won in the Industrial Councils.

The successful implementation of these mechanisms of labour control and trade union institutionalisation depended on the reaction of the labour

movement and on its willingness to fight for its independence and self-control. On the whole, the white, coloured and Asian unions welcomed the 1924 IC Act as a tool in the defence and advancement of their members' interests. However, there were certain differences of perspective among the unions.

Artisan Unions

The artisan unions showed themselves willing to secure all possible benefits under the IC Act, even if this meant abandoning other workers to the mercy of the employers. Not only had some craft unions suffered a heavy defeat during the Rand Revolt, but they had also been increasingly threatened on the factory floor when some of their members began to be subjected to pressures of deskilling and displacement (especially in the light consumer goods sector). Over the years, the artisan unions had secured a strong monopoly control over the job supply and the labour process at the point of production and had become a hindrance to the employers in their attempt to effectively subordinate the workers to their rule and increase the rate of surplus extraction. During the 1920s the expansion of secondary industries, and especially the expansion of the consumer goods sector (such as leather, clothing, furniture), provided the employers with an opportunity to reorganise the labour process and introduce more mechanised methods of production which could contribute both to the expansion of the industry and to undermining the artisans' bargaining power. Artisans became threatened by a double process of craft dilution and job deskilling: the one involved the introduction of mechanised forms of production which made some of the artisans' skills redundant and the other involved the introduction of less skilled workers who could perform part of the artisans jobs, thereby undermining their skilled status. This threat to the artisans' bargaining power forced some of the craft unions to reconstitute themselves so as to organise the lower section of the skilled labour hierarchy. Some unions in the furniture and garment industries, for example, transformed themselves into industrial unions in the 1920s, while new industrial unions emerged to organise all workers irrespective of their skills.

A similar process of mechanisation and craft dilution occurred later on (during the war years) in the capital goods sector, such as in metal and engineering industry, when similar practices were again adopted by the then craft unions. After having resisted vigorously for over a decade the process of job fragmentation and craft dilution, the craft unions in the metal and engineering industry lost their control over the labour process and job supply during the war and started to reconstitute themselves as craft-diluted unions. Lewis¹ shows that in the case of the Iron Moulders Society, real obstacles

emerged when the union attempted to forge a tactical alliance between craft workers and some production workers in resisting further job dilution and deskilling; it was only by using strict lines of demarcation in the job definition and wage structure of craft moulders and production moulders that this alliance within the IMS was lasting and effective.

On the issue of racial discrimination, the craft unions had adopted a functional and shortsighted approach in that they only fought those aspects of racial discrimination which came to infringe upon their activities and threatened their members' immediate interests. It could be argued that the craft unions' position on the racial issue was shaped by the objective position that their members held within the labour process. For instance, the mixed artisan unions in the Cape and Natal opposed racially discriminatory practices on the grounds that it would break or undermine the unity of the **artisans** within the labour movement.² However, this restrictive approach resulted in coloured and Asian artisans quickly being drawn onto the side of the white labour aristocracy and abandoning the struggle against the colour bar and for a genuinely non-racial labour movement. On the other hand, in the Transvaal where there were few non-white artisans and skilled workers, the craft unions saw their function as being to limit the job supply on a racial basis so as to resist the process of craft dilution. Similar trends are apparent in craft union practices in the metal and engineering industry.

However, the development of racial forms of protection in industry cannot merely be explained in terms of the changing labour process, but should be accompanied by an explanation of the existence of a racially discriminatory hierarchy in the division of labour. It is important not to take for granted the racial differentiation within the labour process, but to situate the division of labour within the context of the racially segregated society in South Africa. Historically, the different patterns of proletarianisation of the various racial groups, together with other social processes, have formally expressed themselves in the racially discriminatory constitution of the South African state which granted political and industrial rights to whites and which exercised a rigid form of authoritarian control over blacks. Subsequently, in an attempt to weaken and divide any movement or group which resisted its hegemonic rule, the state and capital consolidated and extended the racial dimension of South African society and, in the case of the labour movement, tried to impose and reinforce racial divisions. The state, for instance, contributed to shaping racial forms of protection in trade unions by institutionalising the job colour bar in the mining industry and extending it to the manufacturing sector (with the 1956 IC Act). Under pressure from job fragmentation and wage undercutting by the employers, many industrial

and craft unions turned to the state for support, adopting racial forms of protection, thereby isolating themselves from workers of other racial groups. At another level, the very weapons which the unions on the defensive decided to use, took on a racially discriminatory character: standard protective union practices such as the closed shop, which many unions negotiated with employers on a voluntary basis, became instruments of racial domination because they contained a clause reserving certain skilled jobs to union members only (thereby excluding African workers). Similarly, because of the racially discriminatory educational system, the Apprenticeship Act of 1944 also became *de facto* a racially discriminatory piece of legislation preventing non-white workers from gaining access to skilled status and training facilities.

However, it is important to understand that the racial forms of union practices which emerged in South Africa are not *inherent* and/or *inevitable* to the South African union movement.³ Rather, we have to understand that they arise, firstly, out of various political influences such as those involving the state, the union leadership and manipulation by petty bourgeois Afrikaner Nationalists; and, secondly, that they are then assimilated by certain sections of the labour movement which makes their implementation possible. By approaching the question in this way, one can appreciate the necessity for actively taking up these concrete issues with workers themselves on the factory floor.

White Industrial Unions

One cannot seriously discuss the question of the possible unification of the South African working class without taking account of the racial differentiation which arises out of the specific form of political incorporation of the white working class through its access to the state. South African labour history is rich in examples of white workers fighting on a racist and national chauvinistic basis. For instance, in the early 1920s, the heavy political repression against white and black workers was a major factor in leading white workers to fall back onto their political privileges to secure any possible economic gains. In fact, over the years the white workers have used their stake in the political power structure, together with their strong union organisations, to win for themselves many concessions from the employers and the state in return for which they have rejected solidarity with other sections of the workforce.

These limited concessions and gains combined with the impact of an Afrikaner petty bourgeois leadership, did contribute to the assimilation of a white chauvinistic and racist ideology among sections of the white labour move-

ment. Thus in the early 1930s, after the economic and political backlash of the depression, which generated serious insecurity among workers (including white workers), a new extreme right wing group, the Hertzogites, decided to infiltrate the labour movement and manipulate the white workers' insecurity as part of a broader strategy to rally all Afrikaners under the banner of their common cultural identity, Afrikanerdom. They tried to stir up racist feelings among white workers, in the hope of drawing them away from communist and even liberal influence, to support the segregationist ideology and policies of Afrikaner Nationalism; they used black workers as a scapegoat to justify the difficult times which lay ahead for white workers and pressurised the latter to unite against black workers and abandon their racially mixed unions. New white-only industrial unions started emerging in the mid-1930s and organised white workers irrespective of their skill, while attempts were made to take over existing unions with a large and predominantly Afrikaner membership. This tactic only succeeded with certain unions in some regions (cfr for the Mine Workers Union) and failed with others which were usually characterised by a more class-oriented democratic leadership (cfr Sachs' Garment Workers Union). These new white unions also agitated within the main trade union co-ordinating body (the S.A. Trades and Labour Council) to woo members away from the racially mixed federation: eventually, in 1947, a group of mainly industrial white-only unions broke away from the S.A. Trades and Labour Council and formed the Koördineerende Raad van Suid-Afrikaanse Vakvereniging which, in its constitution, excluded any union that allowed black workers voting power.

Mixed Industrial Unions

The open industrial unions emerged largely as a result of the rapid changes which occurred in the labour process of certain industries from the late 1920s onwards. This process of secondary industrialisation laid the basis for a 'rapprochement' among the different groups of workers involved in these industries and created the possibility for solidarity among workers of different races within the same factory or industry. In his paper, Lewis⁴ notes certain instances of interracial labour solidarity in the late 1920s among workers in the consumer goods sector (such as clothing, leather, textile). However, his treatment of this evidence is inadequate as he tends not to differentiate between workers' struggles which appear to take a non-racial form and those which are fought on a consciously united working class basis. The former generally occurs out of a coincidence of short term interests between workers of different races and at best might constitute a kind of working arrangement or at worst a form of opportunism by one group of workers wanting to use other workers in order to strengthen their own sectional

position. The latter on the other hand represent a concerted effort by the union leadership and rank and file to develop links among workers across race and skill boundaries in order to build a united labour movement. In fact, in the late 1920s, it was the Communist Party which played a decisive role in promoting this kind of non-racial trade unionism, while also having to assist in the formation of parallel African unions (in order to comply with state legislation) which co-operated on a more equal basis with the registered unions. At that time, the conditions for solidarity were favourable not only because of the renewed militancy among workers, but also because of the corresponding emergence of African workers' organisation. However, counteracting these tendencies, which drew industrial workers more closely together, were the various political influences which contributed to reinforce racial and other sectional divisions among the labour movement such as state legislation, the ascendancy of Afrikaner Nationalism and exclusory and racial craft unions practices.

This class-oriented strategy of building workers' unity was fought within the S.A. Trade Union Congress (SATUC), which was formed in 1925 and which, although without an explicit colour bar, was mainly composed of white unions. The election of a Communist Party member, Andrews, as general secretary of SATUC, scared off some of the white-dominated craft and industrial unions. Some of these decided not to affiliate, others withdrew their membership, while others remained affiliated without subscribing to the radical views of the SATUC leadership (this latter group emphasised the need for a united trade union front, especially after the heavy defeat suffered after the Rand Revolt). Other racially mixed unions, affiliated to the Cape Federation of Labour Unions, deliberately stayed away from SATUC under the pretext that it was a *de facto* 'colour bar organisation'. In fact, this mixed federation had to appear committed to the principle of abolition of racial discrimination in the labour sphere since their strategy was to win over the support of the mainly coloured workers of the Cape region, especially those in the light industries. However, this did not mean that the Federation was committed to building a genuinely non-racial labour movement, especially under the banner of the communist-oriented SATUC. The Cape Federation, under the leadership of Stuart, in fact tried to woo its members from the communist influence of SATUC, which it feared threatened its control over the bureaucratic company unions it was trying to foster through the Federation.⁵

However, by the early 1930s, the strength of the non-racial industrial unions which formed the left wing of the registered union movement had been seriously undermined by the economic and political backlash of the De-

pression; a climate of fear and insecurity was generated within the labour movement especially as the campaign of White Terror of the late 1920s was directed against the radical non-racial unions and their leadership. Furthermore, the communist union leadership was thrown into confusion by the new slogan which the Communist Party adopted after 1928/9 of building a Black Republic (this change in policy meant communist activities moved away from non-racial unions towards building the conditions for a Black Government of workers and peasants). The few CP members who continued to promote interracial workers solidarity in the union movement (such as Andrews, Glass and Sachs) were eventually expelled from the party in 1930. Although the Cape Federation and SATUC assisted in the formation of the South African Trades and Labour Council, whose constitution accepted all bona fide unions irrespective of their race, the independent radical non-racial unions had by this time been considerably weakened and were unable to resist the on-going employers' assault on the workers.

2. The Post World War II Period: State Intervention & African Labour Representation

The substantial reorganisation of the methods of production in the capital goods sector during the war years occurred under conditions of full employment and skilled labour shortage and led to a restructuring of the skill hierarchy and the division of labour. This involved the occupational advancement of African workers into more skilled and therefore more strategic positions in the labour process. This increase of African workers' bargaining power at the point of production was accompanied by an intensification of workers' militancy during the war years - the severe deterioration of African workers' living standards had produced widespread unrest and strikes both on the mines and in the urban areas which culminated in the 1946 African miners' strike. These developments posed a challenge to the state and the employers in their political and economic control over the black labour force at a time when the war effort put them on the defensive. Alongside brutal state repression, legislative proposals were put forward to bring the African section of the labour movement under firmer state control.

In response to these political and economic changes, the newly elected Nationalist Party Government of 1948 appointed a Commission of Enquiry (the Botha Commission) to investigate the industrial relations system and suggest new mechanisms for the control and exploitation of the black labour force. The Commission reported in 1951 and recommended the registration of African unions under separate industrial conciliation machinery. By then though, the modes of African resistance had changed from trade unions'

struggle to a more nationalistic struggle for the overthrow of the apartheid state under the banner of the various African Nationalist movements. It was mainly the fear that African unions could be used as a political platform which led to the government's refusal to grant Africans legal trade union rights. It passed the 1953 Bantu Labour (Settlement of Disputes) Act which imposed an alternative forum on African workers in the form of consultative inplant works committees. Later on, the 1956 IC Amendment Act was passed which compelled existing mixed unions to split along racial lines, prohibited the formation of new mixed unions and provided for job reservation agreements reserving certain job categories for specific racial groups. These pieces of legislation laid the basis for a dual system of industrial relations and expressed the state's intention to further promote and institutionalise racism among the South African working class. In other words, through these various measures the state tried to reassert its control over African workers so as to keep them powerless, unorganised and their labour cheap, while attempts were made to further divide and weaken the labour movement as a whole.

3. The Registered Trade Union Response: unity versus fragmentation

By the time of WWII, the bulk of the registered trade union movement had become institutionalised and it clearly felt itself threatened by the growing strength and increasing militancy of African unions. At this stage, most of those affiliated to the Confederation of Non European Trade Unions (CNETU) worked closely with the African National Congress in their struggle against the apartheid state. In an attempt both to reassert their domination over African workers within the system of industrial relations and to defuse the African workers' militancy, the leadership of the main co-ordinating body, the SAT & LC, urged the government in 1945 to grant trade union recognition to African unions.

The new labour legislation of the mid-1950s accentuated the differences existing within the registered union movement and contributed to a regrouping of unions and to the re-emergence of new federations. Although the bulk of the registered unions condemned the state's intervention in their activities and areas of operations, they were less unanimous about the form and extent their opposition should take. Also the issues of African occupational advancement and African unionisation had always been a cornerstone of the unions' policies and practices, and were to become one of the more important causes of dissension and conflict within the existing registered union movement. We can again broadly distinguish three different groups: the craft-diluted unions, the white and mixed industrial unions.

Craft-diluted Unions

On the issue of African labour, the position of craft-diluted unions were shaped mainly by the objective position of their membership within the labour process and by the ensuing policies and practices adopted by their unions. As we noted earlier, the craft unions' tradition was associated with exclusory practices aimed at consolidating their sectional position as a labour aristocracy, which in South Africa rapidly took a racial character in certain regions through the use of implicit racial forms of protection. In fact, the principle of craft unionism tends to be based on the denial of a community of interests among workers, irrespective of their skill and race, and on the denial of the possibility of forging an alliance and building solidarity among all workers. In their struggle to maintain and improve their members' living standards, the craft unions tended to adopt an elitist and sectional approach. This resulted in their growing political isolation from the bulk of the workforce and the other unions, as well as in their diminishing bargaining power on the factory floor since they ended up organising a smaller proportion of the workforce as the process of mechanisation and job fragmentation intensified.

In return for the consolidation of their craft privileges, the union leadership guaranteed the employers a stable, co-operative and disciplined craft workforce, loyal to the industrial conciliation procedures laid down by the state-controlled industrial relations system. Historically, the South African system of industrial relations was designed to co-opt the union leadership and invest it with substantial disciplinary powers over the rank and file so as to strengthen the leadership's role of mediator and regulator in industrial conflict. Operating from the basis of a harmony of interests between employers and workers at the level of production, the union leadership located industrial conflict at the level of distribution and became committed to resolving it by peaceful and 'reasonable' means; for instance, they tended to be against the use of the strike weapon (except in order to pressurise management in negotiations) and opted instead for full industrial co-operation and responsible negotiations with employers within the boundaries of the Industrial Council system. After the experience of the 1922 Rand Revolt, most craft unions deliberately avoided mobilising their rank and file and adopted a more militant and combative position *vis-a-vis* the employers and the state and agreed to negotiate limited wage gains in return for substantial craft dilution.

The issue of African advancement and union representation was not central to the bulk of the craft-diluted unions; during the 1950s the government's apartheid policy was not yet directly prejudicial to the interests of their mem-

bers, nor were African workers immediately threatening their privileged position. On the contrary, the exploitative conditions to which African workers were subjected guaranteed the employers a cheap, unorganised and unskilled labour force. This made it easier for the more powerfully organised craft workers to win their demands and be granted limited concessions. At another level, although the craft unions, which comprised the SA Federation of Trade Unions, explicitly condemned the IC provision compelling the existing unions to split along racial lines, they seemed quite opposed to the organisation of African workers. In 1951, a group of craft unions representing white mineworkers, boilermakers, furniture workers, typographical unions and printers, broke away from the SAT & LC in a disagreement with the latter's policy of promoting the organisation of African workers in parallel unions and formed this new S.A. Federation which debarred African workers from joining.

This stance on African unionisation in the 1950s and 1960s, reflected the opportunism and shortsightedness of craft unions in that they chose to shield behind the government as long as their interests were not damaged thereby. In fact, by the Fifties it appeared as if apartheid policy was indirectly (at any rate) beneficial to the craft unions' members. By 1969, the largest craft-diluted unions, such as the Amalgamated Engineering Union of South Africa, the SA Electrical Workers Association and the SA Typographical Union had disaffiliated from TUCSA which had opened its ranks to African unions (see *infra*). Thus, by the late 1960s, the craft-diluted unions seemed to have distanced themselves from the bulk of the registered industrial union movement.

White Industrial Unions

The white industrial unions which organised on the basis of race became strong supporters of the ideology and strategies of Afrikaner Nationalism. They argued that the white workers living standards could only be maintained through racial segregation not only in the factory, but throughout the whole of society. Thus white trade unions became a central form of organisation to defend white workers at the workplace, while political parties were used as a platform from which to defend their access to political power.

On the factory floor, they refused to build links with black workers and became increasingly isolated from the bulk of the workforce. Paradoxically, they regarded the maintenance of their privileged position as highly paid semi-skilled workers and civil servants as being both dependent on and threatened by the existence of a cheap and unorganised African labour force

with no political and industrial rights. Their determination to fight for the maintenance of their privileges was directed not only against the employers, but also against their fellow black workers whom they considered as potential enemies capable of undercutting their position in the labour market. Thus the white unions led by Afrikaner Nationalist supporters adopted various racially discriminatory practices and chose to rely on the state by supporting its labour strategy through actively reproducing and reinforcing the system of racial discrimination on the shop floor. Greenberg points out the nature of the relationship of these unions to apartheid:⁶

'apartheid is not some distant philosophy that operates on the peripheries of industrial practice, it represents the social support that makes that brand of trade unionism possible'.

However, some white unions have shown themselves more combative than the craft unions *vis-a-vis* the employers mainly because of the more vulnerable position of their membership in the labour process and because of the nature of the industry/sector in which they organise. The militant white unions operate mainly in the mining industry and organise production workers, who, through their relatively high wages, have applied strong pressure to the level of profitability in a rather labour-intensive industry. The unions understood rapidly that it was only through a sustained and protracted struggle that they would win their demands from the well-organised mine-owners. Thus, unlike the craft unions, they became committed to the use of all weapons available, whether peaceful or disruptive, to resolve industrial conflicts and win concessions from the employers. Strike action was considered an essential and necessary weapon in the collective bargaining process and, were any strike action to occur, the white unions sought to mobilise their rank and file to sustain their disruptive action (see the Mine Workers Union in the mid-1960s and mid-1970s). This reliance on the latent power of the rank and file, however, did not rule out a parallel strategy of reliance on the state to intervene in case a deadlock was reached in a dispute. Thus, the white unions chose to isolate themselves from other workers and unions and turned instead towards their own rank and file and the state to win racist and sectional demands from the employers.

Mixed Industrial Unions

Some industrial unions organised workers irrespective of their race and skill. Their policies were based on the rate-for-the-job, and abolition of racial discrimination in the labour market and within the union movement. However, they tended to use these multiracial slogans to gain some credi-

bility among the black labour force and win their support, often only to preserve and improve the position of the dominant skilled section of the union membership. These unions declared their commitment to fight for the abolition of racial discrimination in the labour sphere in response to a realistic assessment of the changes in the employment situation. But this was far from fighting to organise workers of all races and skill **on an equal basis** and eradicate broader racial discrimination in society.

In 1954, the SAT & LC, the craft-dominated SA Federation of Trade Unions and the Western Province Federation of Labour Unions, called a Unity Committee Conference to co-ordinate and consolidate opposition to the IC Bill. It was decided 'in the name of unity' to form a new co-ordinating body, the SA Trade Union Council (later called TUCSA) which would exclude African unions while maintaining a close working relationship with them so as to:⁷

'...achieve the maximum possible degree of unanimity in existing circumstances in the country, that membership of the new body (will) be confined to registered unions'.

TUCSA was thus not prepared overtly to challenge the state, and limited itself to a rhetorical opposition to the IC Act. This **de facto** compliance with the state's definition of the racial composition of union membership on the one hand made TUCSA an instrument of racial domination in that it contributed towards the implementation of the government policy of apartheid in the labour movement. On the other hand, it reflected TUCSA's opportunism and lack of determination to fight for all sections of the labour movement. In other words, the unions affiliated to TUCSA decided to use the state legislation to their own benefit at the expense of African workers whom they left **de facto** at the mercy of the employers.

Some industrial unions decided to organise African workers in parallel unions (cfr clothing, textile, catering, food and canning) in order to resist the employers tactic of undercutting and force the latter to employ African workers on the basis of equal pay for equal work. However, very often the organisation of African workers in parallel unions was not undertaken on an equal basis, but rather as an effect of the need to **control and subordinate** African workers in the collective bargaining process. A key factor in this strategy was to break the independent African unions which seemed to have developed their federation, CNETU, as a political platform from which to challenge the system of white supremacy. In 1955, the TUCSA president explained the tasks of the registered unions towards African workers and

their unions as follows:⁸

‘Trade unionism should be willing to guide the natives along the path of responsible trade unionism without endangering their own standard of leadership. Suppression will instil in workers the desire for political power to alleviate their lot. That is the possibility which we cannot contemplate without grave misgivings if the Europeans wish to remain in Africa.. If we continue to withhold trade union organisations to improve themselves, they will have to turn to political action to overcome their frustrations’.

and later in 1956:⁹

‘An offer was therefore made to the Minister of Labour to allow us... to co-operate with the Minister in devising ways and means of preventing the ever increasing Native Labour force from continuing to menace the European standard of living?’

In other words, some industrial unions sought to organise African workers in parallel unions in order to prevent their exploitation as cheap labour and their organisation on the basis of the demand for genuine racial equality.

One is entitled to question the credibility and motivation of these unions struggling for African unionisation and the abolition of racial discrimination limited to the workplace and the composition of union membership. The slogans of ‘multiracialism’ which were developed by these unions were used to win over and neutralise the black section of the labour movement, but were not intended for a genuinely non-racial labour movement and society.

TUCSA’s collaborationist approach to the state and its new labour strategy resulted in a number of registered unions, together with some CNETU African unions, forming the SA Congress of Trade Unions (SACTU); a non-racial federation which sought to break the racial differentiation created in the new labour legislation and to organise all workers on an **equal basis** irrespective of their race and eligibility under the IC Act. These SACTU unions argued that racial inequality at work was inextricably bound up with the political system of white supremacy and that the struggle for a non-racial labour movement had to deal with both the economic and political forms of apartheid. Thus the struggle for the abolition of racial discrimination in the labour sphere was seen as part and parcel of a broader struggle against the apartheid state. Allied with the African National Congress, SACTU entered into the Con-

gress Alliance in 1955 and participated in the nationalist campaigns of the period. However, SACTU's political orientation developed at the expense of the independence of the labour movement, often leading it to ignore shop floor organisation around specific workers' demands.

Early in the 1960s, the industrial unions put pressure on TUCSA to reverse its exclusivist policy towards African workers. By then the changes in the pattern of African labour utilisation (involving them in more skilled and strategic positions) had become clear. The necessity to control African unions had intensified with the renewed strength and militancy of the SACTU-affiliated unions. Finally, in 1962, TUCSA decided to open its ranks to African unions despite the opposition of both the government and its affiliated craft-diluted unions. At the same time, TUCSA's industrial unions began to implement their paternalistic and opportunistic policy towards African workers and assisted in the organisation of Africans into parallel unions. This move was designed to curb the forward movement of African workers under the leadership of the ANC and SACTU by providing alternative trade unions, under the parent registered unions' control and patronage. TUCSA hoped to create and co-opt a compliant African union leadership which could neutralise African workers by winning certain limited economic advantages through the industrial council system with the assistance of the parent union. Thus, by trying to break the politically oriented African unions which threatened the existing system of white supremacy and by offering an alternative means of control over African workers, TUCSA came to fulfil (wittingly or unwittingly) an important political role on behalf of the state.

However, a more crucial factor in contributing to the collapse of the politically oriented African unions in the mid-1960s was the heavy state repression against the African nationalist movement and more specifically against the radical union leadership. Therefore, by this time, the attempt to build workers' solidarity through a united non-racial labour movement had suffered a serious setback and was to take another decade to re-emerge. A few compliant African unions concerned exclusively with bread and butter issues survived this period (such as the National Union of Clothing Workers - NUCW), but at the price of complete subordination to and dependency on the parent registered union which assisted them.

4. The Seventies: The State, The Wiehahn Commission and African Labour Representation

The period of the 1970s witnessed the deepening of one of the worst eco-

dustrial and political action among the growing African urban working class (particularly in the 1973 Durban strikes and the 1976 stay-at-homes) posed a challenge to the control of the state and the employers over the black population, and constituted a clear warning that the mechanisms of labour co-optation and control needed to be re-organised if economic and political stability was to be restored. In response to the increasing political significance of African resistance, the state and employers agreed broadly (with some opposition from the staunch defenders of Afrikaner Nationalism) to embark on a new strategy. This consisted of trying to broaden their social base by finding new allies among the black population who could be won over to the side of the ruling white minority, so as to act as a buffer against the oppressed majority of the black population. In other words, they sought to create a co-opted black leadership and a black 'labour aristocracy' through the granting of some concessions and privileges. However, such a strategy was bound to generate some hostility among the white petty bourgeoisie and white workers.

At the level of labour relations, this new strategy meant substantial re-organisation in the relations between the state, the employers and the labour movement as a whole; not only did black workers need to be coerced into more effective institutions of labour control, but also an attack had to be launched against certain white sections of the labour movement if black workers' militancy was to be defused through acceding to some of their demands. The state's re-organisation of labour relations which began with the investigations of the Wiehahn Commission generated some important policy changes and realignments among the registered trade unions. The following section attempts to analyse the state of the labour spectrum as it stood by the end of the 1970s.

The Craft-Diluted Unions

By 1978, those unions which organised workers in specific trades in heavy industries such as mining, motor, building, metal and engineering represented about one third of the total registered trade union membership (about 678 000 workers). Earlier craft union policies had resulted in a serious watering down of their members' skills and a loss of bargaining power and control at the point of production. The Typographical Union raised some of the problems which the unions' conciliatory approach has and some of the resultant costs for the membership.¹⁰

'Our system... ensured industrial peace but I have just got the terrible suspicion it is more in favour of the employers than the employees. We

have had to make very big concessions to get improvements, instead of striking and getting our increases without making concessions and diluting the skilled man's job...in order to get an increase, we have to give something away and eventually you are going to reach a stage where there is nothing more to give away'.

Another important problem arising out of the craft unions' strategies and tactics was their refusal to ally themselves with the non-craft section of the labour movement **(on an equal basis)** against the employers' divisive and undercutting tactics so as to try and break their isolation and compensate for their diminishing bargaining power. Instead, the craft-diluted unions continue their struggle on a sectional basis.

However, as it will become clear, the craft unions had lost so much of their bargaining strength, that it was extremely difficult for them to fight beyond the defence of the **immediate** interests of their membership, particularly as the employers were on the attack to restore higher levels of profitability during the recession. One craft-diluted union, the Iron Moulders Society, questioned the nature of the recession and the employers' argument for the existence of a skilled labour shortage in these terms:¹¹

'We don't see any recession. In the foundry industry, the employers granted 100 certificates of apprenticeship in the last 10 years. Such a small increase in the intake of apprenticeship is difficult to understand at a time of expansion of the foundry industry. We believe that the argument of an economic recession and shortage of skilled labour is a kind of psychological warfare waged by the employers against all workers to frighten them and make them work harder if they want to keep their jobs. The result of this is that the productivity of the workers' increases and so does the profit of the employers'.

It is important to situate the recession in the context of the struggle between the employers and the workers and not to fetishise it as something external to the social relations of production. Employers seeking to cut their labour costs and increase labour productivity have once again launched an attack on the whole of their workforce, one form of which was to try to replace artisans with cheaper African workers. Limited by their union tradition of nearly 50 years of collaboration with management and reliance on the state, the craft-diluted unions could do little to resist frontally these attempts at further craft dilution and chose to collaborate with the employers by warning their members of the need to 'tighten their belts' in this period of economic recession and wait 'for better times to come'.

On the issue of African unionisation, by the mid-1970s, many craft-diluted unions had realised the necessity of adapting to the new employment situation as African workers were moving into skilled positions. If they wanted to maintain control over job categories by representing everybody in these jobs, they had to consider ways of organising African workers. The Boilermakers Society explains the necessity to adapt to the new economic realities:¹²

'Black job advancement is inevitable - we simply haven't got enough whites and coloureds to do all the skilled jobs. The only way we can guarantee the survival of our members, is to organise these African workers who are moving into the higher skilled jobs. It is in our interests to organise skilled African workers. The recognition of black trade union rights would stop the super-exploitation of black workers and put an end to the process of undercutting of white and coloured workers by cheaper and unorganised black workers'.

This argument which resembles TUCSA's position on African unions in the 1950s (except that it was confined to **skilled** African workers) can hardly be described as a genuine attempt to build solidarity on an equal basis among workers across racial lines.

Thus, after continuously shielding behind the government's apartheid labour policy, the craft unions have come out broadly in support of the government's new labour strategy which has incorporated most of the proposals contained in their evidence to the Commission. They have agreed to the abolition of job reservation and to the granting of legal trade union rights to African workers. Some craft unions in the metal and engineering industry went even further in anticipation of the Wiehahn Report and in June 1978 agreed voluntarily to abolish the job colour bar implicitly contained in their industrial conciliation agreement. The bulk of the craft unions welcomed the incorporation of African unions under more effective state control since they were afraid that African unions might be used as a political platform or as a means to undercut their own position in the collective bargaining system. However, they favoured the setting up of African unions on parallel, as opposed to independent, lines so that unions of skilled African workers could be under their own effective control and be used by them to strengthen their position **vis-a-vis** employers. In the recent past, both the SA Electrical Workers Association and the SA Boilermakers Society have sought to co-operate with existing independent African unions operating in their industries, but these approaches have been rejected on the grounds that the craft unions were elitist and opportunist in their attitude to African wor-

kers. Another view, expressed by the Iron Moulders Society, argued for the incorporation of African skilled workers into their **own** union so as to avoid rivalry and ensure complete control over the skilled labour force while negotiating. It has been precisely through the manipulation of the fears of displacement among skilled white workers and by exposing the collaboration of the craft union leadership with the employers, that the white Mine Workers Union has, since June 1978, tried to woo white workers away from their mixed unions and encourage them to rally under its banner as the only union which can adequately champion the cause of white workers (see *infra*).

Thus, on the whole, the response of craft unions to the government's new labour strategy has been confined, as usual, to bargaining and negotiating around the table to win the best settlement possible, having **de facto** accepted the principles contained in the Wiehahn Report.

White Industrial Unions

The white industrial unions operate in government services and in the metal, engineering and mining industries and are broadly grouped under the banner of the SA Confederation of Labour whose membership reached a peak of 206 500 in 1975. Since then, however, membership has declined, partly because white workers were moving into traditionally non-unionised administrative and clerical jobs, but mainly because the Confederation was weakened by the re-organisation of labour relations. Concomitantly, the differences of policies and strategies sharpened among its affiliated particularly in regard to African unionisation and African advancement.

The pressures on the white labour movement and especially on its non-craft section, were both economic and political. Since the mid-1970s, white workers (as well as non-white workers) have been subjected to falling living standards, job de-skilling and the gradual abolition of formal racial discrimination in the labour market. The Handelsinstituut calculated that the real earnings of white households declined by 0,5% in 1975, 1,9% in 1976 and 2% in 1977. The Consumer Price Index has increased by an average of 11% since 1975 (reaching 15% in 1979), while wage increases have consistently lagged behind. This is most apparent in the mining industry, where the minimum wage for white workers increased by 6% in 1977 and 1978 and by 10% in 1979; in metal and engineering the minimum wage increases for skilled workers were 4% in 1977, 15% in 1978 and 10% in 1979. Job colour bars have been formally abolished in the metal, engineering and furniture industries and are under severe attack in the mining industry. Also, the process of de-skilling and job fragmentation intensified during the years

of the recession, especially in metal and engineering (where a system of modulated training is now in the process of being introduced to enable employers to train African workers for certain parts of the artisans' jobs).

This economic insecurity to which white workers (and especially white production workers) were subjected was coupled with a political insecurity which arose out of the state's new strategy of seeking to widen its social base among the black population. This shift towards sections of the black labour force, which showed that the government was forced to accede to some of the demands of the black workers, was likely to threaten white production workers whose privileged position depended so much on the continued subordination and powerlessness of black workers.

On the whole, the SACL's response to the Wiehahn Report, although antagonistic, remained confined to a rhetorical opposition with Nieuwoudt, the president of the Confederation, condemning the government for its departure from its policy of total racial segregation of which the Confederation had become such a staunch defender. This rather sedate response must be seen in the context of a weakened confederation and the loss of bargaining power of white-only unions. The Confederation's coherence increasingly came under threat with some unions, such as Engine Drivers' Association, the National Association of Furniture Workers and other railways-based unions, wanting to distance themselves, at least informally, from the Confederation and its hard racial stance and to adapt to changing political and economic realities. At the other extreme, there was the Mine Workers' Union, which tried to swing some SACL affiliates into a more combative HNP-oriented position so as to categorically refuse any 'liberalisation' in labour legislation. The end result was the adoption by the Confederation of a middle-of-the-road position accepting the IC Act as an inevitable change, while emphasising the need to negotiate adequate safeguards to defend the future of white workers. Thus, the Confederation's response was confined to debating the pace of the implementation of the Wiehahn Report as opposed to questioning the principle of its implementation. Some unions such as Yster en Staal Unie, went as far as to threaten disruptive action if the 'liberalisation' was carried out too rapidly without proper negotiations with the white unions.

Last, but not least, the MWU, which eventually disaffiliated from the Confederation after its mild response to Wiehahn, has been trying to drive a wedge into the white labour movement and poach some of the membership of the Confederation's unions. Thus it has hoped to extend its power base

and constitute a solid platform from which to challenge the government. However, the MWU's hard racist stance backfired with the failure of its all-out strike in March 1979, which was intended as a show of strength and a warning to the government in anticipation of the Wiehahn recommendations. The strike which was sparked off by the relaxation of the job colour bar on a particular mine, collapsed after a few days mainly because of the leadership's misjudgement both of their capacity to swing the white miners into a hard uncompromising position and of the power of the Chamber of Mines which had secured the backing of the government. The collapse of the strike signified a warning to other white workers and unions that their power was diminishing both politically and at the point of production. Effectively the strike left the MWU weakened and largely isolated.

This new realignment of forces within the white labour movement, together with the possibility of a rank and file backlash, poses more urgently the question of white workers' future political significance and economic power. After many years of reliance on collaboration with the state, the position of these white bureaucratic unions can only be altered by a movement at rank and file level, which would increase the members' participation in the unions' affairs and pressurise the bureaucracy to more adequately defend and improve their material welfare. Already today, as white workers are confronted by racial changes at the factory level, some sections of the white production workforce are moving onto the defensive in response to increasing black workers militancy (as in the case of the Ford strike). However, the white workers' reaction and the pressure put on the union leadership today remains phrased in racist and sectional terms and in no way indicates the possibility for a rapprochement with black sections of the labour movement.

The Open Industrial Unions

Today the bulk of the industrial unions are affiliated to TUCSA, whose membership has increased rapidly in the past decade to reach a peak of 278 000 in 1978. As we mentioned earlier, the history of industrial unionism is rich in examples of militant struggles and open confrontations with the employers. After persistent attacks on the militant section of the industrial unions, those of which survived into the early 1970s were relatively tame and institutionalised with a leadership loyal to the industrial conciliation system. Limited by the apathy of its rank and file, the union leadership decided to collaborate with the employers and tried to soften the harsh effects of the recession for its membership. Workers were encouraged in the name of the

national interest to work harder and more effectively without expecting corresponding wage increases.¹³

As part of their continuous campaign for the abolition of racial discrimination in the labour market and in the unions, the TUCSA unions welcomed the Wiehahn proposals for the abolition of job reservation and supported the idea of the Codes of Conduct (which TUCSA offered to monitor). TUCSA argued that economic growth and the influx of foreign capital would have a liberalising influence and undermine the government's apartheid labour policy. For their part, the foreign investors use TUCSA's support to promote their investments in the profitable apartheid economy. Mvubelo from the National Union of Clothing Workers explains the importance of this 'unholy' alliance:¹⁴

'necessity here has created strange bedfellows between employers and workers but can it be surprising in a situation in which the very narrow and restrictive ideological concepts of apartheid still rule'.

If one sees the system of white supremacy in South Africa as being an integral part of the capitalist economy, then TUCSA appears to strengthen and not weaken the apartheid regime. On the issue of African unionisation, TUCSA supported the granting of unions' rights to Africans while condemning the stipulation for racially separated unions. However, in the face of these restrictions, TUCSA stepped up its strategy of parallel unionism.

By the mid-1970s, some allegations were being made by African workers claiming that the TUCSA parallel unions were either paper unions or completely controlled by and subordinated to the parent registered union. Scheepers of the Garment Workers' Union answered as follows:¹⁵

'I only intervene in the affairs of the NUCW when asked to address their meeting or report back on negotiations..but the African union's negotiating ability is still not up to standard'.

It should be remembered that such a remark was made after more than 40 years of GWU patronage over the NUCW. Nevertheless, the creation of parallel African unions was stepped up considerably particularly with the resurgence of strong independent African unions. In 1978, in anticipation of the Wiehahn Report, the Motor Combined Workers' Union assisted in the formation of the African Motor Industry Workers' Union and in 1979, the Engineering Industrial Workers' Union of South Africa set up the National Union of Engineering Industry and Allied Workers Union, the Furniture

Workers' Union set up an African parallel union and Mvubelo from the NUCW assisted in setting up new African unions in sectors other than clothing.

The motives in TUCSA's assisting in the organisation of African workers are still questionable, particularly since they seem to receive the backing of both the state and the employers who would like to see them supplant the more independent African unions. By the end of 1979, an organising war had developed on the factory floor, with some independent unions (mainly FOSATU's affiliates) accusing the parallel unions and TUCSA of trying to squeeze them out of the factory (sometimes at the request of the employers in the hope that they would neutralise the more militant African unions operating in their factory). Grobbelaar from TUCSA replied:¹⁶

'I don't know if our unions have formed an alliance with management - but if they have, good luck to them. Co-operation with management is the crux of industrial relations. I hope the TUCSA unions are co-operating with management. This falls within the ambit of partnership in industry'.

Thus, the employers have come to favour parallel unions given their relation to parent unions which they have learnt to trust over the years. For its part, the state seems to expect less opposition from these unions to its terms of registration. This support for parallel unions is seen by some of the independent unions as a serious threat over the short term since the parallels could win over some of the potential or actual membership of the independent unions with some limited economic concessions. However, the real test will be at rank and file level as a union can only be effective if it enjoys the real and active support of its membership over the longer term. Already there are cases of African workers rebelling against their bureaucratic and co-opted leadership and allying themselves with more democratic, shop floor oriented trade unions (see splits in the Engineering and Allied Workers' Union and in Sweet, Food and Allied Workers Union).

At another level there have been a few important cases of registered unions challenging the bureaucracy and compliance of TUCSA unions and turning towards an alliance with more democratic and independent unions. In the case of the Western Province Motor Assembly and the National Union of Motor Assembly and Rubber Workers, the main issue was over bureaucratic controls in the internal organisation of their unions. It was only after a long and protracted internal struggle against a co-opted leadership which was reducing these unions to company unions, that they emerged as more

democratic organisations with rank and file participation in the unions' activities. The leadership developed a more conscious role as representative of the workers' interests against the employers (as opposed to a role of mediator between the employers and the workers). In an attempt to ally themselves on a more equal basis with the independent unions they formed, together with 10 African unions (open to all racial groups), the Federation of South African Trade Unions (FOSATU) which was committed to promoting a democratic and open form of trade unionism under workers' control. A few other registered unions (such as Food and Canning Workers' Union) are also actively mobilising their membership to fight for an independent non-racial labour movement under workers' control. But on the whole, the bulk of the mixed industrial unions are led by a co-opted leadership, a section of which argues that the existing system of white supremacy guarantees the coloured and Indian workers a better deal than a regime under black majority rule. The question which remains to be resolved is whether this leadership will be able to survive any future challenge from its rank and file under increasing social pressures.

Conclusion

In this period of economic and political instability, with changes taking place in the form of apartheid in the labour field, there seems to be a basis for some regrouping within the registered trade union movement, with a new polarisation developing between the more realistic craft and industrial unions and the right-wing MWU allies. But more important for the organised labour movement is the question of the future political significance and role of the registered unions within the overall context of instability. The problems facing the trade unions today are the fruits of their own long tradition which involved union bureaucracy and institutionalisation, collaboration with the state and the employers, sectionalism and a loss of power both politically and at the point of production. Today, the bulk of these trade unions are reduced to playing the role of passive agents adapting to new economic and political realities, in contrast to their earlier role as active agents fighting together with other sections of the labour movement against the employers and the state.

Therefore, the question of union democracy, workers control and rank and file mobilisation must today be on the agenda if the labour movement hopes to resist effectively renewed attacks. It is only when the internal problems of the union's structure are tackled that one can think about the building of a strong and united non-racial labour movement. A tactical alliance or realignment of union bureaucrats into new federations will have

no weight whatsoever in struggling for their members. It is only by giving expression to the full weight of the rank and file that the unions' latent power can realise itself and the unity of the workers be achieved. Although there are examples of renewed rank and file participation (whether in the right wing or independent unions), these developments have neither been consolidated nor secured and attempts will undoubtedly be made by the existing bureaucratic leadership with the help of the employers and the state to put an end to this movement.

Similar questions are posed for African unions, particularly today as the government is granting union rights to African workers. This attempt to assert state control over African unions both directly and indirectly generated mixed responses from these unions, 17 of which have formed an united anti-registration front to secure changes in the terms of state registration. They have emphasised their commitment to building a democratic non-racial union movement. In order to resist the political economic pressures aimed at undermining its independence and unity, the non-racial unions will need the active participation of its rank and file as a concrete basis on which to unite with other unions of the same kind. It will only be through strong shop floor organisation, a democratic union structure and genuine solidarity with other unions that the workers' interests can begin to be adequately pursued against the employers and the system of apartheid.

Footnotes

1. J. Lewis 'South African Craft Unions and Dilution during World War II,' paper presented at a conference at York University, March 1978.
2. For more details on the craft unions of the Cape, see D. Lewis 'Registered Unions and Western Cape Workers' in E. Webster: *Essays in Southern African Labour History*, Ravan Johannesburg 1978.
3. See an example of that tendency in S. Greenberg's Ph.D. Thesis on Race and Trade Unionism Part II: the Trade Unions, Yale University 1978.
4. J. Lewis 'The New Unionism: Industrialisation and Industrial Unions in South Africa, 1925-1930, in E. Webster, *op cit*.
5. For more details of this period, see H.J. & R.E. Simons 'Class and Colour in South Africa' 1850-1950, Penguin African Library 1965.
6. In S. Greenberg 'Open and Closed Unionism in South Africa', in *South African Labour Bulletin* 1 (10), 1975 pp 18-30.
7. In M. Horrell *South Africa's Workers*, S.A. Institute of Race Relations p 19, 1969.
8. Quoted in L. Ensor 'TUCSA's Relationship with African Unions: an attempt at control' in E. Webster, *op cit*, p 216.

9. Quoted in the editorial of the **South African Labour Bulletin**, 5(3), October 1979.
10. Quoted in S. Greenberg 'Open and Closed Unionism in South Africa', **South African Labour Bulletin**, 1 (8), January/February 1975, pp 6-23.
11. From an interview carried out with Bloomkort, Harris in April 1979.
12. From an interview carried out with I. van der Watt in April 1979.
13. See 1979 issues of the **Government Worker**, organ of the Garment Workers' Union and especially A. Scheepers' speeches.
14. Article on Mvubelo, in the **Garment Worker**, 21 July 1978.
15. Quoted in an article of the **Financial Mail**, 9 November 1976.
16. Quoted in an article of the **Financial Mail**, 16 November 1979.

Legislation, Registration, Emasculation

Martin Nicol

In January 1980, the 14 unions affiliated to the Federation of South African Trade Unions applied for registration under the newly amended Industrial Conciliation Act. In one sense it is not surprising that they did so - the demand for statutory recognition has been the main demand of the African trade union movement¹ since its inception in the early 1920s, and the amended Act does accord African unions statutory recognition. But it is surprising that the decision of these unions to apply for registration was accompanied by so little debate and discussion. It is particularly surprising when one reflects on the criticisms which have been levelled at the Wiehahn-inspired legislation, not least by FOSATU itself, and the clear statements by Ministers that a principal intention of the legislation is to subject African trade unions to state control.

The only substantial statement of position on the question of registration came from the Western Province General Workers Union which argued against unions applying for registration under present conditions (see the Union's memorandum in SALB 5(4) November 1979). The reasons which inspired the FOSATU's decision to make an application for registration (in the particular form in which they did) have not been similarly publicly expressed. One can only deduce FOSATU's motivations from its actions, press statements and from the actions of its affiliates.

The intention of this article is to take this unengaged debate over registration a step further than the General Workers Union memorandum and to suggest broader reasons why the correct strategy for independent unions is to stay out of the fold of the registered unions. This will present an opportunity to delineate the divergent organisations approaches inherent in the alternatives of registration and non-registration.

African Trade Unions and the State

The position in which African trade unions found themselves after the Industrial Conciliation Amendment Act, came into force is unprecedented in their history. They have never before been offered the option of gaining legal recognition. Indeed, one could argue that legal recognition was never seriously a policy possibility for the state until the mid-1970s. However, there have been important changes in the state's relationship to African trade

unions over the last 40 years. The Wiehahn legislation is the most recent of these changes which bear a brief summary.

African unions were at their strongest from the late 1930s until just after the Second World War. Although they were not recognised under any law and none of the various schemes for non-statutory recognition proposed by the Departments of Labour and Native Affairs, were put into effect, unions were given *de facto* recognition by government departments, local authorities and many employers.² The Cape Town Stevedoring and Dockworkers Union, with a large African membership, was even party to an Industrial Council. Union membership grew considerably as more Africans were drawn into the thriving war-time industry. By 1945, CNETU had a membership of almost 160 000 on the Witwatersrand. The growth of unions, accompanied as it was by strikes and other forms of industrial unrest, prompted the state to consider recognising African trade unions and subjecting them to some sort of control. Throughout the 1940s, there were continual discussions on how African unions should be dealt with. The unions, supported by the South African Trade and Labour Council (SATLC), demanded that the definition of employee in the Industrial Conciliation Act be amended to include all workers. Industry also voiced some support for such a step. However, the draft bill stopped far short of this. It provided for a separate recognition for African trade unions which denied the right to strike (already withheld under War Measure 145) and provided no guarantee that unions would gain membership of Industrial Councils. Mixed unions and unregistered unions were to be prohibited. The bill was widely rejected by African labour and political organisations as well as by the TLC and some sections of industry. It was never brought before parliament.

When the Nationalist government came to power in 1948, it appointed a Commission of Enquiry into Industrial Legislation (the Botha Commission). The Commission reported in 1951 and unanimously recommended recognition of African trade unions. Like the 1947 bill, it proposed a separate recognition for African unions. It also proposed a limited right to strike.

The line of action finally chosen by the state tended in a new direction - away from measures to contain the African union movement and towards a policy of suppressing the movement without actually prohibiting it. The reasons for the decision by the state to change its relationship to the African trade unions in this particular way are complex and have to be seen in the context of the changing conditions of class struggle which emerged in the 1950s. Lewis argues that the state could not afford to give any encouragement to the organisation of African workers as this would strengthen the base of the

ANC which was embarking on a new phase of disciplined and co-ordinated political action.³ This highlighted the danger that African unions would tend to turn to politics and threaten industrial strikes in support of political demands.

The attack on the African unions was part of a wider attack launched by the state against the dominated classes and their organisations. The African trade union movement was to be de-politicised and weakened by the enforced removal of militant leaders by means of the Suppression of Communism Act and by the outlawing of all strikes under the Native Labour (Settlement of Disputes) Act. Works Committees were introduced to provide a substitute for trade unions. The latter could still exist but had no special rights in law. As this period of more directed struggles progressed the African union movement became drawn into the political struggles of the dominated classes to an increasing degree. Most African trade unions joined SACTU, which was formed in 1955 and soon became closely associated with the Congress movement. In the following decade, the bannings of organisations, police intimidation and the banning, banishment and detention of individuals brought the African union movement to the point of collapse. The movement had virtually no effective existence in the 1960s, but emerged once more in the early 1970s. The strikes in Durban in 1973 and the reconstruction of an African trade union movement in the following years elicited no major change in state policy. Amendments to the labour laws in 1974 and 1977, introduced the Liaison Committee as a new alternative to trade unions. This new effort to make trade unions redundant was eagerly adopted by a more labour-relations conscious management.

A change in state policy towards African unions was heralded by the appointment of the Wiehahn Commission in 1977. The legislation following the Wiehahn Commission represents a fundamental shift in the attitude of the state to the manner in which industrial conflict should be contained. As in the early 1950s, when the state last restructured its relationship to African trade unions, the action takes place against the background of spontaneous struggles of the dominated classes, semi-organised/led by the black petty bourgeoisie. Just as the state was then anxious to prevent the ANC leading a strong trade union movement, it is now frightened that the radical petty bourgeoisie might succeed in influencing working class action through the trade unions. But material conditions are very different from the 1950s. The huge growth of the South African economy during the 1960s, the expansion of monopoly capital, changes in the labour process, the need for large quantities of black skilled and semi-skilled labour have necessitated a more tolerant attitude to worker organisation on the part of both business

and government. In addition, international pressures through foreign governments, overseas labour organisations and multi-nationals have inclined the state towards adopting a form of labour control which is more 'internationally acceptable'.

In 1953 the unions had no choice but to reject the Native Labour Act which attempted to deny them any role in labour relations. The state's strong action against the unions was made possible by their inability to effectively oppose the new system. Works Committees may not have operated, but the trade unions and the political movements were not able to challenge their existence as the only legally recognised avenue for African worker grievances. Today, the unions are given a choice. They are offered the possibility of legal recognition and participation in the structures of the Industrial Conciliation Act. This offer is, however, tied to certain conditions, which reflect a new state initiative to crush progressive tendencies in the trade union movement. Again, today there exists a greater potential for the African trade union movement to oppose the 'new dispensation' - at the very least it has powerful international links which could be harnessed. But the tendency so far has been for African trade unions to take actions calculated more to support the state's initiative than to undermine it.

The decision of the African trade unions over registration must obviously take account of the motives of the state in proffering legal recognition. The aim of the state is to foster the growth of 'responsible' bureaucratised African trade unions, ideally with a membership of more-skilled workers. These will slot into the Works Council/Industrial Council system alongside the older registered unions. The state offers recognition on its own terms. It wants to exercise a strict and limiting control over all aspects of the operation of African unions which favour the emergence of a strong independent trade union movement.

It is, of course, a matter for debate whether the legislation enacted will necessarily be suited to this purpose. It might be argued that unions could take advantage of the way in which the law is drafted to circumvent its intention. There are two points to be made here. Firstly, the present legislation provides no basis for such debate. More legislation is scheduled for 1980, after the second report of the Wiehahn Commission, and the first report was unambiguous in recommending measures to afford a registered democratic union no margin for principled existence. Secondly, as we will discuss below, there are tendencies within some of the unions which make a principled existence - even without additional controls - most unlikely.

Union Reactions to the New Act

The reactions of parallel unions to the legislation have been predictable. Even before the state's decision to permit migrants and 'commuters' to belong to registered African unions by exemption, the parallels had indicated that they would seek registration. TUCSA, which had always refused to embark on any real campaign to organise African workers, suddenly began to encourage its affiliates to form parallel African unions to take advantage of the new dispensation. (See Cooper/Ensor in this issue).

Unions belonging to the Consultative Committee of Black Trade Unions, have not taken a united stand on registration. Several of the unions are considering registration while expressing reservations about the continued ban on foreign members and provisional registration.^{3a}

The Western Province General Workers Union, the Food and Canning Workers Union and the African Food and Canning Union took a firm stand against the Report of the Wiehahn Commission at the outset. The General Workers Union argued that 'two non-negotiable principles - the right of workers to join unions of their choice, and control by workers over every aspect of their unions' activities are threatened both by the majority recommendation of the Wiehahn Commission and by the legislation.⁴ The Union states that independent unions can only avoid compromising these principles by refusing to register. The WPGWU, the FCWU and the AFCWU have passed a resolution not to consider registration until the laws on provisional registration and the ban on racially mixed unions are lifted and they are given a clear assurance 'that none of the new controls proposed by the Wiehahn Commission will be introduced into the law'.

FOSATU's response to Wiehahn was not at all clear cut. It welcomed the initial report but severely criticised the government response to it. It seemed to see a great difference between the recommendations of the Commission and the Industrial Conciliation Amendment Act. This difference was pictured as being over the Commission's proposal that all black workers be permitted to belong to registered unions and the legislation's exclusion of contract workers. When this aspect of the law was changed by ministerial decree FOSATU still declared its dissatisfaction with the racial restrictions on union membership, the wide powers of the minister, the Registrar, the Industrial Courts and the NMC and the provisions for provisional registration. Nevertheless, FOSATU affiliates decided that they would apply together for registration on condition that their unions were exempt from certain aspects of the law of which they disapproved (racial bars, provisional regis-

tration, no right of appeal to the courts over the Industrial Courts, the possibility that the Minister might split up existing unions).

FOSATU has made it clear that it is applying for registration reluctantly. It, in fact, pleads that it is compelled to register by the 'unprincipled' actions of the parallel unions and their progenitors.⁵ Paradoxically, the 'unprincipled actions' complained of seem to consist of applying for registration when so many substantial shortcomings remain in the legislation. FOSATU believes that registration (subject to its conditions, is a necessary defence against the parallel unions. It is hard to see how such a position can be maintained. FOSATU seems to fear that if unions stay unregistered, the bosses will refuse to meet with them as they have in the past for this reason. Parallel unions will step into the breach with stop orders and seats on the Industrial Council, thus bypassing the representative union. FOSATU believes that the most important advantage of registration is that it will remove one excuse the bosses use to refuse recognition. But this is hardly the most important excuse. Strength of organisation will always be the determinant of whether a democratic union is recognised. The question is whether unions will be able to maintain a truly democratic structure under the controls imposed by registration. FOSATU is aware of the disadvantages of incorporation into the industrial legislation system and apparently does not intend to enter Industrial Councils. But the bosses are just as likely to refuse to talk to a union which does not join the Industrial Council, as they are to reject an unregistered union.⁶

At this point we must, however, ask what FOSATU sees as being the main difference between its unions and the parallels. It is surely the fact that parallel unions are inclined towards the bosses and the interests of members of the parent union and gain adherence through stop orders and benefit funds, whereas independent unions command the support of the workers directly. But registration, and the attendant controls and procedures of the Industrial Conciliation Act will tend to undermine worker control and democracy. Registration will tend to strip independent unions of the factors which distinguish them from the parallel unions. The only defence against parallel unions is democratic organisation and a reliance on the organised strength of the workers. If unions look to registration, or a closed shop agreement, or a benefit fund, or membership of an Industrial Council for their existence, they will become indistinguishable from the bureaucratised welfare institutions which commonly pass for trade unions in South Africa.

Wiehahn and the Weakness of African Trade Unions

Before examining the implications of independent unions, registering or not registering, we need to ask why the state is seeking a change in its relationship with the African trade union movement. There is, of course, no single reason, but the strength of the African union movement is commonly held to be a very important factor.⁷ Webster and Bonner⁸ comment that 'Between them **these unions** have fostered a sense of working-class power which has presented the South African state with a serious problem'. (my emphasis) FOSATU states: 'There is no doubt that it is the years of struggle by the workers **and the representative organisations** that have led to the changes in the legislation'⁹ (my emphasis) But is this view justified? Is the state really concerned about the African union movement as it exists today- with less than 100 000 members, many of whom belong to tame parallel unions? It is rather the case that the organised strength of the working class has not been a major factor behind the new system. The most striking feature about the African trade union movement, and most particularly in the most important industrial areas of the country, is its weakness. its weakness both in terms of numbers and strength of organisation. The militant struggles of the dominated classes since 1973 have in each case been characterised by spontaneity. Leadership of these struggles has not been taken up by 'the workers and their representative organisations', but by the black petty bourgeoisie.

The new Industrial Conciliation Act must be seen in the first instance as a part of the state's response to the broader struggles of the popular classes. The state is in the process of conceding a place in the state apparatus to a section of the black population - it is moving away from the rigid racially exclusive form of state which has characterised South Africa up till now. The section of the black population which the state is trying to co-opt into support for the form of state is narrowly defined to include the black petty-bourgeoisie and certain strata of skilled workers. The recent concessions (reflected in the reports of both the Wiehahn and Riekert Commissions) - the house ownership schemes, community councils, municipal status for black townships, etc. - **are aimed at precisely these groups**. The new approach being taken by the state is rooted in an effort to change its relationship with the black petty bourgeoisie (specifically the urban black petty bourgeoisie), not , at this stage, to change its relationship with the working class. If the state's new approach is to succeed, it is important that it **forestall** the development of a democratic trade union movement which is either controlled democratically by the working class **or** led by radical elements of the petty-bourgeoisie. It is the task of the Wiehahn legislation to do this.

The legislation, in this context, performs two central functions. Firstly, it is framed and calculated to encourage the organisation of skilled black workers and to exclude the organisation of unskilled migrant workers. It will also attack the informal job reservation which currently hinders the upward movement of the top ranks of black workers and supervisors. All the 'positive' aspects of the legislation are intended to benefit only this section of the working class. The legislation aims to divide the working class.

Secondly, the legislation seeks to entrench reformist political practices in the African trade union movement. It attempts to draw them into an industrial relations system which pre-disposes unions to become bureaucratic and hence allows a petty bourgeois leadership to remove control over the union's affairs from the working class. The act of registration alone will not transform a democratic union in this manner, but the web of controls and regulations encouraging the making of major decisions by the leadership as opposed to the workers, encouraging the use of law as opposed to organisation as the first weapon of the union, surely will.

In two recent cases, FOSATU affiliates have taken actions which tend to align these unions with the intention of the state in the above two respects: In the first instance, Mr. Ike van der Watt, general secretary of the S.A. Boilermakers' Society revealed that FOSATU metal unions had agreed not to oppose the formation of a new parallel union by the Society on condition that 'it only recruits black workers in skilled jobs'.¹⁰ Since SEIFSA removed job reservation clauses from the Industrial Council agreement in 1978, skilled African workers have been employed in engineering plants. This has meant that the Boilermakers Society no longer has 100% membership of all craftsmen which weakens its position in bargaining.¹¹ Van der Watt wants to incorporate the skilled African workers in a parallel union to rectify this state of affairs. He has been quoted as describing the Industrial Conciliation Act as 'South Africa's finest legislation' and as regarding trade unions as strong 'if they can control their membership'.¹² The attractions of this decision to the MAWU leadership are clear. Its metal unions will doubtless stand a better chance of being registered after engaging in this type of alliance with a 'responsible' registered union. Also, the FOSATU metal unions will, in this case, not have to confront the difficulties inherent in both skilled and unskilled workers being members of one union. However, this step is in direct contradiction to FOSATU's stated aim of establishing 'broadly based industrial unions ... so as to escape the fragmented, craft based divisions that characterise the weak registered trade union movement'.¹³ More importantly, a stance like this splits the African working class exactly on the lines envisaged by the state.

Secondly, there is the example of the FOSATU-affiliated United Auto Workers Union in the continuing struggles in Port Elizabeth. The black workers at the Ford Struandale plant went on strike in protest against the forced resignation of Thozamile Botha, a Ford employee who was head of the Port Elizabeth Black Civic Organisation. (PEBCO) As a result of this action, Botha was re-employed. In the first three weeks of November, there were three more strikes/walk-outs, in protest against the attitudes of white workers at the plant as well as other conditions in the factory. Ford eventually dismissed 700 workers, the entire African work-force at the Cortina plant. The UAW, although unregistered, is recognised by Ford as the mouthpiece of the workers - it claims membership of more than half the workers at the plant. Nevertheless, the Union clearly had no hand in the organisation of the walk-outs and had no power to terminate them.¹⁴ Several press reports have suggested that the workers turned to PEBCO to lead them, because the Union was not doing enough for them.¹⁵ After the workers were fired, a PEBCO organised committee asked to negotiate with Ford for their re-instatement. Ford agreed, but insisted that the UAW be present. However, the UAW refused to co-operate with the committee as 'this would implicate the union in the unrest'.¹⁶ The Union stated that it would only ask Ford to re-employ those workers who were union members. The Sunday Tribune reported that: 'Mr. George Manase, national organiser of the UAW, said yesterday that the Union regarded this week's strike as political and its move to have union members re-employed was to keep politics out of the factory'.¹⁷

This is exactly the stance which the state wishes to encourage in African trade unions. These unions should steer clear of politics, resist all pressures to add their organisational strength to the political struggles led by the radical petty bourgeoisie. One should not gauge FOSATU's attitude to these questions from the actions of the UAW alone, but the UAW is an important member of FOSATU, with a membership of well over 10 000 spread all over South Africa and these statements have gone unrepudiated. This attitude to politics seems to command support within FOSATU as a whole.

There are good reasons why African workers organisations should exercise care in defining their relationship to bodies such as PEBCO. If a union is to represent the class interests of its members, it must be democratically controlled by the workers and not subordinated to the needs of other classes. But this is not to say it must avoid any form of alliance with organisations dominated by other classes. This is particularly true when working class organisation is weak and the working class is incapable of leading the struggles of the dominated classes itself. But one suspects that FOSATU's reason for being unwilling to associate itself with bodies like PEBCO is rather its fear

that such alliances will meet with the disapproval of the state. In the first issue of *Isisebenzi*, the FOSATU newsletter, workers are pointedly reminded that SACTU (pictured as FOSATU's most immediate predecessor) 'was forced out of existence and into exile because of its close links with political organisations'.¹⁸

FOSATU's ban on politics is not a neutral stance. To see this, we have only to contrast its attitude to compromises with reactionary white petty bourgeois unions like the Boilermakers Society with its attitude to alliances with black mass-based movements. The attitude of the metal unions affiliated to FOSATU sanctions the operation of a parallel union which aims to get acceptance through its ability to control its members. On the other hand, FOSATU seeks to distance itself from PEBCO, even when workers are raising PEBCO demands in the factory itself. A willingness to compromise with the state and white workers, but not with black political movements which command the support of the majority of a union's membership still further follows the designs of the Wiehahn Commission.

Registration not only associates unions with the state's intentions to divide the working class and instill in their organisations reformist political practices, it gives active support to these intentions. In so doing, registration will serve to range unions against the spontaneous struggles of the popular classes. The issue at stake here is who should control the organisations of the working class: (1) the working class itself through democratic organisation and through maintaining its independence from the black petty bourgeoisie, (2) the black petty bourgeoisie through subordinating worker organisations to its political organisations, or (3) the petty bourgeoisie and the state through the industrial relations system.

Registration and Legalism

The question which remains to be answered is why have many independent unions decided to apply for registration. Can a mode of operating be read into these unions' actions which makes their application for registration no surprise? Or is it just an 'error of judgment' which will doubtless be set to rights through a withdrawal of the registration requests as soon as the full intention of the state is revealed after the next Wiehahn report?

It is appropriate here to note the implications of the tradition of 'legalism' in which FOSATU affiliates and other unions have placed themselves. The registered trade union movement in South Africa (see deClercq in this edition) has **throughout its history**, placed an extreme reliance on the rights which

unions and workers have had under the law. This applies not only to accepting the law as setting the limits to these rights, but more particularly to using legal procedures (and the associated means of petitions, deputations and press campaigns) to secure the enforcement of these rights. Basic employment conditions have been set on the one hand by the Factories, Workmens Compensation and UIF Acts and on the other by the operation of the Industrial Conciliation and Wage Acts. Applications for and representations to Wage Boards and Arbitration Boards or participation in Industrial Councils and Conciliation Boards have long been the major means by which unions have sought to gain improvements for their members. Unions have regarded it very important that minimum wages and conditions be enshrined in law because this allows the enforcement of these standards by force of law.

In practice, the unions came to rely only on the law for the enforcement of these minima and consequently neglected to ensure that the organisation of the workers was strong. There is no need for a close relationship between officials and the rank and file when the formal structures of the Industrial Conciliation and Wage Acts are the main tools of the union. An official's time is better spent preparing submissions and memoranda than in building strong democratic organisation. Legal actions under the legislation can extend also to cases against the Minister and Registrar of Trade Unions over refusals to register a trade union, amend registration certificates or gazette Wage Board recommendations or Industrial agreements.

The point I wish to make is that registered unions are not, and have generally never been, firmly based on anything which could meaningfully be termed the organised strength of the workers. Isolated demands have been won through sudden displays of militant worker solidarity, but the unions have not organised in such a manner as to make worker unity the main and constant base of their strength. In general, workers are brought together only sporadically for banner waving meetings to show support for wage or other demands to be put before one of the councils or boards. Strikes are infused with spontaneity and are often used by unions merely to force to the attention of the Department of Labour or the Industrial Council, that a 'dispute' exists and that a suitable board should be appointed as soon as possible. The base of these unions is not the organised workers. They owe their existence and success rather to the legal supports of the industrial legislation.

The unregistered unions, having much less recourse to law, have had to rely to some extent on the organised strength of the workers for their successes. But frequently they have used the excuse of inferior legal rights, in particular the lack of legally-sanctioned collective bargaining structures, to

explain the failure of unions to be an effective means of winning further victories. It is true that the limits to legalism placed on them by their unregistered status make the law alone an unsatisfactory means for advancing their members' interests. But this has not caused most unions to organise strongly. They have merely sought alternative bases for a legalistic strategy. Such bases have been found either in parallelism or in overseas pressures on foreign firms and 'Codes of Conduct'. Union recognition has been sought on the basis of registered union patronage or on the goodwill of multinationals rather than through the organised strength of the workers. The united action on the basis of which many unions won their first demands was seldom successfully transformed into a strong organisation to take the struggle forward. Organisation lapsed as union leaders succumbed to the temptation of legalism and international pressures.

The mounting number of legal actions sponsored by unions indicates not merely greater activity, but also a tendency to prefer legal approaches to problems when an organisational approach is more apposite. One needs only to look at the Labour Law Bulletin to see the number of organisational questions which are treated legalistically.

Unregistered unions have been unsuccessful in weaving strength from the law, international pressure and the enlightenment of big business. Some see the root cause of their failure to advance their members interests in the refusal of management to meet with them and negotiate legally binding agreements. They look to registration to correct the situation. Incorporation under the new Industrial Conciliation Act will indeed offer the law new prospects to prove itself a sound and effective weapon of the unions. Quite apart from legally negotiated agreements, one can envisage battlefields of new legal cases for the FOSATU unions a challenge of the Registrar's refusal to register them over paper parallel unions, court applications to procure the extension of their registration certificates (new occupations and new areas), urgent interdicts against the admission of employer-built parallels into Industrial Councils.

For the last three years, unions have complained that the bosses would not recognise them because they were waiting for Wiehahn. Now the bosses are waiting for unions to register. Why have they given such short shrift to unions? The short answer is because they are not strongly organised. Are the unions hoping that registration will remove the need for basic organisation?

Registration and the widened possibilities for legalism contained within it

will further tend to bureaucratise unions, will further remove the union from the control of the workers. The first sign of this will be the clutching after paper members to spread before the Registrar of Trade Unions. Given the relatively small proportion of African members currently organised, paper membership will be the only means of quickly gaining the level of representivity required for registration. The insidious effects of the South African industrial relations system are not enshrined in the operation of Industrial Councils but in the tradition of legalism and anti-organisation which it has nurtured. The embryonic organisation of the Independent trade unions can only be protected off the rack of registration.

Footnotes

1. Most 'African' trade unions do not restrict their membership racially but I use 'African' trade unions in preference to 'Black' or 'independent' or 'unregistered' trade union for obvious reasons. 'Independent' trade union is a generic term for those African unions which are not associated with a registered union, which are not parallel unions.
2. See Central Archives file ARB 1103 'Memorandum on the Recognition of Native Trade Unions' 17.11.1943.
3. See Lewis, D 'The South African State and African Trade Unions: 1947-1953' (undated mimeo c. 1976)
- 3a. **Financial Mail** 2.11.1979.
4. See Memorandum SALB 5[4] 1979.
5. 'Joint Statement on the Amended Industrial Conciliation Act issued by FOSATU (representing 14 affiliates)...' (undated mimeo c. Oct/Nov 1979).
6. cf. statement by SEIFSA **Financial Mail**, 30.11.1979.
7. The other main factors are usually given as the failure of Works and Liaison Committees to avert industrial conflict and international pressure.
8. **SALB**, 5(2), 1979, page 6.
9. 'Joint Statement....' *op cit.*
10. **Rand Daily Mail** 11.12.1979.
11. Interview with Mr. Ike van der Watt, **SALB** 5(3) Oct 1979, page 94.
12. *Ibid.*, page 96.
13. 'Joint Statement...' *op cit.*
14. **Sunday Tribune** 18.11.1979; **Financial Mail** 9.11.1979, 23.11.1979.
15. **Sunday Post**, Nov 1979; **Rand Daily Mail** 11.1.1980; **Financial Mail** 23.11.1979.
16. **Financial Mail** 30.11.1979.
17. 25.11.1979. Manase 'also accused Mr. Thosamile Botha, leader of PEBCO... of trying to undermine the union'.
18. **Isisebenzi**, July 1979.

Registration, Recognition and Organisation: the case of the Cape Town stevedores

Western Province General Workers' Union

Introduction

There are two important reasons for publishing this analysis of recent events in the Table Bay docks. Firstly, the organisation of workers in an sensitive an area as are the stevedoring is both crucially important and extremely difficult. That - under the umbrella of the Western Province General Workers Union - the Cape Town Stevedores have managed to organise themselves so successfully, demands close analysis. There are a great many lessons - both positive and negative - to be learnt from the events of the past year and the lessons will, we believe, be of value both to ourselves and to other unions.

Secondly, there are a number of important general points that have emerged from the organisation of the stevedores. These general points raise concretely certain controversial aspects of the policy of the Western Province General Workers Union. They are of particular significance to the serious debate currently surrounding the question of registration. In this debate, the Western Province General Workers Union has, with only limited support, clearly taken up a position against registration, whereas the majority of the unregistered union movement has - under varying conditions - submitted applications for registration. In a recent issue of the South African Labour Bulletin (November 1979) the Western Province General Workers Union attempted to open up this debate by publishing a memorandum outlining our position with respect to registration. We did this in the hope that other worker leaders would learn from our analysis and, particularly, because we hoped that our line would be subjected to the fraternal criticism of which only other worker leaders are capable. We are accordingly surprised and disappointed at the conspicuous failure of the other unions - unions which have taken the serious step of applying for registration - to respond to our memorandum. We do not know the reasons for this failure. This analysis of the organisation of the stevedores is, in part, another attempt to clarify the issues surrounding the question of registration because it raises a number of extremely serious points. Firstly, it raises the question of the threat from the parallel unions, an extremely important factor prompting other

unions to seek registration; secondly, and, more importantly, it raises the crucial issue of **recognition** and its relation to registration

We will begin the analysis by a description of the events surrounding the organisation of the stevedores; in subsequent sections we will, in the light of the stevedores conflict, re-examine the question of registration particularly insofar as it is prompted by a desire to achieve management recognition and by the need to counter the parallel unions.

The Organisation of the Cape Town Stevedores

Background

In any port the stevedores obviously occupy a central place in the economic life of the city. This factor obviously makes it extremely important that unions operating in port cities give the fullest attention to organising the stevedores. On the other hand, for the same reasons, the state and the management are equally eager to prevent union activity amongst the stevedores.

Despite the seemingly powerful bargaining position enjoyed by the stevedores, their conditions have - it seems internationally as well as in South Africa - deteriorated consistently. The combined effect of containerisation and world-wide economic recession has drastically reduced the numbers of stevedores employed and has eased the ability of the bosses to attack the living standards of those that remain in work. The response of the stevedores to these attacks is characterised by strong and militant trade unions all over the world and by a degree of international worker solidarity that is unequalled.

All these features are to be found in Cape Town and in the South African ports in general. The stevedores do - needless to say - occupy a central place in the economic life of all ports. In the major centres they have long been the subject of organising attempts by a variety of unions. The relationship in the early parts of the century between the Cape Town stevedores and the ICU was not sustained and in more recent times the relationship between the stevedores and a strong, militant union, has been conspicuously absent. This is not to say that the militancy of the stevedores or their independent efforts at organisation have ceased. Their history has been one of stern defence of their faltering economic position marked by occasional strikes and occasional victories. Recent examples of this are the strikes of the Durban stevedores in the early 1970s and the protracted strike and overtime ban by Cape Town stevedores in 1974. The militancy and independent efforts at

organisation have not always been matched by similar attempts by the unions to organise the stevedores, despite the fact that in at least two of the centres - Durban and Cape Town - there have existed (and still do exist) structures which could easily accommodate these workers.

This conspicuous lack of union intervention is, in part, to be explained by the timidity and conservatism of the unions themselves. Faced with the ever-present knowledge of the awesome task involved in organising the stevedores, the Western Province General Workers Union has exhibited an uncertain, dithering attitude towards these workers - at times establishing reasonably strong contact and then letting it lapse again. In Durban the unions were faced by the strong - though volatile - base inherited from the early 1970s and, despite the fact that the stevedores were the first workers organised in Durban in the 1970s, it seems that the unions have not been able to take advantage of their inheritance. Only recently a prominent union leader in Durban claimed a strong foundation in one of the major stevedoring companies, but argued the need to maintain a 'low profile' with respect to their organisation of the stevedores. But in all fairness to the unions, the difficulties involved in organising the stevedores cannot be attributed solely to the inadequacies of the unions. All the other general characteristics referred to above bedevil the unions in their attempts to organise the stevedores.

We refer here to the vigilance exercised by both the state and the management in preventing organisation of stevedores. There is little point in dwelling upon the activity of the state - it takes its usual form though exercised with an even greater degree of vigilance than is customary. The activities of the management (apparently nationally co-ordinated) range from concerted, but totally unsuccessful, attempts to establish liaison committees, through to extreme attempts to isolate physically the stevedores from the rest of the community. In Cape Town the majority of the stevedores live in a large hostel complex in Guguletu, one of the Cape Town townships. The hostel complex is surrounded by high fences and there is only one entrance at which guards are permanently stationed. Stevedores entering the complex have to show their identification cards issued by local employers; visitors have to show their passes, give the name of the resident they wish to visit and state the purpose of their visit. No visitors are permitted after 8.00 p.m. Accordingly, the union has not been able to hold mass meetings either at the workplace or the residence of the stevedores. With the collaboration of the workers, union organisers have been able to sneak into the hostel complex and mass meetings have been held at other venues. This has certainly inconvenienced our organisation but we have not allowed it to act as a block to all our organising efforts.

These problems are compounded by the difficulties involved merely in understanding the conditions of service governing stevedores. Their wage structure is highly complex; there are difficulties involved in understanding the constant use of casual labour in face of the perpetual under-employment of registered workers; there is confusion surrounding the relationship between the three stevedoring companies and the local employers organisation, the Cape Town Stevedores Association. Suffice it to say that the old tactic of withholding information in order to confuse the workers, has been particularly successful in the case of the stevedores. In any event, the dispute to date, has not centered around these grievances - it has been concerned with questions of **representation** and **negotiation** and accordingly this is what will be dealt with in this article.

There are approximately 600 stevedores employed in Cape Town. There are three stevedoring companies operating in Cape Town - they are the South African Stevedores Services Company (SASSCO) a member of the Johannesburg based Freight Services Management group of companies; Grindrod-Cotts, which through Mitchell-Cotts has strong British connections; and Rennie's which is connected with Hong Kong based Jardine-Matheson. However, these companies are **not** the employers of the stevedores. The Cape Town Stevedores are employed by a company called the Cape Town Stevedores Association (CTSA) of which all three companies are members. It appears that in the other centres the local employers organisations are voluntary associations more concerned with the questions of international trade than with labour relations. The national employers association, the South African Stevedores Council (SASC) is based in Durban and the CTSA is a member of this national body.

The Cape Town Stevedores & the Western Province General Workers Union

At the beginning of 1979, the union decided to engage in an intensive organising drive amongst the Cape Town stevedores. We began meeting, in the normal way, with groups of workers and, thanks to the active assistance of a relatively large group of workers, organisation took off very rapidly. When management got wind of our activities, they immediately called a meeting at the hostel complex and attempted to persuade the workers to form Liaison Committees. The workers, with the assistance of one of our organisers who, unknown to the management, managed to attend the meeting, defeated this attempt. By the end of March organisers were attending regular weekly meetings of, on average, 200 stevedores. At the end of April it was decided that the union should write to the three companies and demand that each company convene a meeting of their workers. At these meetings the workers

wanted to elect a representative committee. As per the workers instructions, the letters demanded that management recognise their committees as the legitimate representatives of the workers.

The letters were sent on the 1 May and copies were forwarded to the CTSA. We received no reply from Rennies or Grindrod. SASSCO replied claiming that 'our labour force has a recognised committee, appointed (sic) after free elections last October . . .and regular meetings are held with the committee'. This reply was immediately referred back to the workers. It appears that, in late 1978, there had been a drive, initiated by the SASC, to have Liaison Committees elected. The workers of Rennies and Grindrod refused outright to participate in the election of Liaison Committees. It appears that the SASSCO workers had extended some sort of sanction to the establishment of a Liaison Committee (it is, however, not clear - though by now irrelevant - whether or not the SASSCO workers actually participated in any election). The workers claimed no knowledge of the functioning of any committee and could not even name their 'representatives'. There also seems to have been some sort of 'Liaison Committee' for the coloured workers, though, once again it is not clear whether the members of the committee were ever elected or whether the committees ever functioned. The union replied accordingly to SASSCO and repeated the demand that a meeting be convened.

In early June we received a reply to our letter from the CTSA. To our delight, the CTSA insisted that we deal with them and not with the individual companies. Both the workers and the union obviously preferred to deal with the organisation of the stevedores en bloc rather than maintain the division into 3 separate companies. We had, however, expected this to be a hard fought demand but, instead the CTSA facilitated our organising efforts by actually insisting that we deal with them on behalf of **all** the stevedores. In their reply the CTSA also noted that if the workers wished the association to call a meeting then the workers themselves should approach the management directly who would then '...make the necessary arrangements with the Authorities for permission for such a meeting to be held, attendance at any meeting called would be restricted to registered members of our labour force only'. This is a fairly standard response and as we will show below this was to prove one of the more conciliatory responses from the CTSA. We were, in any event, not unduly upset at the lack of co-operation from the CTSA - although the workers had clearly instructed us to make the demand in May, we were somewhat less confident about the basis of our organised strength in the docks. The initial round having been fought, we were able to take the opportunity to strengthen and deepen our organisation. It was not easy to show the workers that more would be required of them than an instruction

to their union. This is what we proceeded to do - we continued attending the weekly meetings, recruiting new members and developing our relationship with the leaders of the stevedores.

In early August the workers decided to elect a representative committee and on the 19th of the month a meeting held in Langa, attended by more than 300 stevedores, elected a committee comprising five representatives from each of the three firms, as well as a Chairman and Secretary elected from any of the three firms. The meeting instructed the union to forward the names of the Committee members to the CTSA and to demand, once again, that representatives of the Association meet with **all** the stevedores in order to discuss the relationship between the Committee, on the one hand, and the Association and the three companies, on the other hand. This letter was sent by the union to the Association on the 21st August. There then ensued a highly contradictory set of responses from the management. Predictably members of CTSA spoke (informally) to some of the committee members (whose identity had now been exposed). They indicated to these workers that their demand was being considered and that they intended recognising the Committee (whilst simultaneously making all sorts of derogatory references to the union). They did not, however, convene the meeting demanded by the letter. The local SASSCO management (which has subsequently proved the most conciliatory) indicated to individual workers that they had no intention of recognising the Committee. The workers instructed us to write to the management again. On the 24th September we sent a letter to the CTSA. In this letter we pointed out the confused and contradictory nature of their response and demanded, a third time, that a meeting be convened on the 29th September.

The CTSA did not convene the meeting demanded in our letter but they did this time reply directly to the union. Predictably, they denied that their response to our earlier requests had been in any way contradictory and stated further that '...until such time as your Union becomes registered in terms of the relevant legislation, we will not have any further dealings with your establishment. However, after **registration**, we will have no objection to dealing with **any** organisation of which more than **50% of our workers** are members in good standing'. (Our emphasis) They also reiterated their previously held position that '...individual companies will not negotiate with any organisation piece meal and that all matters will be dealt with through this office'. This affirmation on the CTSA's part becomes interesting in terms of a later response by one of the companies and, we now believe, at the time probably reflected major disagreement in the SASC on the most appropriate method of dealing with the union.

On the 24 October, acting on instructions from the increasingly well-attended weekly meetings, we wrote to the CTSA and once again demanded that they convene a meeting, pointing out the essentially reasonable nature of the workers request. We also indicated that, to date, no explanation of their persistent refusal to comply with the demands had been made. We were also instructed to forward our membership lists to the management. This we did and the list (effective as of 15 October) comprised somewhat over 300 members in good standing. We received an immediate reply from the CTSA claiming that 'As we have already stated, we cannot enter into any negotiations with your Union unless and until it is registered with the Department of Manpower Utilisation. Even then we would require, as is normal, to inspect your financial books and ensure that your constitution confirms with and is acceptable to the Department of Manpower Utilisation'. In the same letter, the CTSA also claimed that they were prohibited, in terms of the Riotous Assemblies Act, from holding the meeting which we had demanded. In our reply we pointed out that, as yet, the question of 'entering into negotiations' with the union had not arisen. We had certainly not made that demand. We pointed out that we had merely requested that they meet with the workers (the significant majority of which were union members). We will return to this point in detail at a later stage - it obviously raises the question of the union's attitude towards 'recognition'. It also, via the CTSA's persistent reference to our unregistered status, raises the question of the relationship between registration and recognition.

The deadlock was ultimately broken by the intervention of one of the companies, Freight Services. To their credit, Freight Services recognised the **growing** strength and commitment of the workers. As it so happened, their attempts at conciliation were too late and too uncertain to convince the CTSA and the SASC and, ultimately, the workers were compelled to down tools. The point to recognise is that as long and, often, as frustrating, as was the period of deadlock, it never had the effect of weakening the workers commitment to their stated demand or to their union. The reason for this is precisely that we never moved ahead of the workers - we never attempted to speed up the process because to do so would have removed the initiative from the hands of the workers. Every step taken by the union was preceded by an intensive round of discussion with the rank and file. This had the effect of instilling a particular organisational practice into the relationship between the union and the workers, namely the workers' control over their own struggle. This practice is as important now as it was in the critical period of confrontation and it will not be easy for management to alter this relationship in any way.

The mood of the workers was becoming increasingly angry. They had 6 months previously raised an eminently reasonable demand - that management meet with them for the purpose of discussing representation. Moreover, they had attempted to secure acceptance of their demand in a highly disciplined, patient manner. For their pains they had been rewarded by a blanket, unexplained refusal on managements part. The CTSA seemed determined to test the workers' resilience and commitment to their stated position. At least one of the companies recognised the dangers inherent in this approach.

In mid-November we were telephoned by an industrial relations manager from Freight Services Management Ltd., the Johannesburg based holding company of SASSCO, the largest of the three stevedoring companies operating in Cape Town. The Freight Services representative - speaking on behalf of the Executive Director in charge of 'human resources' - indicated that the company was concerned about the 'lack of communication' between the workers' representatives and management in Cape Town, and openly indicated that the company found themselves in strong disagreement with the attitude of the CTSA. They indicated that their Cape Town based company - SASSCO - was effectively bound by the policy of the CTSA but that they, Freight Services, were not similarly bound. They accordingly, requested a meeting with the union officials in order to discuss 'general' aspects of union and company policy. This request was immediately put to the workers, who, agreed to meet with the Freight Services management, **on condition that** the SASSCO committee representatives were permitted to attend and participate in the meeting. Their conditional acceptance was then conveyed to Freight Services who, after some initial disagreement, agreed to meet the union officials **and** the SASSCO committee representatives. The meeting was scheduled for the 3 December. Three days before the meeting, we were telephoned by one of the Freight Services directors who informed us that, under pressure from the SASC, they were compelled to shelve the proposed meeting. Captain Greenwood of the SASC admitted quite openly to the press that the Council had put pressure on Freight Services to cancel the meeting, arguing that the meeting would be tantamount to recognition of our union. He also argued that employers were prohibited - legally, he appears to have thought - from dealing with an unregistered union; and he informed the press that the SASC had been approached by TUCSA who intended forming a Dock Workers Union and expressed the opinion that the workers should belong to this union.

Shortly after this we received another (written) request from Freight Services for a meeting. Freight Services pointed out that they were not only

connected with the stevedores and that they wanted to meet the union in order to discuss 'general issues' not specifically related to the stevedores dispute. They requested that, *inter alia* we discuss 'principles of collective bargaining' and 'registration'. The Western Province General Workers Union's Controlling Committee (Executive Committee) accepted their request in principle but decided that, because of Freight Services involvement with the stevedores dispute, the meeting could not be held until the stevedores were satisfied that their demands had been met.

The Strike

The workers were immediately informed of the cancellation of the meeting and they resolved to present management with an ultimatum. On the 8 December a general meeting attended by approximately 400 workers elected a 3-man delegation. On the 10 December this delegation handed the CTSA a letter informing them that at 6.00 a.m. the following day the workers would gather outside the offices of the CTSA in order to hold the meeting which they had demanded over the past 7 months.

On Tuesday, 11 December at 6.00 a.m. the beginning of the first shift, the workers gathered. The manager of the CTSA immediately informed the workers that the port authorities had refused them permission to hold a meeting and he then returned to his office. An hour later he informed the workers that he was attending a meeting in Durban on the following day where the demands of the Cape Town stevedores would be discussed. He said that he would only return on 13 December. He also indicated that he would only speak separately with the coloured and African workers. The latter condition was loudly rejected by the workers. The workers then informed management that they would not be returning to work that day. They also informed management that they would all return to work on the following day (12 December) and that they would regroup at the CTSA's offices on Friday (14 December) for a report back from the Durban meeting. True to their word, not one single worker from either shift reported for work on the Tuesday. On the following day, all the workers returned to work, both the stay-away and return being obvious indicators of a remarkable disciplining and solidarity.

At last management seemed to have got the message. After the SASC meeting in Durban, a press statement was released. The important aspects of the statement are, firstly, that the SASC had decided to form a National Employers Association in terms of the Industrial Conciliation Act; secondly that 'the Association is in favour of workers exercising trade union rights

through the Industrial Council system', thirdly that 'the association will talk and listen to worker representatives, including all registered and unregistered trade unions'; fourthly, that 'the association will enter into negotiation only with registered, representative unions'. We will comment below on this statement.

On returning to work the following day, the workers were called to a meeting by the management who informed them that their Committee would be recognised. On Friday, the CTSA requested that the Committee meet with them. At this meeting recognition of the Committee was confirmed and management advised the workers to attend a meeting called by TUCSA for the following day, a clear last-ditch attempt to dissuade the workers from their chosen path. They also requested that the Committee furnish them with a date for the first meeting.

The Mass Meeting of 15 December

Following the one-day strike, the union convened a mass meeting of all stevedores for Saturday, 15 December. TUCSA called a meeting of stevedores for the same day and time. The TUCSA pamphlet is interesting, firstly, it was handed out by employees of the CTSA - this has subsequently been denied by Greenwood of the SASC though our sources continue to claim strongly that CTSA employees distributed the pamphlets. Secondly, the pamphlet is signed by Louis Petersen, general secretary of the Western Province Garment Workers Union and prominent TUCSA member; thirdly, the workers were offered and provided with free transport; fourthly, they were requested to show their CTSA identification cards before boarding the buses or entering the meeting in order to prevent 'undesirables' from attending the meeting; fifthly, they were induced to come to the TUCSA meeting by an offer of free tea and biscuits(!) and finally, of course they were told that they would be asked to form and join a 'responsible' and 'registered' union. Our meeting was attended by over 300 workers; the TUCSA meeting was attended by one worker!

At the mass meeting the following decisions were taken:

1. a unanimous decision that all stevedores join and support the Western Province General Workers Union despite the refusal of the SASC to 'negotiate' with unregistered unions. The workers specifically endorsed the policy of the General Workers Union to remain unregistered.
2. the meeting confirmed in office their elected committee of 17 representatives.
3. the meeting approved a constitution drafted previously by the committee

and the union officials. A key clause of the constitution extends to the Committee the right to invite representatives of the Western Province General Workers Union to attend all meetings with management.

Since then the Committee and union officials have held two meetings with management. Thus far, much of the discussion at the meetings has centered on the constitution and particularly on the question of the union's role. We will comment on this below.

General Issues

We argued at the beginning of this paper that there are important general issues which arise from the stevedore dispute, issues which go beyond the immediate difficulties of organising stevedores. The two major issues have already been referred to above, namely the question of the **threat from the parallel unions** and the central question of **union recognition and its relation to registration**. We will deal with these two points below.

The Threat from the Parallel Unions

We have already commented extensively on the question of the threat from the parallels. Despite the extremely weak and totally unsuccessful attempts by Petersen of TUCSA and the SASC to foist a 'responsible', 'registered' union on to the stevedores, we still do not intend dismissing the threat from the parallels. But we must again state that the threat - even when it is a real threat - is not a sufficient reason for deciding to register. We have pointed out before that registration **because** of the threat from the parallels, ultimately pre-supposed competing with them on their terms, chasing paper members in the same way that the parallels do. How do we compete with the parallels? Do we also offer the workers a 'responsible', 'registered' union? It is clear that, at one level, this is what registered **because** of the threat from the parallels surely means. And we have to recognise that fear of the parallels is in fact a major reason which lies behind FOSATU's decision to register. In fact a recent FOSATU memorandum makes it the **major** reason for registering. The FOSATU memorandum expresses strong objections to the current terms of registration and slams the TUCSA parallels for their 'unprincipled actions' but concludes that in deciding to apply for conditional registration 'we have been strongly influenced by the unprincipled actions of the majority of the existing registered unions and the support they are receiving from employers and potentially (sic) the state'.

But we recognise that TUCSA's attempts will not always be as easily countered as their recent efforts in Cape Town. There will be more sophis-

ticated, more serious attempts. Our argument is that these attempts can only be fought by more careful organisation. They cannot be fought by recourse to a registration certificate. If unions register because of the threat from the parallels they necessarily end up compromising with them or, at best, fighting them on ground chosen by the parallels. The path that we have chosen - as indicated by the stevedore example - necessarily means that we fight the parallels and their TUCSA bosses on our own ground.

The question of recognition and its relationship to registration is concretely posed by the stevedore case and is made absolutely explicit by the SASC's press release (see above). The issue of recognition has been the subject of a long standing debate between this union and our brother unions. The demand for union recognition is of great importance and, in general, it is an attainable demand. It is, at this stage of the workers struggle in South Africa, imperative that each management recognises and accepts the fact that their workers are members of a union of the workers choice. By so doing management are conceding to the workers the right to belong to an organisation which is intimately concerned with the boss/worker relationship, but it is an organisation which stands completely outside of the control of the bosses. It is no great advance if management concedes to the workers the right to belong to an organisation the control of which is 'shared' by the workers, the bosses and the state. And management must see at every step along the way that the union to which the workers belong is controlled by the workers themselves.

It is for this reason a demand for recognition of the workers membership of the union - a demand that management negotiate with the workers as members and representatives of the union, with the backing of the organisational strength of the union beyond the confines of that factory - is not a demand for recognition of the right of union officials to negotiate on behalf of the workers. In other words, a demand for recognition must always be governed by one overriding principle, namely: It is never the function of union officials to negotiate for the workers; it is never the function of the union secretariat or bureaucracy to substitute itself for the workers. Rather, the function of the union officials is to ensure that the workers possess the necessary 'skills' and self-confidence to face management themselves. The workers of the union, and not its secretariat, must lead the struggle and it is the unions primary duty to ensure that this is the unions practice. This priority can only be achieved through the experience of collective activity in a union which is uncompromisingly controlled by the workers.

Within this framework recognition can take on different practical forms.

These will be dictated by a number of different considerations, but first and foremost is always the question of workers control. That is our priority and any form of recognition which undermines this is a setback and not a victory; secondly, there is the question of the workers organised strength in the particular factory and the strength of the union in general. There is no point - in fact it is positively dangerous demanding a form of recognition which the workers in the union are unable to sustain. If the workers demand a form of recognition, but are unable to sustain that demand, what will happen is that management will simply refuse to concede and the workers will be involved in an exhausting struggle which they simply cannot win. Alternatively, management will meet the demand, but only on condition that certain compromises will be made on the question of workers control. Thirdly, there are general political considerations at stake which, at times, strongly influence the form in which recognition is sought. We will expand on this below.

Hence for us, recognition takes on a multitude of forms. Our general strategy is that, having organised the workers, a direct approach - usually by letter - is made by the union on behalf of its members to the management. **This initial approach consists in demanding of management that they recognise the workers democratically elected committee, a committee elected under the auspices of the union.** Having made this demand, the precise nature of management's relationship with the committee and the union is formulated and enshrined in a constitution which the committee presents to the management at the first meeting. In certain cases, immediate agreement by management to meet the committee will constitute sufficient **de facto** recognition of the union - it is tantamount to management acknowledging the workers membership of the union.

In other factories a more explicit acknowledgement, a different form of recognition, is demanded. As we have already mentioned, in the case of the stevedores the right of the workers to invite union officials to meetings with management is written into the constitution. We do **not** consider this a superior form of recognition, rather we consider it to be the correct demand to pose in the circumstances. We have outlined above the three broad criteria which determine the form of recognition that we demand. In this case, these considerations determined that we demand a highly explicit form of recognition from the stevedoring bosses. Let us just examine the reasons for this.

Firstly, let us look at the state of organisation of the stevedores. The unions representativeness amongst the stevedores is undisputed. This is true not only of one or two companies, but of the Cape Town stevedoring industry as a whole. The solidarity of all the workers is underlined by the total walkout

on 11 December. This factor is obviously of primary importance because it would often appear to be the case that a demand is raised either which the workers do not fully support or else, which the union is not strongly enough organised in general to back up. The Unilever case, where Swedish workers struck in support of recognition of a local union which appears to have enjoyed only small support from the workers in South Africa, would appear to exemplify the former; the marked success experienced by FOSATU (and earlier TUACC) in forcing management to grant the form of recognition they have been demanding so consistently, probably exemplifies the latter. In the case of the stevedores, the entire industry is organised and this fact renders the demand for a highly explicit form of recognition an attainable possibility.

Nevertheless, this consideration is not of itself sufficient for determining the necessity for this form of recognition. The second factor which necessitated the demand for a highly explicit form of recognition is the general political situation. The whole tenor of the Wiehahn Report and the subsequent legislation is to compel unregistered unions in the direction of registration as a pre-condition for recognition. The Western Province General Workers Union has publicly refused to accept this pressure as grounds for registration, and we were here accorded the possibility of demonstrating concretely the ability of unregistered unions to achieve explicit, public recognition of the support it enjoyed amongst the workers. Just as the African Food and Canning Workers Union - a union also implacably opposed to registration - won a major political victory by forcing Fattis and Monis to accord it explicit recognition, so our success in respect of the stevedores constitutes a major **political** victory.

Finally, we have said that the bosses are, in all factories, expected to recognise the representativeness of the union, they are expected to acknowledge the workers membership of the union. This usually takes the form of agreeing, in terms of a constitution drawn up by the workers, to meet the committee on a regular basis. The bosses are compelled to recognise a committee elected solely by the workers under the auspices of the union. In the stevedores case the bosses consistently refused to recognise the committee precisely **because** it had been elected under the auspices of the union. In other words, they refused to acknowledge the workers' membership of their union. After 7 months of consistently refusing to extend this right to the workers, it became clear that ultimately, **de facto** recognition would be inappropriate. Management, having explicitly refused to permit the workers to belong to the union, could only credibly retract by explicitly recognising the union. Moreover, their attempt to encourage the establishment of a parallel union in

direct opposition to the workers' chosen union, made it all the more essential that explicit recognition be accorded to the Western Province General Workers Union. It also reinforced an important political point that we have consistently stressed, namely, that the inevitable alliance between the bosses and the parallels did not constitute an insurmountable obstacle to the organising activities of an unregistered union and, as such, did not constitute a valid reason for seeking registration. Accordingly, the stevedores demanded of the bosses the right to invite union representatives to meetings between the Committee and management.

The status of union officials at these meetings has not yet been finalised. It is clear that, in meetings with the CTSA, the bosses want the union officials to have observer status. With important exceptions, this will in all probability prove acceptable. The Committee's constitution is not yet finalised, but it is likely that observer status will be accepted unless, of course, the meeting requests the participation of the union officials, or, if any matters affecting the status of the union are discussed. Nevertheless, we accept observer status not because we find it necessary to accede to the bosses' formulation but rather because, in line with union policy, observer status places squarely on the shoulders of the workers of the union, and not the officials of the union, the responsibility for negotiating with and, in general, confronting their bosses. If the workers are unable to do this, then it is for the union to improve its organisation amongst the stevedores; it is not for the union secretariat to substitute itself for the workers.

There has been another important development. Recall that in their press release the SASC stated that they would be prepared to 'talk and listen to... unregistered unions' but that they would be prepared to 'negotiate' only with registered unions. In talks with management officials responsible for setting up the new national employers association, this formulation was discussed. Management pointed out its reservations concerning the Committee. They noted that the discussions between the CTSA and the Committee should not cover certain critical areas (viz. wages, working hours, etc.) because those were nationally determined. They indicated that, at the national level they envisaged discussion between unions and bosses and they preferred that these discussions took place within the framework of the Industrial Council system. If we wished to participate in discussions within the Industrial Council framework we would have to register. There are a number of alternative possible paths:

1. We could register and sit on the Industrial Council. Until the legislation is amended in accordance with our Controlling Committee decision this is not an alternative which we would consider;

2. or, if management agrees (and it is possible that they will) we could agree that union officials and the national employers association (with some token worker participation) meet to discuss these 'national' issues. This would **not** be in line with union policy and if the stevedores wanted us to accept this formulation, they would be compelled to persuade the Controlling Committee of the union to change the union policy on worker participation.
3. or, we could insist that, when these 'national' issues come up for discussion, the national employers association meet with the full committee. Once again there is no reason why the union would not accept the same 'observer' status as that which applies in the case of the meetings with the CTSA.
4. or, we could insist that management actually give to the local employers the right to negotiate all issues including those which are nationally determined.

Only options (3) or (4) would accord with union policy. We would not 'negotiate' within a framework that we register in order to accept a seat on the Industrial Council or that presupposed that the union officials substitute themselves for the workers. Our task is to establish **workers control**; our task is **not** to threaten this by accepting registration or by pushing our commitment to maximum worker participation into the background for the sake of the illusory 'benefits' of some 'greater' form of recognition. Therefore, the point to recognise is that, in seeking the form of recognition that we have sought we **have not been required to relinquish one of the guiding principles of a worker controlled, democratic union**. Under present circumstances the form of recognition sought by the majority of the trade union movement presupposes that they relinquish certain of these principles and, moreover, that they involve the workers movement in a whole series of compromises with non-worker organisation.

Conclusion - Why no formal recognition?

The above analysis begs one important question, namely, 'explicit, highly formalised recognition is the mode of operation of all the established unions in the European social democracies. Why then is it not the established practice in South Africa?

The answer to this important question is really quite plain: South Africa is simply **not** a social democracy. In other words, the demand for a formalised recognition of the Western European type is, at present, unattainable. It is unattainable because it is out of step with the political situation in the coun-

try and because it is out of step with the current level of union organisation. Is there any clearer proof of this than the marked lack of success experienced by the FOSATU unions in their hard fought quest for formal recognition? For years FOSATU (and, previously, TUACC), one of the more powerful representatives of the African working class, have raised formalised recognition as a priority demand. By August 1979 they had succeeded on only two occasions. ★ :

Now suddenly it seems that formal recognition has become a real possibility. But only because the unions have been presented with a highly restrictive and limiting set of conditions for registration. Acceptance of these conditions raises the possibility - and **only** the possibility - of formal recognition being extended on a wide scale precisely because registration spells the death knell of workers control of the unions. In other words, the only strategy which will possibly enable the unions to gain the objective of formal recognition is one which involves changing the nature of the union seeking recognition; it involves, in other words, a series of massive compromises with the bosses and the state.

SEIFSA has recently published its 'Guidelines for SEIFSA Member Companies on the Development and Participation of Black Workers in the Metal and Engineering and Allied Industries' and these guidelines provide concrete proof of what we mean. SEIFSA's statement accords with the predictions made in our Memorandum on the question of registration.

In a nutshell, SEIFSA states that the conditions for formal recognition should not only be registration, but also membership of the Industrial Council. And they go even further than this when they recommend that, even after formal recognition has been achieved, there should be no 'in-house' agreements between individual companies and the unions which cover any of the aspects dealt with by the Industrial Council agreements. This spells out with absolute clarity the compromises required if the unions are to achieve formal recognition. Moreover, the SEIFSA 'Guidelines' provide the arena for a very interesting and very important sideshow.

The response of the unions (via the press) to the 'Guidelines' has been predictably negative and condemnatory; but the response of certain of the major member companies of SEIFSA has also been tentatively negative. They have indicated that they will continue speaking to the unions. It is clear that they

★ 'To date there are only two cases of **actual direct legal recognition** of an unregistered trade union. This is **distinct from various forms of more or less satisfactory de facto recognition**'. (FOSATU, Documents on EEC Code of Conduct, August 1979, our emphasis).

will even consider entering into formal recognition agreements on an individual company/union basis. The conditions laid down by the major companies for continuing these discussions and for considering the possibility of 'in-house' agreements will be more acceptable to the unions than are SEIFSA's. These companies will 'merely' require registration. Thus in order to keep open the possibility of a few 'in-house' agreements the unions will still have to call on the entire battery of union organisation - powerful, strong organisation, international union support, the codes of conduct, etc. But, in addition, they will have to register. If they want formal recognition extended on a more general scale, they will have to meet SEIFSA's additional requirement, namely, admission to the Industrial Council. In short, **if these unions wish only to maintain their ground**, ground which holds out the possibility of a small number of formal recognition agreements, they will have to take one important step backwards, they will have to register. Or to put it another way, the unions will have to compromise on the question of workers control, for this is what registration implies. Having compromised on the question of workers control, the unions will have lost the most important element of their power. They will no longer rely on the power of a democratic, worker controlled union for the conclusion of formal recognition agreements, they would be forced to rely on the 'goodwill' of those 'progressive' members of SEIFSA. Their goodwill is extracted at a heavy price - that price is registration, the freedom of workers to control their unions.

Contrast this with the stevedores case. Here too the bosses are very definitely holding out the possibility of a formal recognition agreement and, at present, they appear to require registration as a pre-condition for this form of recognition. But this is not an acceptable condition; **the control of the workers over our union is not negotiable**. We should also point out that in the stevedores case we were also, as in SEIFSA, faced with a genuine and deep contradiction between the progressive captains of industry and their junior partners. Our victory was won, in part, by sensitive handling of this division amongst the bosses. **But our victory has not been won at the cost of our freedom**. We have exploited the division amongst the bosses; but in so doing we have not become the handmaidens of the more progressive faction. The bosses have recognised a workers controlled union - that is a victory for the workers. But, we must repeat, recognition of a union, control of which is 'shared' by the bosses, the state and the workers is not a victory for the workers; it is a step backward.

Postscript

Since completing this article, the Chairman of the Stevedores Committee and the Chairman of the Cape Town Stevedores Association have signed

the Constitution of the Committee. Important aspects of the Constitution are:

- ★ the Committee is entitled to **negotiate** all aspects of wages and working conditions on behalf of the Cape Town stevedores. Full authority to negotiate on behalf of the bosses has been vested in the Cape Town Stevedores Association. Negotiations for a new wage agreement are currently in progress.
- ★ the Constitution provides for the negotiation of grievance and disciplinary procedures.
- ★ members of the Committee are permitted, after informing their immediate supervisors, to carry out their functions as Committee members during working hours.
- ★ the committee is entitled to invite officials of their union to attend any meetings with management. Union officials will have observer status at these meetings, unless the meeting requests otherwise. The Constitution refers to the 'representative union' and not to the W.P. General Workers' Union. We prefer this formulation for two reasons: firstly, we want **all** stevedores to be able to participate in elections of the Committee, even that small minority who are not currently union members; secondly, we believe that we should only be entitled to exercise the rights accorded by the Constitution to the union for as long as we remain powerfully representative. We would not wish to invoke the Constitution in order to establish **our** rights; in the event of any threat to the standing of the W.P.G.W.U. we would wish to invoke the organised support of the workers. It is our organisation's duty to ensure that we remain the representative union; it is **not** our attorneys' duty. At present our membership figures stand at slightly under 500 (of a potential 600) stevedores.

the representative union is accorded exclusive control over all Committee training programmes and any other facilities required by the Committee.

The Parallel Union Thrust

Memorandum issued by FOSATU on 8 November 1979

Employers are Co-operating

'Employers are with this Union, and they are prepared to let their Black employees join this Trade Union because it is well run, well organised, and seeks only to improve the position of its members. Because of these reasons, the Motor Industry Workers Union of S.A. is sure to be the only Trade Union for Black Workers in the Motor Industry. Employers trust us because they know that we are only interested in making things better for our members, and are not a political organisation. So you are safe in our ranks. We will fight for your rights as a worker, and protect you in your jobs, but we will never place you on the wrong side of the Law'.

Quoted from a pamphlet issued to workers by the Motor Industry Workers' Union

The past two months have seen an unprecedented number of companies introducing unions to their African workers. Much of the recruiting for these unions has been done by the companies themselves. All of these unions have told workers that they will be registered under the new labour laws.

This surge of activity, as was clearly expressed at the recent TUCSA Conference, is the result of a very new interest by many of the presently registered unions in organising African workers. It is also a result of the realisation by employers that they will have to deal with unions of African workers, so that many companies are hastily looking around for the unions which they regard as most convivial, and are introducing these into their plants.

The registered unions taking the lead in this upsurge of activity are:

Motor Industry Combined Workers Union (which has established the Motor Industry Workers Union for Black workers);

The Engineering Industrial Workers Union (which has established the

National Union of Engineering Industrial and Allied Workers);
S.A. Electrical Workers Association (which has established the Electrical and Allied Workers Union of S.A.);
Textile Workers Industrial Union (which appears to be organising for the Textile Workers Union (Tvl) in Natal and the Cape);
Radio, Television, Electronic and Allied Workers Union

The independent trade unions organising African workers are very concerned by this trend, for the following reasons:

1. Most of the unions named above have never before actively organised African workers. They have not assisted the unregistered unions which have for several years, been fighting an uphill battle for union rights for African workers. Suddenly they are deeply concerned about 'organising the unorganised'. This has come when organising African workers has suddenly become easy and respectable - the government approves and employers are assisting selected unions. It also comes at a time when the members of registered unions are more than ever threatened by competition from African workers, following the virtual abolition of statutory job reservation.
2. Employers and the government have realised that they have to accept unions of African workers. They clearly now wish to encourage unions which they believe will not cause them any difficulties. The independent unions (i.e. those in FOSATU, the Consultative Committee of Black Trade Unions, and certain unions in the Western Cape, have been struggling for years for recognition by employers and for basic rights and facilities. These have consistently been denied to them by all but a few enlightened companies such as Smith & Nephew, Kellogs, Ford and SKF.
3. Now, suddenly, employers are bypassing the established unions of African workers and are bringing new unions to their workers. In many cases, the new unions are being used in an attempt to undermine or pre-empt organisation by FOSATU or Consultative Committee unions.
4. The most important feature of the new unions is that they are able to compete at an advantage with the existing unions of African workers. This unfair competition is a result of employers interfering in the freedom of association of their employees.
5. Judging from their statements to workers and pamphlets issued by them, most of the new unions will be prepared to accept certain condi-

tions from management which will have the effect of weakening the entire labour movement. These relate especially to the acceptance of Management - dominated in-plant committees for the handling of in-plant issues. Further, the existing unions have been struggling for the right to have facilities for their shop stewards, and to represent their members on in-plant issues, like dismissal procedures. These matters appear to be of little interest to the new unions, who clearly intend to work mainly through the Industrial Councils.

Some of the new unions have been started at the request of Management. Mr. A.E. Poole, Secretary of the Engineering Industrial Workers' Union, admitted to the press that he had been pressed by Management to start his new union. The International Metal Workers' Federation was informed by Leyland International that the Motor Industry Workers' Union was started at their request. Furthermore, the management of Siemens actively encouraged the formation of the Electrical and Allied Workers' Union.

In keeping with this inauspicious start, some of the new unions have been called into their plants by Management with the obvious intention of undermining the independent union which had already organised the African workers there. This has happened at least in Leyland, Hella and Non-Ferrous Metalworks.

In addition, many companies are giving facilities to the new unions. Most of these companies are actively interfering in the freedom of association of their employees by:

granting facilities to the new unions which they have denied to the existing unions (often on the pretext that these unions were not registered, but disregarding the fact that the new unions themselves are at present unregistered). Especially important is access to company premises for recruiting;

by assisting the new unions to organise. Management, particularly Personnel Officers, and sometimes officially-approved Liaison Committee members, are handling recruiting for the new unions. In many companies, workers have been called together by Management and told to join a certain union. This interference by Management effectively amounts to coercion. Few workers feel that they can refuse to join without endangering their jobs.

Personnel Management collects subscriptions for most of the new

unions. Many companies have already promised stop-order facilities.

FOSATU is not opposed to the granting of facilities to unions in respect of access to company premises for recruiting. Indeed, it is one of the rights for which FOSATU unions have been struggling. However, it should be granted even-handedly and without strings. Management assistance with recruiting is, however, unacceptable to FOSATU.

FOSATU believes that the trends outlined above will be to the detriment of the labour movement as a whole. Workers will eventually become disillusioned with unions which allow themselves to operate only on Management's restrictive terms.

Current Parallel Union Organising Drive - The Role of TUCSA

The current organising effort of the parallel unions is obviously a response to the new labour dispensation in South Africa.

The prime mover in the drive to organise African workers into parallel unions is TUCSA, and as can be seen in **Appendix I** most of the parallel unions are affiliated to TUCSA.

At the recent TUCSA Conference it became clear that TUCSA affiliates were proposing to take a much more activist position as regards the organising of African workers. The aggressive nature of this move is demonstrated by the defeat of a proposal that new unions should not be formed where African unions already existed. In other words, regardless of whether or not the independent unions were organising in a particular area, TUCSA unions would go ahead and organise there too.

Why are TUCSA affiliates now moving rapidly to 'organise the unorganised' (always their stated policy, but in practice carried out in a very half-hearted way)?

An examination of motives shows similar reasons to those of the past: i.e. the need to maintain 'rate for the job' in order to prevent wage undercutting by Africans, as well as a fear of the influence of a black trade union movement. Nevertheless, with the recent 'labour reforms' the issues are more pressing. These pressing needs, together with the ease of organising, coincides with the needs of Management, and, taken together, provides powerful reasons for organising black workers.

One major reason that emerges is the growth of an independent trade union movement, which over the past few years has made substantial progress in factory organisation, and gained local and international support. TUCSA sees this movement as a direct threat to its claim to be the major trade union body in South Africa. TUCSA has never hidden its hostility to these independent unions. In 1976, when many officials of the independent trade unions were banned, Mr. A. Grobbelaar, general secretary of TUCSA, supported the then Minister of Justice, Mr. Jimmy Kruger, in his statement that officials of independent unions who were banned, were banned for reasons other than their trade union activities (he was subsequently sued and retracted this statement). The recent TUCSA conference has served to confirm this hostility. Mr. Archie Poole, (EIWU) made a strong attack on FOSATU unions, accusing them of 'misleading' black workers. Christina du Preez (National Union of Cigarette and Tobacco Workers) described Freddie Sauls, secretary of the National Union of Automobile and Rubber Workers of South Africa (a registered FOSATU union) as one of TUCSA's 'biggest enemies'. Ronnie Webb attacked both Sauls and the independent Food and Canning Workers Union, and the Conference as a whole refused to support striking workers at Eveready and Fatti's and Moni's - all members of independent unions.

TUCSA needs to be seen to be doing something for black workers if it is to regain credibility with the international labour movement. Over recent years it has lost both status and money to the growing independent trade union movement.

Questions of image and support are, therefore, important motivations for the recent moves. However, on a more day to day basis, other reasons prevail.

As African workers move increasingly into skilled and semi-skilled positions, and the protection offered by registered unions to their members, that of job reservation, is lost, the need to implement 'rate for the job' becomes more urgent. Only by bringing African workers into the same bargaining machinery - and this under the firm control of currently registered unions - can such an imperative be implemented to the satisfaction of their members. Furthermore, it is only in this way that the unions can prevent the decline in membership and influence which is a feature of most of the existing craft unions. This decline results largely from the loss of protection offered by the unions.

Members of registered unions have also been undercut by the formation

of in-plant Liaison Committees for African workers. Management grants **apparently** better facilities to these Committees for in-plant matters than the registered unions achieve for their members - very few of the registered unions have won facilities for their shop stewards or access for their officials. This adds to the disenchantment of members with their unions.

The fear of Management's instituting multi-racial in-plant Works Councils has also been expressed by such union officials as Ben Nicholson (SAEWU). At a recent UNISA seminar he said he feared the weakening of trade unions on shop floor issues because of the presence of Works Councils. He also felt that the Councils may provide the vehicle for the breakdown of the Industrial Council system and centralised bargaining process. The unions, therefore, need to control these Committees. (In the past, however, Nicholson has said that Black unions should work through the Liaison Committees).

For these reasons, the parallel unions (with their registered 'parent' unions) appear to have formed an alliance with Management. Management and the registered unions, for differing reasons, both want to see the growth of parallel unions at the expense of independent black unions. As a recent pamphlet produced by the Motor Industry Workers Union proclaims:

'Employers are with this Union, and they are prepared to let their Black employees join this Trade Union...'

Management's Attitude

Why are companies entering into such an alliance with the parallel unions, when in the past there has been almost total opposition to **any** union organisation for African workers?

There are a series of clear motivations for this apparent about-face. Companies, as well as the registered unions, are faced with a changing labour situation, and realise the inevitable present of African trade unions. It seems that many companies wish to be able to channel union organisation in their plants.

Independent unions have, in general, placed emphasis on building strong shop floor organisation and negotiating plant recognition agreements and shop floor issues.

Most registered unions, on the other hand, have placed emphasis on wor-

king through Industrial Councils and using the Industrial Councils to police agreements. These unions have not tried to negotiate dismissal procedures, shop steward facilities and other in-plant issues. Clearly employers prefer the latter approach, as the union is then not directly involved in the factory.

The parallel unions have adopted the same strategy as their 'parents'. A glance at the reports on parallel union activity in various firms confirms this [Appendices 2 to 11]. In not one instance is there evidence of active union plant committees, or the tackling of worker grievances at plant level. The Electrical and Allied Workers' Union described itself to one worker as being 'like a policeman' - policing the laws laid down by the Industrial Council. It was also said that the union could not control Management and that Management alone decides whether to increase wages. [See Appendix 7 - report from Defy workers].

The parallel unions also appear to support, or at least not actively oppose, the established Liaison Committees. These committees have consistently been rejected by workers and independent unions.

Evidence from workers confirms this view. Workers at Leyland, where MIWU is actively organising, report the retention of the Liaison Committee and, in fact, they appear not to see the difference between it and the union. Workers at both Defy and South African General Electric report that union officials said that the Liaison Committee would remain in the factory despite the union presence. [Appendices 7 and 2]. Management at Leyland clearly stated the position regarding the MIWU and the company Liaison Committee in a letter to the Metal and Allied Workers' Union dated 5 April 1978:

'We find our Liaison Committee to be functioning well and the trade union involved with our black employees will be nominating its representatives in the plant onto these committees and they will operate as the present Government policy prescribes'.

Companies have, in the face of constant rejection by workers, insisted on retaining Liaison Committees, backed by such employer organisations as SEIFSA, and by the Department of Labour. The parallel union acceptance of these committees accords well with the evident wishes of companies to retain in-plant committee systems, which are dominated by Management.

Multi-national firms appear to be among the first to have given access to these recently formed parallel unions. Examples are Leyland and Hella, where Management invited a parallel union, MIWU, to organise there in

order to block the MAWU and the United Automobile and Rubber Workers' Union respectively. GEC, South African General Electric and Siemens have also granted access to recruit.

Why are multi-national firms taking the lead in this matter?

These firms have been under pressure from their home countries. By granting recognition and facilities to parallel unions for African workers, a great deal of credibility accrues to them overseas, and pressures are thus substantially reduced. The recognition of parallel unions given many advantages and few disadvantages.

The example of Leyland is a case in point. British Leyland came under heavy attack over its blocking of the organising activities of the independent MAWU. Leyland encouraged the setting up of the parallel MIWU by R. Webb, and publicised this overseas. The strategy worked. Even trade union organisations were fooled. From correspondence it is clear that the TUC of Britain regard Leyland's recognition of MIWU as a positive step:

'They (Leyland) refer to one unregistered trade union as having 30 per cent of their black African workforce at Elandsfontein in membership.... the union referred to is the Motor Industry Workers' Union....and that the local Leyland management has recognised it for negotiating purposes.

...it is clear that Leyland South Africa have moved some way towards recognition of a trade union representing black African employees'.

Unfair Competition

Management, particularly in some of the multi-nationals is encouraging these unions to come into their plants. In so doing, they are interfering with the basic principle of freedom of association of workers.

How does this occur?

Firstly, facilities are given to parallel unions, whilst denying access of any kind to the independent unions. Examples of this are:

allowing, and sometimes inviting, organisers of parallel unions into the firm to address workers and recruit members, as in Hella, Temsa, etc. In fact, Archie Poole stated recently that companies had 'pressed' him to form a new union, as was the case with Ronnie Webb and Leyland.
[Appendix 5]

using management representatives, such as personnel officers and/or officially sanctioned Liaison Committee members to recruit workers. This tactic emerges in almost all our reports - see the examples of Leyland, GEC, General Electric, Defy. It is difficult for workers to refuse to join, for fear of losing their jobs.

some workers have reported active intimidation, particularly by black personnel officers (see Leyland, GEC, Hella).

the collection of subscriptions is facilitated by management, either through agreement to stop orders or by collection by supervisory staff.

the provision of discriminatory benefits to members of parallel unions, as for example in Hella, where the MIWU members are given maternity benefits and UAW members are not. [See Appendix 10]

Secondly, in many cases, Management speaks out against independent unions. There are numerous examples of this. Union officials and workers report that at Non Ferrous Metals, Management said that an unregistered union, MAWU, could do nothing because it was unregistered. [Appendix 6]. The minutes of South African General Electric Liaison Committee meeting of 11 October 1979 stated:

'The Chairman...sounded a warning to the members not to get involved with unregistered trade unions since these trade unions could do nothing for the employees'.

However, it must be noted that none of the unions referred to in this report are themselves registered, but are still allowed facilities denied to the independent unions.

Management in many cases then hampers workers' freedom to chose their own unions by clearly favouring one type of union (parallel unions) and opposing the other (independent).

For a variety of reasons, it suits both Management and the presently registered unions to form an alliance. The unions in so doing are, however, being used by Management, which will have the effect of weakening the trade union movement as a whole. It appears that by co-operating with Management in organising African workers, some unions feel they will gain favour with Management, and that through rapid membership growth they will be able to use the new labour laws against the independent unions of FOSATU and the Consultative Committee of Black Trade Unions.

The Functioning of Parallel Unions

As observed in the last section, the image projected by the parallel unions is one of common interest with Management. These unions, therefore, have to balance this with the image of an independent effective organisation for their members. Their dilemma is clearly shown in a pamphlet recently distributed by the MIWU [Appendix 12], which tries to please both management and workers:

'Employers are with this union'.

'Employers trust us because...we are not a political organisation'.

'this Trade Union...is well run, well organised'.

'It helps to settle disputes in a peaceful, constructive and legal fashion'.

'The Union...speaks with one voice for its members'.

'We will fight for your rights as a worker, and protect you in your job'.

It is not clear at the moment that these unions will be able to operate independently of Management. Whilst companies try to project an image of common interest with workers, the latter, subjected to poor conditions and low wages over the years, do not view things in the same way. Any union which appears to workers as being brought to them by Management is likely to be the object of suspicion and may ultimately be rejected by workers if they are given the opportunity to do so. [See Appendices 2,4,5,6,9,10,11].

In most cases, 'parent' unions seem to retain a great deal of influence over the 'parallel daughter union'. Despite many years of operation, some of the parallel unions are totally reliant on a 'parent' union for facilities such as offices, transport and personnel. The secretary of the 'parent' union often acts as secretary of the 'parallel' union - see Appendix 1. More important, however, is the fact that these unions have been unable to operate an independent organising strategy, and indeed the interests of their members appear in many cases to have been subordinated to the interests of the 'parent' union members.

Within the ranks of the older parallel unions, these facts are being recognised and discontent is growing. The recent dispute between the members of the TUCSA parallel union, African Transport Workers Union, and their white Secretary, Gert van der Walt, where bitter allegations were made, is a pointer to the problems likely to be encountered when true independence is blocked.

The effectiveness of the parallel unions is also suspect. The stated aim of

working mainly through the Industrial Council system will mean, as with most currently registered unions, lack of effectiveness at plant level. This will not satisfy black workers, as is borne out by the rejection of the parallel union in Leyland and Hella.

Even at the Industrial Council level, the oldest parallel unions do not appear to have been very successful in gaining advantages for their members. In February last year, the largest parallel union, the National Union of Clothing Workers, played an active part in negotiating an agreement which laid down a minimum rate of R13,75 per week - which is lower than that specified in the Wage Determination for unskilled labour (R17,20 for a female) manufacturing industry, and this in spite of the long standing unionisation in the industry.

A major problem with the parallel unions is their apparent readiness to co-operate with the discredited Liaison Committee system. It is clearly the intention of many companies and of the major employer organisations, that plant issues will be dealt with by these Committees. The unions will, therefore, be reduced to negotiating only at a national level, having little contact with the day to day issues in the factories.

The emphasis on the financial benefits offered by these unions, is a further sign of weakness. This also creates the impression among workers that these unions are ineffective and will not serve their need to gain better conditions in the plant. All our reports clearly show that this benefit function is emphasised by union officials. As a worker at South African General Electric stated:

'These unions look after us when we are dead. When we are alive they do nothing for us'.

Consultation

None of the registered unions has consulted with the existing unregistered unions before starting a new union.

Only the S.A. Boilermakers Society has consulted on many occasions, and in great depth with the unregistered unions, as to the advisability of doing so. None of the other unions has made any attempt whatsoever to do so.

Approaches to Management

In this document, we do not intend to imply that all the companies named

have deliberately discriminated against the independent unions. In particular, we believe that some companies may not have been aware of the organising activities of any independent unions; this is probably true of S.A. General Electric and GEC.

APPENDIX 1

EXISTING PARALLEL UNIONS

Parallel Union	Secretary	'Parent Union'	Secretary
Motor Industry Workers Union of S.A.		Motor Industry Combined Workers Union	R. Webb
African Transport Workers Union	G.H. van der Walt	Motor Transport Workers Union/Johannesburg Municipal Transport Workers Union	H.M. Wallis
African Leather Workers Union	L.C.M. Scheepers	Transvaal Leather & Allied Workers Union	L.C.M. Scheepers
African Trunk & Box Workers Union	L.C.M. Scheepers	Trunk & Box Workers Industrial Union	L.C.M. Scheepers
African Tobacco Workers Union	C. du Preez	National Union of Cigarette & Tobacco Workers	C. du Preez
National Union of Clothing Workers	L. Mvubelo	Garment Workers Union of S.A.	B.L. Krynauw
Textile Workers Union	E. Seloro	Textile Workers Industrial Union	N. Daniels
S.A. Bank Employees Union	A. Malherbe	National Union of Bank Employees of S.A.	A. Malherbe
National Union of Engineering Industrial & Allied Workers Union	A.E. Poole	Engineering Industrial Workers Union of S.A.	A.E. Poole
Electrical & Allied Workers Union of S.A.		S.A. Electrical Workers Association/Electrical Allied Trades Union of S.A. Radio, Television, Electronic & Allied Workers	B. Nicholson L.C.M. Scheepers

APPENDIX 2**Report on Parallels in S.A. General Electric - Benoni**

Information received from:

- (i) Liaison Committee member
- (ii) Liaison Committee Minutes of 11/10/79

Parallel Union involved: Electrical & Allied Workers' Union of S.A.

The Union

Around the end of September/beginning of October, the Black Personnel Officer called the Liaison Committee members and told them that officials from a trade union were coming the next day to speak to them.

The next day, they were called to the Board Room to meet these officials. Two Liaison Committee members were there and the Black Personnel Officer. Two union officials were present: one white man (name unknown) and a 'so-called coloured' man (Mr. Olifants)

The officials explained to the workers about the Union. They told the workers that it was a Union for workers 'over the whole Republic'. They explained how the Union would help them. The main points were:

1. The Union would help them if they lost their jobs. It would help them to find another job, and also support them with R2,50 a week whilst they were looking for a job.
2. If they died their dependents would get money (amount not specified).
3. They would be members of a sick pay fund and receive R3,00 a week whilst sick.

They were told that subscriptions were 50 cents a week, and that this would be deducted from their wages. A question was raised by workers about the Liaison Committee - Union relationship. Workers asked whether they would be able to form a Works Committee in the firm, rather than a Liaison Committee. Mr. Olifants replied that Management would not allow it. He said that the Liaison Committee and the trade union would work together in the firm.

He also told the Liaison Committee members that they must not fight in the Factory.

Joining forms were given to the Personnel Officer. He gave them to the Liaison Committee members and told them to tell workers about the Union and to give out forms in their departments.

The Liaison Committee members and the Personnel Officer were invited to a Union meeting in Reiger Park, Boksburg. The Liaison Committee members did not attend, but the Personnel Officer reported to them that a Chairman and Treasurer for the East Rand had been elected at the meeting.

The Liaison Committee members were told that the joining forms would be collected by the Personnel Officer on 26 October 1979. No further meetings were arranged between the Liaison Committee members and Union officials, either at the firm or at the Union Offices.

The Liaison Committee members report that they are unhappy about this Union:

'It seems just like Liaison Committee or Industrial Council...They don't want to solve our problems. They talk about canteens and first aid, but if you talk about money, they don't want to hear you'.

They report that workers are also suspicious, especially about the 50 cent deduction.

Management

An extract from Liaison Committee minutes indicates Management's attitude:

'The Chairman then explained the benefits of registered trade unions and also sounded a warning to the members not to get involved with unregistered trade unions since these trade unions could do nothing for the employees'.

APPENDIX 3**Report on Parallel Union Activity in G.E.C. Machines, Benoni**

Information received from: Team Leaders - 2 Workers

Parallel Union Involved: Electrical & Allied Workers Union of S.A.

Two officials from the Electrical and Allied Workers' Union came to the firm at the beginning of October. They went to Management and the Personnel Manager then called all the team leaders to the Black Personnel Officer. The team leaders discussed the Union with the two officials, Mr. Nicholson and Mr. Olifants. Following this discussion, joining forms were left with the Personnel Officer.

Workers were called **individually** to the Black Personnel Officer. He told them about the Union. He told workers that the Union is good when you lose your job because it gives you some money. He also explained about other benefits, such as death benefits.

He said that the Liaison Committee will stay the same - that it is working well. He also said that the Union cannot argue about the workers' wages. The workers must work hard to make production for the firm. Management alone will decide whether to give an increase. Subscriptions for the Union would be 50 cents and would be taken from their wages.

A meeting would be held for workers at Reiger Park, Boksburg and the Personnel Officer said he would inform workers when this meeting would take place.

Workers felt that this Personnel Officer was trying to force them to join the Union. They report that he told them they would lose their jobs if they did not fill in the forms. He told them that Management wants everyone to belong to the Union.

APPENDIX 4**Report on Parallel Union Activity in a Motor Firm**

Information received from: 2 Liaison Committee members

Parallel Union involved: Motor Industry Workers Union of S.A.

In the middle of October 1979, the Managing Director called all the Liaison Committee members for a special meeting. The paymaster was also present at the meeting. The M.D. told them that a Union was coming to speak to them on 26 October 1979. He told them that they should join this Union. When workers asked how it was that a Union was coming to the Firm, the M.D. replied that he did not know. Workers feel that the Union must have contacted the firm, although they have no proof.

The Liaison Committee members called a meeting of all workers one lunch-time to discuss this matter. Workers said that it was a Management Union and so they were not interested.

On Tuesday, 26 October Mr. East (Transvaal Secretary of the Motor Industry Combined Workers' Union) and Mr. A. Masabalala came to the firm and met the Liaison Committee members. The two officials said they were from the Union and that they wanted workers at the firm to join the Union. They said they were registered and that the government was allowing people to join. They told workers that they were going to different firms organising workers in the motor industry. They felt that the African workers should join the Union as all the whites have joined and they should all be the same.

The officials explained about subscriptions - it would be 40 cents per week and would be deducted from their wages by Management. They explained that the Union offered a death benefit and that when workers have joined they will elect **one representative** to attend committee meetings and look after their firm. They then told the Liaison Committee members to discuss this with workers and then to contact the officials again. The workers asked for the Union constitution. A pamphlet was subsequently distributed in the firm.

The workforce, however, have rejected the Union and Management has been advised accordingly.

APPENDIX 5

Report on Parallels In Leyland S.A. Ltd, Elandsfontein

Information received from:

ex Union member, Mr. E. Buthelezi, supported by female office workers and two other workers from the main plant.

Parallel Union involved: Motor Industry Workers' Union of S.A.

Independent Union involved: Metal & Allied Workers' Union

Background

The dispute between Leyland Management and the independent Metal and Allied Workers' Union goes back to 1973. Management consistently blocked MAWU's organising activity in plants in Mobeni, Natal and Elandsfontein, Transvaal.

In November 1977, Management requested the Motor Industry Combined Workers' Union, General Secretary Ronnie Webb (ex President of TUCSA), to organise black workers at their plant at Elandsfontein. According to Werner Thonnissen, Assistant General Secretary of International Metalworkers Federation, this strategy was told him by representatives of Leyland International. In other words, it was a high-level decision taken specifically to block an independent black union, the MAWU, and bring in a union of Management's choice. At this stage, the Motor Industry Combined Workers' Union organised coloured workers only and the parallel union for black workers, Motor Industry Workers Union of S.A., was formed specifically for organising Leyland workers.

Information received November 1978 and February 1979

It was reported by an ex-member of the MIWU that he and many other workers were dissatisfied with this Union and, in fact, had ceased to pay their subscriptions.

The reasons for dissatisfaction were as follows:

1. Forms were distributed to workers in each department by the Personnel Officer. They were told merely to fill them in and return to him. No proper explanation was given.
2. Workers, feeling afraid, filled in the forms. After they were collected, the

Personnel Officer spoke to the workers telling them that the forms were for a Union that was going to help them. No further explanation was given apart from being told that a subscription of 10 cents per week was to be paid.

3. They paid their first subscription on pay-day. The subscription was raised to 30 cents and was collected by the Personnel Officer who was waiting near the pay-office. Subsequently 'boss-boys' began collecting subscriptions on pay days and the subscription raised to 40 cents.
4. Up to this date, there had been only one meeting for workers. In September, three union officials visited the firm and addressed a meeting of workers. They told workers the Union would help them when they got fired; it would help them look for a job; they would take complaints from workers; there was money from the Union if anyone died. They promised to return and tell workers how to contact the Union if they were in trouble, but workers did not see the officials again. Many workers have had problems or been fired and the Union has not helped them.
5. There is no Union organisation inside the plant. Workers did not elect representatives.
6. The Liaison Committee is still in existence and 'does nothing for us'.
7. When workers stopped paying subscriptions the Personnel Manager is alleged to have threatened workers with dismissal.

Information received October 1979

The information provided above was substantiated by 2 female clerks and 2 workers from the workshop. They have also ceased to pay subscriptions as they have 'never heard of this union doing anything'. They have been told by the Liaison Committee members that the subscription to the Union will be deducted from their wages (stop order) from the end of November. In this way they feel they will be forced to pay to the Union.

The feeling of these workers is that the Liaison Committee is the same as the Union. The Committee meets in the same way as before, but sometimes it appears as the Union. The Union subscription stop order issue, for example, was reported to them by the Liaison Committee. They are confused, and see no reason to have a Union; to which they pay subscriptions, which operates exactly as a Liaison Committee.

The following extract from a letter to the MAWU dated 5 April 1978 from the Group Industrial Relations Manager, Mr. Hall, clarifies the position on the relationship between the Liaison Committee and the MIWU.

'...we find our Liaison Committees to be functioning well and the Trade Union involved with our black employees will be nominating its representatives in the plant on to these committees and they will operate as the present Government Policy prescribes'.

APPENDIX 6

Report on Parallel Union Activity, Non-Ferrous Metals, Durban

Information received from: Branch Secretary, Metal & Allied Workers Union

Parallel Union Involved: National Union of engineering Industrial & Allied Workers

Independent Union: Metal & Allied Workers Union

One of the members of the Metal and Allied Workers Union was called in by Management and informed that workers in this factory were wasting their money giving it to MAWU. It was claimed that MAWU would not help them because SEIFSA will establish its own registered union to represent African workers. The member explained that all the workers in the firm were MAWU members and Management said that they preferred to deal with unions they already knew.

Two weeks later, this member was given two documents to give to workers and to explain about them to workers. The documents were from the National Union of Engineering Industrial and Allied Workers and the Engineering Industrial Workers Union of South Africa, Durban Branch. They were both explaining benefits offered by these unions. The former was signed, A.E. Poole, General Secretary.

In the last week of October, the same member was told that at the beginning of 1980, all workers in this factory will belong to a registered union.

At a meeting between Non-Ferrous Metal Extruders' Management and the MAWU organiser, the organiser was told that MAWU would not represent workers as it was not registered and they were expecting a registered union to represent workers at their factory very soon.

Workers in both plants in Natal are in full support of MAWU.

APPENDIX 7**Report on Parallel Union Activity at Defy Industries, Benoni**

Information received from: Liaison Committee member

Parallel Union involved: Electrical & Allied Workers' Union

Sometime in September, the Liaison Committee members were called into the office to meet officials of the above Union. There were two officials, Mr. Olifants and a white man (name unknown). They said that they were bringing the Union to the workers. They then explained about the Union benefits, about a death benefit and if a member dies or if someone in his family dies. They talked about the subscriptions and said when there was 50% membership in the firm, the Management would grant them stop orders.

The officials told them that workers get money from the Management and so the workers must work hard. Management will decide whether to give an increase. They added that the Liaison Committee was good and that the Union cannot control the Management. The Liaison Committee will remain in the firm. The Liaison Committee members were given joining forms and told to give them to workers in their departments. When workers want to join, they have to take the form to the Black Personnel Officer, who helps them fill in the form. The Personnel Officer then keeps the form for the Union. Some workers have joined. Many are afraid not to join.

APPENDIX 8**Report on Parallel Union Activity at TEMSA, Springs**

Information received from: General Secretary, Engineering & Allied Workers

Parallel Unions involved: Electrical & Allied Workers' Union; Union formed by Radio, Television, Electronic & Allied Workers' Union (name unknown)

Independent Union involved: Engineering & Allied Workers' Union

Management has allowed organiser from the Radio, Television, Electronic and Allied Workers and Electrical and Allied Trades Union of South Africa into the canteen at lunchtime to address workers about their unions.

Some workers have joined.

APPENDIX 9**Report on Parallel Union Activity in Textile Industry in Natal**

Information received from: O. Zuma - General Secretary NUTW

Parallel Union Involved: organised by Textile Workers Industrial Union,
probably for E. Selora (this is not confirmed)

Independent Union Involved: National Union of Textile Workers

The Textile Workers Industrial Union - a registered union for coloured and Indian workers has recently employed a black organiser. This organiser is in fact an ex-employee of NUTW.

The TWIU organiser, Mr. Warren, approached workers in one of the Frame Factories in Natal, where the NUTW has been organising since 1973. He said he was going to bring a black organiser to the firm to organise them into a union.

Workers rejected this approach.

It is clear that Management is supporting the parallel union. At Natal Cotton & Woollen Mills, for example, Management allowed Norman Daniels, Warren and his black organiser to come inside the factory to address and recruit workers. In one of the Frame factories pamphlet advertising this parallel union was found on the tables in the workers dining hall. When an Indian worker suggested to others that TWIU was dividing workers by forming a parallel union and that workers should rather consider uniting, she threatened

recruit workers. In one of the Frame factories pamphlet advertising this parallel union was found on the tables in the workers dining hall. When an Indian worker suggested to others that TWIU was dividing workers by forming a parallel union and that workers should rather consider uniting, she was threatened by Management and warned that if she was again found to be encouraging workers to join the NUTW, she will be fired.

APPENDIX 11**Report on Union Activity in Johannesburg Municipality**

Information received from: several workers from Johannesburg Municipality

Union involved: name unknown

At the beginning of October 1979, workers from Johannesburg Municipality reported that a personnel officer had been round to various departments to speak to workers about a union that was being formed for Municipal workers by the Council.

The graded staff at the Council (e.g. traffic officers, nurses, clerks) were called to a meeting at White City, Soweto on 18 October 1979 to discuss the formation of this union.

At the meeting, the workers were told that the council had a Liaison Committee but now thought of starting a Union for its workers in Johannesburg.

They were told:

1. The union would be for Johannesburg City Council workers only.
2. It would be for all black workers in the Council - from doctors to labourers.
3. The union would be for blacks only because of government regulations.
4. Workers state that they were told they would pay a subscription, and that inspectors would go around and check cards to see if they were up to date.
5. They were told that the union would be independent and it would be run by an executive committee.

Three people were presented to the workers as potential organisers - an inspector, a senior clerk and a nurse. They were told that these were just Management's suggestions - the workers or the Management could elect the organisers.

Workers asked whether they would be permitted to join a trade union other than this one. No answer was given.

The female nurses at the meeting appeared happy to accept the Union. The males at the meeting were undecided. No decision was taken.

APPENDIX 12**ANALYSIS OF PARALLEL UNION FUNCTIONING (Source - workers in various factories)**

	Motor Industry Workers Union	Electrical & Allied Workers Union	National Union of Engineering Industrial & Allied Workers Union
Recently formed	1977	1979	1979
Dependent on all or some resources from 'parent' union	Yes	Yes	Yes
Known to have been invited into firms by management	Yes	Unknown	Yes
Approach workers through management	Yes	Yes	Yes
Management representatives such as personnel and/or liaison committee members used to recruit	Yes	Yes	Unknown
Personnel collects subscriptions	Yes	Unknown	Unknown
Stop orders promised	Yes	Yes	Yes
Registration promised	Yes	Yes	Yes
Works primarily through Industrial Councils. Emphasis on national bargaining only	Yes	Yes	Yes
Works with liaison committee in plant	Yes	Yes	Unknown
No independent shop stewards committee in plant	Yes	Yes	Unknown
Workers report dissatisfaction with union	Yes	Yes	Yes
Union called into firms where independent union already established	Yes	Unknown	Yes

The Organisation of Parallel Unions *

Paul Hendler

, This paper attempts to paint a more vivid picture of the organisations which constitute the parallel trade unions and their 'parent' bodies. It will look at the day-to-day practices and the structures of TUCSA and the Confederation of Metal and Building Unions (CMBU) as well as the attitudes and perspectives of the leadership. It will be shown that an investigation at this concrete level is particularly instructive in terms of the current strategy adopted by these organisations.

The Rank and File on the Shop Floor

The parallel unions which were researched in the Transport, Banking and Motor Industries (i.e. The African Transport Workers Union (ATWU), the South African Bank Employees Union (SABEU), and the Motor Industry Workers Union of South Africa (MIWU) have no shop steward system. Indeed, research indicated the absence of any shop floor organisation. Mr. Wallis of the Johannesburg Municipality Transport Workers Union summed up their attitude towards the notion of rank and file activity on the shop floor when he said, 'We deal from the executive level, you know' ¹. In this case, all complaints come to Wallis at the office, and only he deals with them. He keeps two 'shop stewards' at the two outlying depots so that if there is any problem, they can phone him for assistance. The same is true of the parallel ATWU. The absence of shop floor structures, was in fact queried by the manager of a large transport company in Vereeniging, when he saw that the constitution made no provision for shop stewards. His comment was that they would have to give some serious thought to a shop steward system if they desired to have any credibility with the workers. ²

Most complaints are, therefore, dealt with entirely by the ruling executives of these organisations. In the case of the banking industry, where there are 3 unions, all 'minor' complaints are dealt with over the 'phone by the general secretary for all three unions, Mr. Malherbe. In an interview he indicated that he had established a close working relationship with the bank employers to the extent that he often advises them about personnel problems of which they are not aware. In this way, he operates effectively to keep the machinery of the industry turning without any unpleasant interruption. (3

It would, however, be a mistake to generalise such tendencies to other

parallels investigated. The National Union of Clothing Workers (NUCW), the Garment Workers Union (GWU) and the Electrical and Allied Workers Union of South Africa (EAWUSA) all place much emphasis on the role of shop stewards in the management controlled bargaining procedures. This is illustrated by the activities of EAWUSA at S.A. General Electric where a union representative, a Mr. Oliphants, reportedly told workers that they should not fight in the factory because the trade union and employers are working together through shop stewards on the Liaison Committee.⁴

Furthermore, it can be argued that the way in which these unions operate is closely related to the composition of the workforces in these industries. The study from which this paper draws has argued that there exists a conflict of interests between the employers and the high cost artisans. While the employers seem to be, by and large, against the very idea of trade unions, the study has argued that in order to protect their interests, the artisans have begun organising black workers in unions under their control.

The threat posed by black workers to the (predominantly white) artisan class has been that of wage cutting. In the Electrical Engineering Industry, for example, job fragmentation and deskilling has continued into the 1970s and, as a consequence, black workers have been increasingly employed in semi-skilled work as assemblers of electrical equipment.

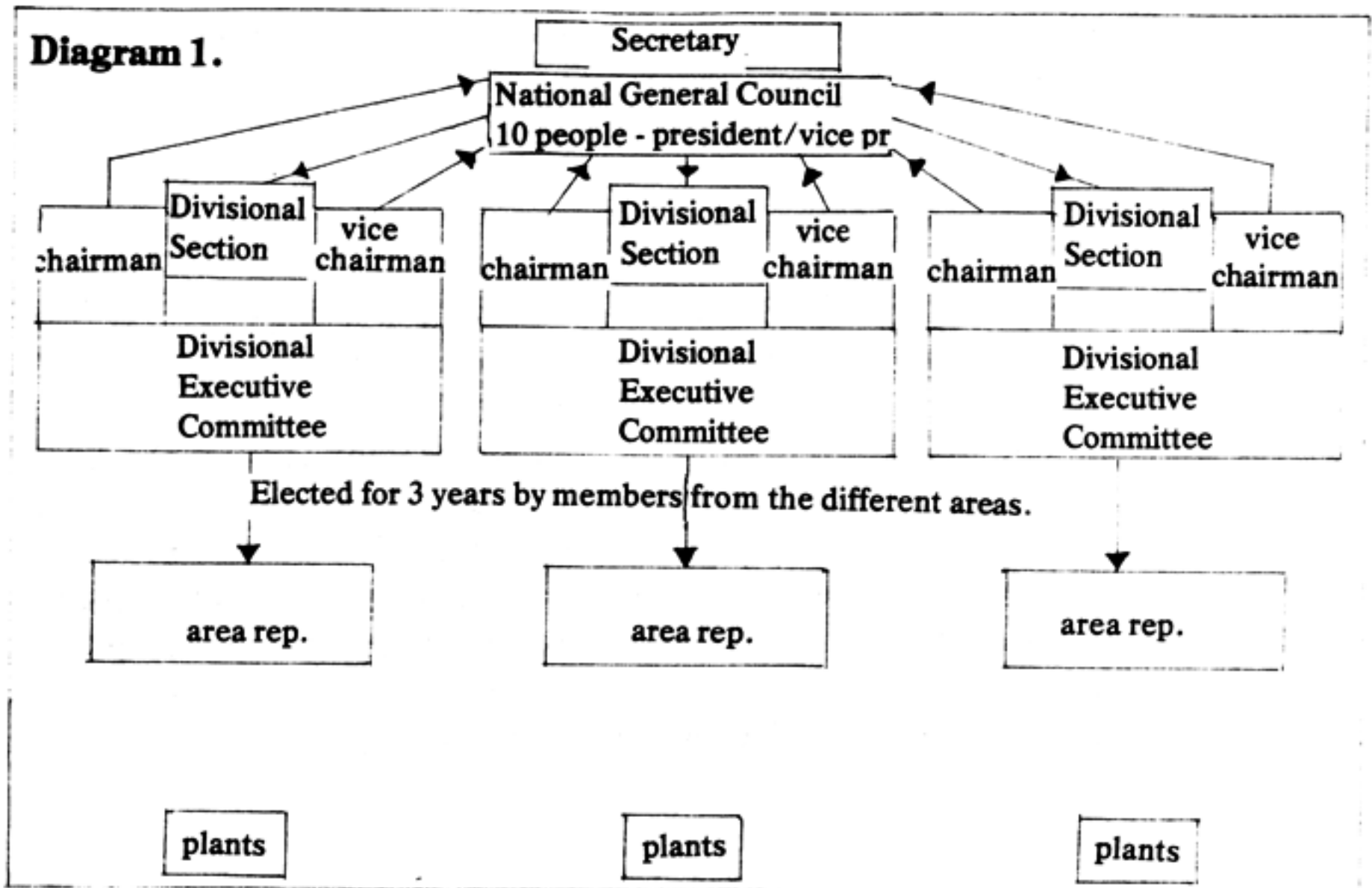
This conflict between the employers and these parallel unions was manifested by the parallels' lack of enthusiasm for and sometimes outright condemnation of the committee and works council system, the forms of negotiation preferred by management. However, as the study has argued, despite this conflict there has been a convergence of interests in the face of the threat posed, both to the employers and the skilled artisans (by the black workers). This is revealed by the fact that these parallel unions are prepared to tolerate the committee system, providing that they get union members elected and making it an extension of the union. These unions, however, do not significantly alter the *modus operandi* of these committees and in many cases they continue to function as they always have - in the interests of the employers.

Decision-Making Structures

The Motor Industry

The Motor Industry Workers Union of South Africa (MIWU) is not at present operating as an independent organisation and it is only in the Transvaal

that it has a properly constituted committee. It is, nevertheless, instructive to examine the decision-making structure of the 'parent' Motor Industry Combined Workers Union of South Africa (MICWUSA), as it intends to create a similar decision making structure in the parallel union.



From the diagram, it is evident that there are no in-plant union committees. At a very basic level, therefore, the union is distanced from its constituency. Mr. East of MICWUSA explained that objective conditions within the motor industry constrain effective in-plant participation in union activities: the union organises in over 1 000 small establishments with only one or two employees at every garage. He explained that for similar reasons, there were no shop stewards. Formal rank and file activity takes place only at a provincial level at members' meetings (there is one AGM and one ordinary members' meeting annually). At the AGM, members elect 7 representatives to the divisional executive committee for a period of 3 years. The quorum for general members' meetings is 5% of all members in the municipal area where the meeting is being held.

It can thus be seen that a remarkably small percentage of membership is able to influence elections. Once elected, an office bearer holds office for 3 years (although the rank and file is able to remove unpopular office bearers, Mr. East did not explain how this procedure would be carried out). In addi-

tion to these constraints on democracy, there is a secrecy clause in the constitution which prohibits all committee members from discussing the content of committee meetings. The chairmen and vice-chairmen of the divisional executive committees automatically become representatives on the National General Council which employs all senior staff. (i.e. divisional secretaries, the general secretary). No paid official has the vote. Nevertheless, as the official stated 'because we work in the union everyday, we are in fact the people who formulate policy'.⁵

Transport

Similarly in the case of the ATWU, there are seldom meetings at local firm level. The National Executive Committee is elected by ballot when necessary. So far, there have been no elections because it is normally the case that the number of people nominated is equal to the number of members on the committee (i.e. 12 members). Members meetings take place every 4 months. Each executive member serves as a union representative in a particular industrial area (for example, there are two representatives for over 200 workers at Reilly and Stuttafords). All decision making is, therefore, in the hands of the NEC. Even in the case of workers trying to evict an unpopular office bearer, they have to petition the NEC, which has the final say.⁶

Banking

The 3 unions in the banking industry also have no committee structure at firm level. General meetings of rank and file are held once a year because, according to Mr. Malherbe, there has seldom been anything of such major importance to warrant meeting more frequently. There are, however, branch committees all over the country and they meet once a month. In addition, there is a General Council, which meets once a month. All elected officials hold post for 1 year. The General Council consists of bank officials from all levels of the managerial hierarchy.⁷ It is clear from the constitution of the governing bodies of these unions that management wields a powerful influence.

Metal and Allied Industry

Spokesmen for these unions have argued that, as a result of the objective conditions within the banking, motor and transport industries, these specific forms of organisational structures have arisen. The same undemocratic structures can, however, also be found in the manufacturing sector. In the Iron, Steel and Metallurgical Industry, the Engineering Industrial Workers

Union (EIWU) likewise has no committees or branches at individual factories in spite of the fact that there are shop stewards in these factories.

The National Union of Engineering Industrial and Allied Workers (NUEIAW) only has an elected black National Executive and no branches as such. It will probably develop along the same structural lines as EIWU. In the latter case, branch general meetings take place. Representatives from each branch to the NEC are elected by members through a ballot every two years. The shop stewards meet every 2 months and form a structured group who are probably closest to the rank and file. 8

The Radio, Television, Electronic and Allied Workers Union (RTEAWU) operates with a local factory committee structure. Nevertheless, the parallel Transvaal Radio, Television, Electronic and Allied Workers Union (TRTEAWU) has no real organisational infrastructure as yet and its members may attend the sister union's meetings as observers only. 9

Leather and Tobacco Industries

Although the African Leather Workers Union (ALWU) has formally been in existence since 1936, for 39 years it had no organisational structure. Only recently, the first black organiser was employed 10 . General meetings and shop steward meetings used to take place, but it was only in 1975 that the first black executive committee was elected. While the organisational structure seems to be grounded in the shop steward committees in the plants, questions must be raised about the long period when the African union had no real structure.

It is suggested in the study that the formal establishment of an executive committee in 1975 was part of the overall TUCSA strategy of establishing parallel unions.

Unfortunately, the organisational structure of the African Tobacco Workers Union (ATUWU) remains under-researched. In this connection, however, an article from the Financial Mail throws into question the viability of this parallel union.

'The other paper union is the African Tobacco Workers Union. Here the secretary is supposed to be a Nicholas Hlongwane. Hlongwane, however, tells the FM that he is only an organiser and that Christine du Preez, secretary of the registered union, runs his union. He says that the union has 300 members and that he has been an organiser since 1951.

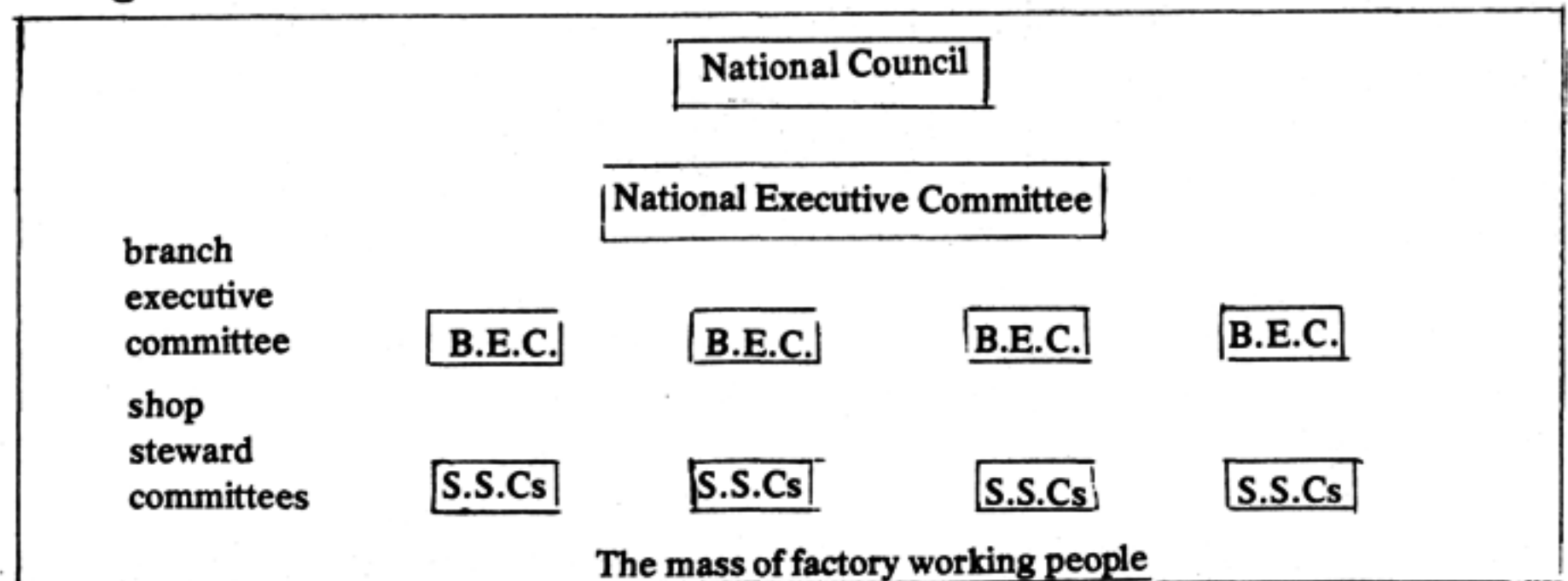
Independent unionists say, however, that they believe that Hlongwane

is actually an office worker, employed by the registered union. They say that they have invited him to meetings, but are told that he is always busy making tea or fetching the post. Hlongwane was loth to discuss the union with the FM.' 'We don't want to attract government attention. Please leave us alone'.'¹¹

Clothing Industry

In the Clothing Manufacturing Industry, a high proportion of the workers have been deskilled so that there is now a high concentration of workers at the point of production. This seems to have generated the need for what appears to be a democratic structure. Nevertheless, on closer examination, there appear to be certain anomalies. Committee members are elected once every three years by ballot. According to one worker the level of worker education is very low and most people who are members of the NUCW do not even know the meaning of 'stop orders' and 'registration'. Given the low level of conscientisation with little being done to educate workers, it seems that elections take place very much along the lines of typical parliamentary elections where the electorate delegates its powers to a leadership which possesses a monopoly of knowledge.¹²

Diagram 2¹³



A recent case between the Financial Mail (FM) and A. Scheepers has also raised doubt about the degree to which NUCW workers are in control of their organisation. Scheepers sued the FM in 1977, claiming that she had been defamed by several remarks, which the FM reported, had been made against her. These allegations were

that Scheepers 'virtually vetoes NUCW decisions if she does not approve of them' and that 'she calls the (NUCW) executive in and lectures them like grade school children and then tells them to go back and reconsider,¹⁴

that despite the fact that the African union had been under the tutelage of her union for 50 years, Scheepers had confirmed that she still negotiated on their behalf and had said,

'To tell the truth, the African union's negotiating ability is not up to standard';¹⁵

and that Scheepers had threatened the NUCW with eviction from its offices in Garment Centre (a building which is owned by her union) if it refused to join TUCSA (which it subsequently did).

In the settlement, the FM acknowledged that Scheepers did not make the threat (point 3) and paid the damages for this single aspect of the remarks made about her. It stressed, however, that it had only withdrawn the one allegation, implying, therefore, that the other two allegations still stood.¹⁶

Worker Education

Nearly all the trade unions examined have no special worker education programme of their own. Their education programmes are conducted by TUCSA and the Institute for Industrial Relations (IIR).

The fact that only senior union officials participate in education programmes breeds an elitist attitude towards rank and file.

'If we feel that at any time we want a lecture on any subject we send them to TUCSA. The executive in this set up don't need all that much training'.¹⁷

Similarly, Mr. East, from MIWUSA, said that 'if our office bearers felt that there was anything to gain....then again the divisional executive committee would decide which representatives would take the course. The need to educate rank and file has never arisen'.¹⁸

The aim of the IRR courses, according to Mr. Malherbe, is not to teach workers the art of organising, but the technicalities of running a union, negotiating, settling disputes and discipline procedure in the factory. There are also joint courses for union members and management with the emphasis on the partnership between employers and employees.¹⁹

This evaluation of the IRR is also borne out by an ex-organiser of CCAWUSA who attended a course. He felt that he could not be entirely open to them about the way CCAWUSA was functioning because the institute

might adopt a negative attitude towards its position. Furthermore, he was given the impression that there was no place for rank and file on these courses.

'They assume that you are a veteran in trade unions. They conduct a seminar merely to correct your mistakes'.²⁰

The courses offered by TUCSA and the IIR can, therefore, only foster the growth of elitism and bureaucracy, as rank and file do not have access to them. The fact that management has played a major role in setting up the courses and that they lack any genuine worker involvement, merely tends to entrench this elitism.

Parental or Independent Parallel Unions

The study distinguishes between independent parallel unions and parental parallel unions. The distinction lies in the fact that while, in the first case, the relationship is one of support, in the second it can quite easily degenerate into one of control. In the case of independent parallel unions, 'the 'parent' recognises that their interests may conflict at times, but allows their resolution to take place through offering support rather than control of the parallel union leadership. It recognises the need for blacks to develop an independent power base if equality of bargaining is to take place. It encourages independent shop floor organisation and a leadership which is responsive to this'.²¹

However, in the case of parental parallel unions, 'the established union assumes the role of 'parent' and controls its counterpart, preventing it from developing an independent leadership or power base. It either denies the existence of conflicts of interest between white and black workers or tries to suppress their articulation....Wherever there is potential competition for positions between white and black, it is quite likely that one will find the parent union using its position as 'parent' to maintain the dominant position of its members'.²²

In most cases, the unions investigated in the study are examples of parental parallel unions. The extent to which the unregistered unions are influenced in policy making by the registered union and the extent to which office bearers of the latter are also office bearers of the former, cements this subordinate dependent relationship.

SABEU, EAWUSA, TRTEAWU, ALWU, ATWU, NUEIAW and MIWUSA

share the same administrative facilities with their parent unions ²³. The general secretaries of the registered parent unions in all of these cases, hold the same position in the parallel unions. More importantly, registered unions collect subscriptions for the parallels, help recruit their members and organise their meetings and training seminars (if these are held at all). In the case of the leather workers, the relation of subordination and dependence also extends to two other unions: the Trunk and Box Workers Union (TBWU), which is registered, and the parallel African Trunk and Box workers Union (ATBWU). The TBWU is very small and one could say that it operates as a parallel to the Transvaal Leather and Allied Trades Industrial Union (TLATIU)

A veteran trade unionist explained the role of these unions as follows: '...the idea of a parallel union is to keep the union tame, under their control, under their tutelage. And some of these TUCSA leaders go farther than that. They want the union completely under their supervision so that not only will they be kept tame, but they will be directly controlled, not even indirectly. For instance, when a particular person started the black union in the baking industry, I had occasion to speak to him and I said: 'But how can you justify being secretary of a black union. It should be led by a black man. He said to me, "You mean to tell me that we are going to pay R10 000 and let them do what they bloody well like? They will jolly well do what we want because we're going to get value for our money!" This is what he said to me. "We haven't spent all this money just that they should run away with it themselves and start becoming friends of the ANC, oh no," he says, "when I am secretary then that union does what I say". This is the purpose of parallel unions'.

Benefits

Many of these unions place a lot of emphasis on the need for benefit funds for their members. In the absence of real struggle there seems little else that they can offer. Mr. Charles (RTEAWU) feels that it is unfair for people like Freddie Sauls (NUMARWOSA) to criticise the registered trade unions for being little more than benefit organisations. 'But what good is it if you are not of benefit to the people in times of need?' ²⁵

The TLATIU has, for example, a supplementary fund which also covers the workers for dental care, spectacles, hearing aids and contact lenses. ²⁶ Clearly, these items are not high up on the priority list of contract workers employed in the leather industry. The TLATIU is not, however, attempting to organise these workers, but rather the urban-based workers. The study has argued that the attempt by the state to make certain concessions to people with urban rights is intended to place a section of the work-

force in a relatively privileged position. Because these workers are more likely to feel the need for the above mentioned benefits, it is suggested that the role of benefits is a co-optive one.

The Electrical and Allied Workers Union of S.A. (EAWUSA) also stresses benefits. In addition to unemployment insurance from the state and pension funds from the industry, the union established a life coverage system (payment to widow on death of member (dependant), a sick pay scheme (the owner makes provisions), long term gratuity (to encourage the union member to remain with the union); and legal resources for any particular problem. The union does not organise contract workers, but mainly semi-skilled assemblers and skilled black artisans.²⁷

Given the all round deterioration of conditions for black workers and the fact that in many industries migrants and urban workers labour under similar conditions, it is questionable whether these benefits will win any meaningful support for passive trade unions even from urban people.

Perceptions of Industrial Relations

Perception of relationship between employers and employees

The ideology or world view underlying an organisation has its roots in objective, material conditions in which the organisation functions. An ideology, furthermore, is never neutral, but operates to further the interests of a specific class or social grouping. We are interested here in understanding the nature of TUCSA's world view and the way this functions to advance particular interests. Here the perception of the relationship between employers and workers is of central importance.

The president of TUCSA regards the bank employers as men of very high integrity. He says that there is a real factor of trust between him and the bankers.²⁸ Anna Scheepers welcomes the multi-national corporations because, 'they provide work for our black masses'.²⁹

This support for the employers is justified by pointing out that they provide work for the masses, thus enabling them to survive.

'I am not in favour of boycotts. I am not going to put that type of pressure on employers. It is to the detriment of the workers. If you boycott the products of a particular firm you bring the firm to its knees and they have to close up and cut their staff'.³⁰

Mr. East stresses that the unions and the employers do not sit on opposite sides of the fence. The well-being of the industry is what both have in common. All make their living from the industry and if the employer falls, so do the workers.³¹

Miss du Preez of the ATWU gave one of the most interesting examples of how the workers and the employers could 'co-operate';
 '...you know, there's a terrific anti-smoking campaign....it won't have any success....there is a common ground between the workers and the employers, because if the people don't smoke anymore, there won't be any (cigarette) factories,...there won't be any work and they'll be unemployed. Now that's an example of co-operation'.³²

The Employer's Role in Recruiting

On the one hand, these unions have shown support for the employers. On the other hand, it is in the interests of the employers to have these types of parental parallel unions in order to defuse the threat from black workers. The employers can, therefore, be expected to actively support them.

One example of this is in the banking sector. Both Barclays and Standard have written to their employees asking them to join the union (SABEU) saying they would oppose a rival union in the banks.³³

Recently, Anna Scheepers approached the Rembrandt Group for permission to organise distillery workers. She stated that they 'have the highest regard for me' and that they gave her the go-ahead because they regarded the GWU as a 'proper organisation'.³⁴

Lucy Mvubelo gives an example of her relationship with the employers.

'I had an employer here yesterday from the management side. He came to see me because he wants me to go and address the sugar workers in a Durban....sugar factory. A man concerned with his workers. He wants his workers to get a solid foundation of trade unionism...He was a sort of liaison officer in Zambia for many, many years'.³⁵

Last year, the management of Non-Ferrous Metals in Durban was seen distributing forms to its workers. The forms were from EIWU and signed by Archie Poole himself (general secretary of EIWU). Management told the organiser of the Metal and Allied Workers Union (MAWU) that it preferred the other union to MAWU.³⁶

Mr. Freddie Swarts (from TLATIU) summed things up very well when he unwittingly said,

'If a new firm should open up, you will find that in many cases, either the employer or the workers will approach the union and say: 'Please come and organise and let us into the union'. So we don't organise in the true sense of

the word'.³⁷

This collaboration with the employers entails a form of deception and cynicism which is most clearly displayed by Mr. East (Tvl. secretary of MIWUSA) when he says, 'Well, in some companies it works for us, in others, against us. It depends on the attitude of the workers in the particular establishment. For instance, there are some factories, some organisations where one can sense the mood of the workers and you then don't let them know that you are in that firm with management permission. The moment you do that, they say your are a stooge and they don't co-operate'.³⁸

Cultural conception of Black Workers

The TUCSA world view attempts to 'explain' the conflict between management and workers in the workplace as a result of a difference in culture between white and African.³⁹ Implicitly in this view is a 'stages-of-growth' theory, which argues that as industrial development takes place, Africans pass through stages of development until they are ripe for trade unionism. That 'stage' seems now to have been reached.

Van der Walt exemplifies this 'stages-of-growth' argument when he says.

'When other unions were being formed in Europe we were trekking here with ox wagon looking at our donkeys and our goats. Now they want us to compare with them. I'm not concerned about what these people think. Sure there must be a black bloke there, who doesn't know the ropes so that the employers can choke him. It'll take another twenty years to fix the agreement'.⁴⁰

Lucy Mvubelo, ignoring the rich history of black trade union struggle in South Africa, regards black working class organisation as being in an infantile stage of growth.⁴¹

Mr. Bailey (Transvaal organiser of EIWU) also assumes the notion of stages of growth when he 'explains' the current situation facing parallel unions. 'If there is no white available, then the coloured is next in the queue and he takes his place up from the queue. He doesn't work anybody out of it, you see. The coloureds have been standing in the queue for quite a while now. And when these jobs become available and there is no European, naturally the job must be done and the coloured is the next best one. We had to stand in the queue. Now, at the bottom layer is the black worker coming in'.⁴²

This is a purely descriptive assessment expressing narrow sectional interests. The study has argued that because of this inability to explain the pro-

blems of African workers as being specific to their location as workers in the national economy, these unions are unable to articulate the grievances of the workers as the workers perceive them. This inevitably places grave limitations on the effectivity of these organisations to represent the interests and aspirations of these workers.

Education

The broad strategy of TUCSA trade unions is that on no account must action by workers be political in its content, though even here one finds variations on this theme. Malherbe rules out any form of political content to labour action, even if this is not explicit. (i.e. political in a broad sense and not linked to the programme of any political organisation)⁴³ . On the other hand, there is a view put forward by Mr. East who sees the primary role of TUCSA as a vehicle for fighting the housing dispute on behalf of his coloured members.⁴⁴ While Mr. Malherbe refused to support the Fattis and Monis workers because the boycott had lent a 'political connotation'⁴⁵ to their struggle, both the GWU and the NUCW did offer support.⁴⁶ Nevertheless, in the latter case, both unions' secretaries stressed that, in order to survive at all, African unions had to be a-political. The EIWU eschewed party political issues, but not issues like housing and the Group Areas Act.⁴⁷

It appears that where there is some political content to the practices of these unions, it is confined entirely in the interests of the skilled stratum and those workers who have urban rights. These demands pose little, if any, threat to the state and the employers. In fact, they are quite consistent with the proposals of the Riekert Report.

'Riekert's suggestion to achieve the co-optation of permanent residents is for the state to grant them priority in employment...Riekert also suggests that the state should attempt to improve the permanent residents living conditions. This involves easier access to housing, the right to have families present and greater mobility between cities (provided suitable accommodation is available)'.⁴⁸

Lucy Mvubelo exalted Riekert's 'concessions' to urban blacks arguing that the ability of the latter to move 'freely' from one administrative board area to another was an invaluable gain for artisans and skilled workers.⁴⁹

Except in the case of the National Union of Distributive Workers (NUDW), there was no understanding of the political mechanisms which control the mass of black workers. 'You can't separate the two. You can't separate higher wages from influx control, or even from such things as the franchise.

If blacks had the vote they would have it easier to get higher wages. And so these things are interlinked'.⁵⁰

It has been argued in the study that because black workers face political controls, no organisational strategy which denies this will succeed in getting their support. This is vividly illustrated even in the case of the Trade Union Advisory and Co-ordinating Council (TUACC) unions, who never articulated a political strategy. In this case, worker action involved a challenge to the existing state wage control system, the 'Bantu labour relations institutions' and defiance of security legislation (which defines strike action as a threat to the state).

In contrast, the limited political practices of TUCSA affiliates do not permit them to articulate the needs of the broad mass of black workers. The study has therefore concluded that their attempt to intervene in the current situation to organise these workers will probably fail.

Perception of the Wiehahn Commission

Without exception, the TUCSA parallel unions enthusiastically have decided to register under the conditions laid down by the Wiehahn Commission. Anna Scheepers (GWU), for example, distinguished the government from the Wiehahn Commission. She said she was anti-government, but whole-heartedly supported the Commission.⁵¹ Lucy Mvubelo (NUCW), saw registration as a way for helpless blacks to participate in the system to win freedom.⁵² Archie Poole (NUEIAW) did not see anything wrong in the immense discretionary powers vested in the Industrial Registrar⁵³ Mr. McBain-Charles (TRTEAWU) had already been granted provisional registration⁵⁴, while Freddie Swarts (ALWU) supported the idea of provisional registration as a way to sort out the people who were to become the leaders.⁵⁵ Mr. East (MIWUSA) supported the amended legislation as a step in the right direction.⁵⁶ And Mr. Wallis (JMTWU) said that representativeness had to be a criterion for selection for registration. This could only be determined from a union's membership list.⁵⁷

A grave limitation imposed on the right to freely associate is entrenched in the requirement laid down by the Commission, that, instead of the union being able to serve its membership, it must be representative of workers in an industry. This representativeness is to be judged by the number of members it has on paper. As it will be the objective of unions to achieve registration as soon as possible, a union which set itself the Herculean task of perpetually having to enlist transient 'migrant' workers would do so in the

knowledge that it could achieve a sufficiently representative character only with immense difficulty. It would thus never be free of the risk of losing its representativeness.⁵⁸ Thus, allowing migrants to be eligible for membership does not mean that large numbers would in fact become members.

The TUCSA parallels investigated all support the notion of representativeness as a criterion for registration. Nevertheless, many of them are quite candidly not interested in organising migrant workers. These workers, forming as they do the lowest skilled stratum of the working class, present far less of an immediate threat than the semi-skilled operators who tend by and large to have urban rights. In those industries where migrants do form part of the semi-skilled workforce and therefore do present a threat to the artisan class, it is suggested that the latter will be far more willing to 'organise' them.

Attitude towards non-TUCSA Unions

The positive attitude adopted by these unions to the employers also manifests itself in the lack of support they gave to workers outside TUCSA who were involved in ongoing struggles for recognition.

Here one cannot generalise. Poole did not concern himself much with the struggle of the workers at Fattis and Monis, except to observe that it did not end in a victory for the workers - according to him they merely got their old jobs back.⁵⁹ Anna Scheepers, on the other hand, rejected this interpretation of the conflict, arguing that, 'the union definitely won a victory of recognition, even though it may take a year or two before the workers will enjoy the benefits. This is because the employers have learnt a lesson that they will never forget'.⁶⁰

TUCSA unions have not simply adopted a passive attitude of non support for progressive worker action. Many TUCSA unionists perceive a threat in the leadership of non TUCSA unions. Mr. Poole expressed this opinion about the activity of the Western Province General Workers Union amongst the Cape Town stevedores. He regards the WPGWU as dangerous because, as an unregistered union, it is 'responsible to nobody'. He complained that one could not even check its membership list. 'If they got 50% support at the meeting its because those workers are gullible people whom you can 'om die paadjie lei, jy weet.' The WPGWU probably likes to organise these people.

Q; Is there something illegal going on in that whole activity?

P: I won't comment on that. Why they have their problems I am not prepared to comment. But it seems strange to me that I haven't got problems'.⁶¹

It is against this perceived threat that TUCSA acts. '...we will give assistance to other organisations if it was in the interests of that industry and the labour movement in general. Hence our affiliation to TUCSA...Our support for other unions through TUCSA takes, for example, the form of directing the TUCSA secretariat to intervene in a dispute between the stevedores in Cape Town docks and their employers. I could well be the mover of a resolution that sees TUCSA getting involved in that dispute'.⁶²

This emphasis which TUCSA lays on the 'partnership' between employers and employees, and its practices towards unions involved in mobilising workers against their employers, can only serve to mislead the workers under its influence. To the extent that it succeeds, it serves to maintain the balance of forces on the shop floor in favour of the employers.

Conclusion

By examining concrete instances of the **modus operandi**, decision making structures and ideological position, this paper has tried to show how TUCSA parallel unions form an important intermediate link between the strategy of the state and the African working class. Given the rising tide of grievances from African workers and the critical state of the economy, the strategy of the state is aimed at defusing an explosive situation. Defusing this situation involves the creation of a co-opted and controlled form of worker organisation. The study has argued that this is the real meaning behind the TUCSA and the CMBU parental-parallel unions.

★ This paper is an excerpt from an academic study of TUCSA and CMBU parallel unions. The aim of the study was to examine the concrete nature of parallel unionism practised under the umbrella of TUCSA and CMBU, and to locate this practice within the context of the changing structure and dynamic of the political economy of South Africa in the 1980s.

Notes

1. Mr. Wallis, interview 15.1.80.
2. Mr. van der Walt, interview, 21.1.80.
3. Mr. Malherbe, interview, 16.1.80.
4. From Liaison Committee member at S.A. General Electric (From FOSATU document 1979)
5. Mr. East, interview, 15.1.80.
6. Mr. van der Walt, interview, 21.1.80.
7. Mr. Malherbe, interview, 16.1.80.
8. Mr. Poole, interview, 20.1.80.
9. Mr. Charles, interview, 24.1.80.

10. Mr. Swarts, interview, 22.1.80.
11. **Financial Mail**, 19.1.76.
12. ex-shop steward CCAWUSA, 19.2.80.
13. Mrs. Scheepers, 21.1.80; Mrs. Mvubelo, 14.1.80.
14. **Financial Mail** 4.11.77.
15. *ibid.*
16. *ibid.*
17. Mr. Wallis, interview, 15.1.80.
18. Mr. East, interview, 15.1.80.
19. Mr. Malherbe, interview, 16.1.80.
20. ex-organiser of CCAWUSA 13.2.80.
21. **SALB**, 3, 4, 1977, p 9.
22. *ibid.*
23. Interviews with the respective secretaries of these unions.
24. Interview with veteran trade unionist, 2.2.80.
25. Mr. Charles, interview, 24.1.80.
26. Mr. Swarts, interview, 22.1.80.
27. Mr. Nicholson, interview, 14.1.80.
28. Mr. Malherbe, interview, 16.1.80.
29. Mrs. Scheepers, interview, 21.1.80.
30. Mr. Poole, interviews, 15.1.80.
31. Mr. East, interview, 15.1.80.
32. Miss du Preez, interview, 24.1.80.
33. Mr. Malherbe, interview, 16.1.80.
34. Mrs. Scheepers, interview, 21.1.80.
35. Mrs. Mvubelo, interview, 16.1.80.
36. From the Branch Sec. MAWU, Durban (FOSATU document, 1979).
37. Mr. Swarts, interview, 22.1.80.
38. Mr. East, interview, 22.1.80.
39. **SALB**, Oct., 1977.
40. Mr. van der Walt, interview, 21.1.80.
41. Mrs. Mvubelo, interview, 20.1.80.
42. Mr. Bailey, interview, 20.1.80.
43. Mr. Malherbe, interview, 16.1.80.
44. Mr. East, interview, 15.1.80.
45. Mr. Malherbe, interview, 16.1.80.
46. Mrs. Scheepers, 21.1.80 and Mrs. Mvubelo, 16.1.80.
47. Mr. Poole, interview, 20.1.80.
48. **SALB**, 5, 4, 1979, p 5.
49. Mrs. Mvubelo, interview, 16.1.80.
50. Mr. Kagan, interview, 2.2.80.
51. Mrs. Scheepers, interview, 21.1.80.
52. Mrs. Mvubelo, interview, 16.1.80.
53. Mr. Poole, interview, 20.1.80.
54. Mr. Charles, interview, 24.1.80.
55. Mr. Swarts, interview, 22.1.80.
56. Mr. East, interview, 15.1.80.
57. Mr. Wallis, interview, 15.1.80.
58. Wiehahn Commission, 3.58.3.
59. Mr. Poole, interview, 20.1.80.
60. Mrs. Scheepers, interview, 21.1.80.
61. Mr. Poole, interview, 20.1.80.
62. Mr. East, interview, 15.1.80.

The 1979 TUCSA Conference: moving in for the kill

Carole Cooper

Linda Ensor

At its 1979 conference, TUCSA took a decision to give its affiliates a free rein in the organising of African workers into parallel unions consequent on the government's extension to them of trade union rights. The granting of these rights arose out of the recommendations of the Wiehahn Commission which stated that union rights should be extended to all workers. TUCSA welcomes the recommendations in the Wiehahn report, stating that they were in keeping with the principles of free association followed internationally. It held that these were principles in which TUCSA had always and continued to believe and expressed opposition to the fact that mixed trade unions would not be allowed. Its decision at the conference to organise African workers could then be seen as the logical outcome of its stated belief that all workers should be able to enjoy the protection of a trade union which would lead to the achievement of equality of opportunity, etc.

It would, however, be naive to take TUCSA's statements at face value. While superficially its policy towards African trade unions is, in terms of moral criteria of equality and non-racialism, commendable, in reality it represents the economic and political interests of the skilled and privileged section of the working class to preserve the status quo. In this regard, an examination of TUCSA's performance over time, in terms of the unionisation of African workers and its relationships with other workers is particularly instructive. It will be shown that it is not so much freedom of association in which TUCSA is interested, but rather compliance with state policy, protection of the interests of white workers and deference to management. Its present decision to unionise African workers does not represent a deviation from this policy for, on examination, it becomes evident that its main motivation here is the control of the African working class' entry into, and its existence within, the registered trade union movement. The reason TUCSA believes this control is necessary becomes clear if we examine statements made at the 1979 conference and elsewhere by its representatives over the last year.

TUCSA's main concern is to prevent the emergence within the registered trade union movement of a more militant trade unionism and one which will

challenge, rightly so, the privileged position of white workers in the labour structure. Arthur Grobbelaar, general secretary of TUCSA, clarified his feelings on this in an address to the NDMF's 18th Business Outlook conference in October 1979:

'Up until now collective bargaining has mainly involved the early targets, that is matters such as wages and hours, conditions of service, payments for overtime, holidays, bonuses and the like. A great number of our more privileged workers have, through this process, achieved a position of relative comfort - a position which, while it may need to be maintained by way of periodic adjustments, has nevertheless been attained. But now with this tremendous opening up of true bargaining rights for our underprivileged workers, I anticipate that we will see a considerable change in bargaining patterns. These underprivileged workers are not in a position to appreciate the status quo. They will be bargaining not just for improved wages and conditions, but for a whole new basis for their position in the labour market: they will be bargaining for status. At the same time, the unions whose members have attained a position of relative well-being will be concerned with the maintenance of the status quo. They are likely to view with some trepidation the rising demand on the part of the underprivileged for improved training opportunities and status especially since these demands will now be made from a more secure position. The established unions are therefore likely to devote more attention to bargaining for job security and for such facilities as vocational and re-training programmes than they have done in the past.

TUCSA is also afraid that an emerging militancy, if left unchecked, could lead to the involvement of the union movement in political activities even though this is outlawed by the state. The political overthrow of existing society would also mean the loss of privileges and protection of a certain section of the working class. Mr. Grobbelaar points out that African and coloured political groups have already decided upon the tactics and strategy of coupling their political aspirations with their economic and trade union aspirations. His view on the developments of a militant unionism is summed up in a quote from an address given to the Merca Bank Foundation in October 1979:

'I think it is true to say that South Africa has not really witnessed significant militant trade union activities since the 1922 strike. But this may now change, and very rapidly, since our black unions can now or-

ganise into fully registered trade unions - with the muscle of the law on their side, and with a secure base for their bargaining power. It may well be that some of these unions, having been excluded from a legally based bargaining position for so long, will be militant - at the very least their approach will tend to differ materially from that of the existing unions'.

The intense interest which TUCSA displayed at its conference in organising African workers is directly related to its desire to prevent the emergence of this militancy which it identifies as inherent in the independent African union movement. A resolution, unanimously adopted urged TUCSA affiliates to assist in the organisation of African workers, which according to one speaker had proceeded at too 'pedestrian' a pace in the past. The mover of the resolution, a Mr. Joseph, said that following the granting of trade union rights to African workers there would probably be a marked increase in the organising activity amongst them and that TUCSA should be in the forefront of this activity. TUCSA's fear of the independent union movement is directly related to the growing power of the African trade unions.

The years since 1973 have seen the development of a movement which far outstrips TUCSA in membership, if one compares them on the basis of African workers alone. This membership in the independent unions has in most cases been built up through concerted action on the shop floor, which means that these unions are working closely with the grass roots rather than dictating from above. It is this contact with the grass roots and the resulting strength of these independent unions which TUCSA fears. Its main *bêtes noires* in the independent movement are the FOSATU unions, the General Workers' Union, the African Food and Canning Workers' Union and its 'mixed' counterpart, while its relations with the unions in the Consultative Committee are none too friendly. TUCSA, in an attempt to curtail the growth of these unions, has over time, embarked on a strategy to discredit them in the eyes of the government, the public and, of course, management.

That the TUCSA unions have embarked on a programme of competing with the independent unions was demonstrated at the conference by the rejection that a motion proposing that TUCSA unions refrain from organising in those industries in which independent African unions already existed. (This was replaced by the above-mentioned resolution urging TUCSA unions to organise African workers). The conference was informed that there already was competitive recruiting of African members in the engineering, motor and clothing industries. A representative of the Engineering Industries Workers' Union, Archie Poole, said that he had formed a new union in op-

position to the FOSATU union in the industry. This move was expressed as being in the interests of African workers who were seen as being 'misled' by the FOSATU union.

A further expression of the conflict is reflected in the fact that a resolution calling for the 'full moral and financial support' for strikers sacked by Fattis and Monis and the Eveready factories, was turned down. The arguments opposing the resolution were: that TUCSA opposed boycotts (at the time, a boycott of both companies products was in operation); that the unions were not affiliated to TUCSA (this unfortunate attitude says nothing for TUCSA's claim that it has the interests of all workers at heart); and that the Eveready strike was financed with 75 000 Swiss francs from the International Metal Workers' Federation.

Behind these objections lies the central motivation which is TUCSA's dislike for the more radical unions which were involved in organising the workers in the two above-mentioned factories. Thus, the majority of TUCSA unions wished, as far as possible, to disassociate themselves from these unions, and hence from the struggle to obtain redress for the workers' grievances, despite constant statements that TUCSA is the champion of workers' rights. On the other hand, it is quite prepared to go courting with the right wing and a resolution was accepted at the conference for new efforts by TUCSA to reach consensus on further labour reforms with the Confederation of Labour and the Confederation of Metal and Building Unions.

TUCSA's seriousness of purpose in winning the organising race was clearly demonstrated at the conference. A blueprint containing proposals for the establishment of an organising committee to assist TUCSA affiliates in their organising efforts was presented. The committee will be able to recommend organising projects to the national executive, assist affiliates on request with advice on organising projects, and consider applications from TUCSA and non-TUCSA unions for financial assistance for organising workers. Most significantly, it suggested that TUCSA move to a policy of initiating rather than reacting to events: significant because it throws up TUCSA's history in the field of organising African workers. An examination of this history reveals the extent to which TUCSA has in the past been prepared to bow to pressures from the state, management and prejudiced white workers. That TUCSA is now supporting trade unionism for Africans, is linked to the fact that the dispensation has been credited by the state and there is, therefore, very little danger of TUCSA finding itself in confrontation with the state. Such a situation has, in the past, led to TUCSA withdrawing its 'support' for African unions.

A brief look at TUCSA's history reveals the extent to which this is true. In 1954, when TUCSA was formed, it excluded African trade unions from membership, because opposition to this move was voiced by certain white trade unions. After the formation of SACTU, a rival body bent on organising African workers in 1955, TUCSA proceeded to establish a liaison committee to assist African unions, but very little was achieved as a result of this. In 1959, TUCSA, in conjunction with the ICFTU, founded the Federation of African Trade Unions of South Africa (FOFATUSA) in opposition to SACTU. In 1962, TUCSA decided to allow African unions to affiliate and eventually most of the FOFATUSA unions joined. In 1969, once SACTU's strength had been destroyed, TUCSA decided to exclude African unions and these were forced to disaffiliate. This, in part, was due to the fact that white trade unions, unhappy with the membership of African unions, were beginning to leave TUCSA, which then preferred to scupper its African workers rather than lose its white support. It was also due to the fact that at the time the government was lukewarm to TUCSA allowing African affiliates. Instead of standing by its 'principles' TUCSA fell into line with the government's wishes. After the 1973 strikes, TUCSA again started to organise African workers into parallel unions, and by 1977 there were eleven such unions. In 1974, apparently in response to the growth of the independent African unions, TUCSA decided that Africans could once again re-enter its ranks.

One of the methods used by the TUCSA unions in the competitive struggle to recruit African members is the attempt to gain advantage over the independent unions by presenting themselves to management as the responsible unions while simultaneously attempting to discredit the independent unions. A FOSATU memorandum (see in this edition) has claimed that companies were granting TUCSA unions preferential facilities for recruiting workers, that they were telling workers through their personnel officers to join the parallel TUCSA unions and that these unions were prepared to accept management strategies like liaison committees. In response, Mr. Malherbe, the then vice-president of TUCSA, made a scathing attack on the FOSATU unions. He questioned the independence of these unions by alleging that they received money from abroad. He said that employers preferred the parallel unions because they were free from foreign influence, because they knew the union leaders from personal experience and repute and because they had good relations of co-operation, as opposed to the independent unions which had been involved in confrontation. Parallel unions, he held, would not proliferate, but would merge with their white or mixed counterparts to work together with employers. He also said that it was the prerogative of employers to choose which union to allow into the factory. Whereas the independent unions attempt to maintain close links with the workers on

the factory floor, TUCSA unions establish contact with management in order to recruit workers.

Mr. Grobbelaar obviously had TUCSA in mind when in the speech at the Business Outlook Conference, he said that trade unions could play a major role in avoiding polarisation through conveying to all sectors of the workforce, the indivisibility of workers through 'education, exhortation and example'. He continued later:

'It is my fervent hope that the **responsible** role I have spelt out for the enlightened trade unions will also become the concepts and attitudes of management and that they will (in their own enlightened self interest) seek practically and mutually beneficial partnerships with organised labour'.

Conclusion

TUCSA has accepted the registration process set up by the government even though it has been making pleas to the state to lift the prohibition on multi-racial trade unions. In calling for this, however, TUCSA is not so much concerned with the principle of freedom of association *per se*, but, as we have demonstrated, with placing itself in a position whereby in allowing African workers into its organisation, it is in a strong position to control these workers, to determine the form of trade unionism which may evolve and thus inhibit the development of a threatening conflict of interests. In the past, TUCSA followed a policy of organising African workers into parallel unions which were financially and organisationally dependent on the parent union and thus lacked the power to assert themselves in a situation where a conflict of interests emerged. The objective behind **both** the parallel unions and mixed unions is one of control, the difference lying only in the methods used to achieve it.

In the long term, African workers must surely be put off by unions which are not only more management than worker oriented, but which also subordinate their demands to those of the privileged workers. In the short term, the success these unions have in negotiating economic benefits may entice some workers into their ranks. However, if workers who join TUCSA unions now become disillusioned later, it could well lead to the development of the industrial unrest which TUCSA says it wishes to avoid.

The Fatti's and Moni's Dispute

Liz McGregor

Background to the Strike: The Union

The Food and Canning Workers' Union was established in 1941 as a registered union. Due to its non-racial status, the Union was subjected to considerable harrassment from the state; frequent raids were conducted by the police and the Department of Labour in an effort to prove that Africans were members of the union. Eventually in 1947, under threat of de-registration, the Food and Canning Workers' Union formed a separate African union.

In spite of their formal separation, the two unions have always operated as 'one and the same' according to general secretary Jan Theron. All decisions are made by a management committee which meets once a month. Furthermore, when the registered union applies for a Conciliation Board, it does so on the basis that the agreement reached is automatically extended to Africans. In effect, the only tangible differences between the F & CWU and its African counterpart, are different bank accounts and honorary presidents. The non-racial status of the Union was to have an important influence on events before and during the Fattis and Monis strike.

Events Leading to the Strike

In August 1978, the union began organising in the Bellville South factory of the United Macaroni group. The factory is a mixed one, with three different sections - milling, pasta and ice-cream cones. The milling section, which is the biggest of the three, was the only one affected by the strike. The union represents more than half the 250 workers at the factory.

At the beginning of 1979, the union was asked by its members in the milling section to negotiate an increase in wages. Workers wanted a minimum wage of R40 a week, an eight hour day with fixed tea and lunch breaks and an annual three week period of leave. At the time of the strike, male workers were earning an average of R32 per week and females between R19 and R27 per week, despite long service records. A petition putting forward the demands was signed by 45 workers and presented to management. The FCWU issued several demands for an increase in wages and stated that unless this was considered, they would apply for a Conciliation Board to force

F & M to enter into negotiations.

On 12 April 1979, after management had failed to respond to the demands, the FCWU applied to the Department of Labour to have a Conciliation Board appointed. Exactly a week later, Mr. Terblanche, the administration manager of Fattis and Monis in Cape Town, sent for the coloured workers involved in the petition. He told them they had to choose between the liaison committee and the union. He told them there would be 'moielike tye' (difficult times) ahead if they chose the union and insisted they decide that day. The workers, however, refused and contacted the union. Mr. Terblanche refused to speak to the union about the matter, but the company director, Mr. Peter Moni gave assurances to Mr. Theron that the workers were not being threatened.

On 23 April, five of the workers involved in drawing up the application were called to Terblanche's office and dismissed. No reasons were given for the dismissal. Mr. Terblanche later claimed they were dismissed because of re-organisation and mechanisation in the factory. Mr. Theron denied that this could be a valid explanation because the workers would have known about such a re-organisation programme in the factory. He also felt it to be highly unlikely that re-organisation would entail the dismissal of five experienced workers with considerable service with the firm behind them. All five were active members of the union. One was a production clerk, who was a shop steward; one a machine operator who organised the petition and three were experienced workers. All had been active in the drawing-up and presenting of the petition.

On 24 April, a further five workers, who demanded to know the reason for the dismissal of the original five, were also dismissed. Mr. Theron saw the dismissed workers and then phoned Mr. Terblanche. The latter replied that there had been a strike and that he would phone back. In the afternoon, Mr. Theron accompanied by African and coloured organisers, saw Mr. Terblanche. They appealed to him to reinstate the dismissed workers, saying they were the breadwinners of their families. Mr. Terblanche's reply was that they should have thought of that before they initiated the petition to F & M for an increase in wages.

The next day, all the workers of the milling section, both African and coloured, came together and asked for re-instatement of the dismissed workers. Mr. Terblanche called in officials from the Department of Labour who threatened workers that unless they returned to work, they would face a R200 fine. This was later denied by the Department. The officials also tried to separate the workers on racial lines, telling Africans to stand on one side

and coloureds on the other. The workers refused to, saying they were all there for the same purpose. It was then that 78 African and coloured workers went on strike.

For the seven months that the workers were on strike, they were given R15 a week and one free meal a day by the union. Workers and union officials met every day in a Bellville hall and throughout the strike, there were thorough discussions between union and workers about what was taking place. A strike committee was elected by the workers to represent them.

Public support for the workers grew rapidly in the face of management's intransigence. On 11 May, university and college students held a mass meeting at which they announced a boycott of F & M products. Within the next few months, they were joined by a wide range of organisations throughout the country including the Union of Teachers' Association of South Africa, the South African Council of Sport, (SACOS) the Labour Party, Inkatha and the Western Cape Traders' Association, which represents 2 000 black traders in the area.

From the start, management refused to recognise or negotiate with the FCWU, despite repeated attempts by the latter. The union realised that the only way it would get to meet management, was through the presence of a mediating party, such a presence was to prove an important factor in keeping negotiations alive. On 13 June, F & M agreed to meet with the union at a meeting organised by Mr. T. Mandla of the Western Province African Chamber of Commerce. The meeting was also attended by the Western Cape Traders Association. However, the negotiations broke down after F & M refused to re-employ 40 contract workers whose contracts were broken when they went on strike. They offered to re-employ the other 48 workers in subsidiary companies. This was rejected by the workers who demanded to be reinstated together in their original posts.

On 5 October, talks between F & M and the union were re-opened after the union had approached various influential organisations for support in its campaign. The South African Council of Churches replied that it could not co-operate in a boycott without talking to management first. They had a meeting with F & M in Johannesburg and it was agreed that talks would be re-opened with both the SACC (on behalf of the workers) and F & M appointing mediators. A UCT academic, Dr. James Leatt was the mediator appointed by the SACC. On 2 November, in a dramatic culmination to consistent management attempts to undermine the union, F & M broke off negotiations and announced plans to send letters to individual workers offering to take

them back at wages 'significantly higher' than the pay scales in force at the time of the dispute. They also guaranteed that their seniority would not be affected by the break in service. This was unacceptable to the workers who unanimously rejected 'Fatti's latest bid to bypass the union' and stated that the only acceptable settlement would be one negotiated and signed by their union.

On 8 November, the FCWU and F & M reached a formal settlement and the remaining 56 workers returned to work in two batches within a week of each other. This was seven months after the start of the strike.

Attempts to Break the Strike

A tactic employed by management to undermine the union was to visit the workers individually and try to persuade them to return to work and ignore the settlement negotiations between FCWU and the Fattis management. There were reports that some of the workers were offered bribes of up to R50 if they returned to work. One of the Fattis representatives who visited the workers, showed them a list of workers who would not be accepted back by the firm. The list excluded the names of six of the workers, three of whom are members of the committee elected by the strikers. Coloured workers were visited by a coloured man and a white man who claimed to be private detectives. These men offered money to the workers to abandon their union and return to work.

Fattis management admit to having visited the workers. The reason they give for this is that they wanted to ensure that the workers were not too badly off.

Another tactic, although not initiated by Fattis, was to co-operate with a representative of the Ciskeian Government, a Mr. Belewe. Initially contacted by one of the strikers, a H Xolisi Skolpati, at a stage in the strike when morale was very low, Mr. Belewe approached Terblanche but refused to tell the workers what had been discussed during the meeting. Later he approached individual workers with offers of jobs at the Good Hope Bakery, a Fattis and Monis subsidiary.

As a result of Belewe's approaches, Fattis announced they would take back all the striking workers who applied before 3 August, 23 of the workers accepted the offer and were put to work in the company's Good Hope Bakery in Guguletu. Some were given jobs picking up paper and others the heaviest manual jobs in the factory. Most important of all, the contracts of the migrant

workers who went to work in the bakery, were never renewed. They were thus working illegally and during subsequent police raids on F & M houses, two of them were arrested - one of them, ironically enough, Skolpati himself. This exposed the hollowness of the firm's offer of re-employment and the strikers considered the Ciskeian representatives to have sold them out. They resolved to continue to fight to be re-instated unconditionally in the posts they held at the time of the strike.

Although it is difficult to differentiate between the role played by the state and that played by management in the strike because they worked together very closely, I shall mention a few instances of state intervention.

Early in July, a contingent of about 20 uniformed and plainclothes policemen questioned several of the workers at their daily meeting in a Bellville hotel. They asked questions such as who were contract workers, who had organised the strike, and who had given them stickers supporting the boycott.

Western Cape Administration Board inspectors twice raided houses belonging to Fattis and Monis where most of the strikers still live. During the second raid, which occurred at 3.30 a.m. the inspectors were armed with a list of names of striking workers. The workers were all woken up and told to report to the board's offices in the morning. The Administration Board's chief superintendent, Mr. P.U. Schellhause, told the union's attorneys that Terblanche had approached him on Monday and asked him to investigate allegations of certain workers 'causing trouble' at the hostels. Terblanche handed Schellhause a list of names of all the workers living in the hostels.

Forty of the strikers were contract workers from the Ciskei who, by striking, lost their right to live and work in the peninsula. During the seven months of the strike, four of them were charged with being in the peninsula for longer than 72 hours. They were all found guilty and sentenced to a R50 fine or 50 days imprisonment suspended for 14 days, subject to their leaving the peninsula or obtaining permission to remain from the Administration Board within that time.

A few months after the start of the strike, it was discovered that one of the workers was a special branch agent.

An important feature of the F & M strike, was the solidarity shown between African and coloured workers. Twenty of the initial group of 88 strikers are coloured and 68 African. Union officials stress that this was not a spontaneous stand. At work, the workers are divided on racial lines - coloured and

African workers do different kinds of work. Their cloakrooms are racially segregated. Organisation by the union began with coloured workers. For a long time, the African workers were un-unionised. They first saw the value of a union when one of them was paralysed from the neck down in an industrial accident. His wife came to apply for compensation and was told he was not entitled to any. Union officials went to the factory and demanded that the worker be compensated. Without any further ado, they were handed a cheque for a substantial amount.

From the start of the strike, the state and F & M management tried to break down the solidarity between workers of different race groups. Department of Labour officials tried to deal separately with coloured and African workers. Management commented to the press that 'the Africans don't really understand what is happening - they are just led by the coloureds'. Such attempts to break interracial solidarity were firmly resisted by the workers, who, throughout the strike, declared their determination to stand together regardless of race.

The Boycott - Community Involvement

A distinctive feature of the strike was a national consumer boycott of Fattis & Monis products in support of the striking workers. The boycott was actively supported by a range of diverse organisations including colleges universities and schools, small traders, Inkatha, the Soweto Committee of Ten and several trade unions. Although management claims that the boycott had no effect on their sales, Fattis profits were almost halved in the 6 months preceding July 1979. Mr. G. Bijsters of the company's Johannesburg head office, confirmed that profits for January to July 1979 were R186 000 compared with R363 000 for the same period in 1978.

In an attempt to boost sales, free T shirts were given away with sales of Record Flour (a Fattis' product) at Malmesbury; a completely new name was given to a range of pasta products in Johannesburg and salesmen were appointed to go around telling people that the boycott was finished.

At the beginning of October, more than 120 students and school pupils from the University of the Western Cape, the University of Cape Town and a number of black high schools, organised a blitz on peninsula supermarkets. They packed trolleys with Fattis & Monis' products and refused to pay for them at the tills, stuck 'boycott Fattis and Monis' stickers on Fattis' products and left trolleys full of pasta products standing around in the aisles.

The idea of the boycott was first put forward by Mr. Kassiem Allie of the WCTA, who threatened to call on his members to boycott F & M if they persisted in their refusal to negotiate with the union. However, he vacillated for weeks and it was finally the boycott organised by the Western Province African Chamber of Commerce, which first brought F & M to the negotiating table. Three days after black shops in the townships stopped buying F & M bread, Terblanche went to see Mandla at his house and asked to meet with him to negotiate the re-instatement of the workers. Mandla insisted that the union be included in the negotiations and in the end, the WCTA were invited as well.

There is no doubt that this sort of activity had a significant effect on management's desire to put an end to the strike. In fact, Mr. Moni admitted to the press that one of the reasons for his firm agreeing to the settlement when they did was that school and university holidays were coming up soon and they had heard that students and school pupils intended further action. While he refused to admit that the firm's profits had dropped as a result of the boycott, he conceded that the boycott was having a seriously adverse affect on the 'image' of F & M.

Mr. Hassan Howa of SACOS seriously jeopardised hopes of a settlement by publicly announcing that he refused to lift the boycott until he personally was satisfied with the terms of the re-instatement. At one stage in the final round of negotiations, union officials visited him in order to persuade him to agree to call off the boycott when the dispute had been concluded. All the other boycott organisers had already agreed to do so. He only agreed to this on condition the workers themselves told him to do so. A meeting was arranged between him and the workers on 2 November where he was told categorically by the workers that they were entirely satisfied with the terms agreed to by the union and that they wanted him to call off the boycott as soon as their contracts had been renewed.

This seems to be the only sign of a non-worker group trying to seize the initiative from the union. Apart from Howa, the boycott was conducted throughout the strike in close co-operation with the strikers - responding directly to their needs and acting according to their instructions.

tern Cape Traders' Association and the Cape Chamber of Industries intervened at different stages during the strike to convene meetings between the union and management. This was necessitated by the reluctance of Fattis' management to meet with the union as a legitimate representative of the workers. The real value of the mediators was that F & M did not have to be seen to invite the union to negotiations. They were also useful in that they were some sort of witness to the discussions. Union officials stress that at no stage did the mediators ever play a part in the actual bargaining. All negotiations essentially remained between management and the workers and the union officials.

F & M, however, hired a public relations consultant from a firm called Editorial Service Bureau for the last six days of negotiations - reputedly at the cost of several thousand rand. He virtually took over negotiations on behalf of management and issued several press statements on behalf of Mr. Moni.

The Settlement

A settlement, described by Mr. Theron, as a 'great victory for the remaining 56 workers and for the union', was reached on 8 November.

'It is also a victory for workers everywhere and for the organisations who were prepared to support the workers' cause'.

Theron added that it was victory at a 'tremendous price' in that the strike had cost the union over R30 000, as well as causing great hardship to the workers and their families.

The General Workers' Union commented that never before had workers stayed out so long, and that co-operation between coloured and African workers had added 'a new dimension to worker unity'.

The importance of the settlement is that an employer has signed a contract with an unregistered union (the AFCWU). Both the FCWU and the AFCWU were referred to jointly as 'the union' in the agreement. This is particularly remarkable in view of the fact that in this case management had insisted on dealing with the two unions separately. They will never be able to do this again.

The terms of the settlement are:

- ★ All the strikers will be re-employed at the F & M Bellville factory in two batches on Wednesday, 14 November and Wednesday, 21 November. The reason for this is that F & M want time to try to find alternative employment for the scab workers who took the places of the strikers.
- ★ F & M will try to place the strikers in their original jobs as soon as possible.
- ★ Strikers will start at the same wages as before the dispute, but wages will be brought into line with any raises received by other workers within one month. (Most other workers have received 14% increases since the dispute).
- ★ F & M will seek the renewal of the contract workers' documents within the next two months.
- ★ F & M will provide contract workers with a bus to travel to the Ciskei for two weeks over Christmas to enable them to see their families.
- ★ The strike period will not be regarded as broken service - the strikers seniority will not be affected and they will receive annual bonuses as if they had not been on strike.
- ★ No strikers will be fired for one year, except for theft or drunkenness.
- ★ The union will not press wage demands during the next year.
- ★ The union agreed to inform the organisers of the boycott when the 'dispute has been concluded'. (Union officials explained that this wording was used specifically to mean that this would be when the contract workers' contracts are renewed and not just when settlement was reached).

The only question that now remains is whether F & M will honour the terms of the settlement. As Theron commented, the workers and their union are extremely distrustful of F & M because of the way they conducted themselves during the strike.

'Although this suspicion can only be alleviated once the settlement has been implemented, I don't think this should detract from the victory this settlement represents', he added.

Boycott organisers throughout the country, with the exception of the Wes-

tern Province Traders' Association, have vowed to continue the boycott until the contracts of the migrant workers have been renewed. This will no doubt influence F & M to act quickly because, as Moni admitted:

'The boycott could have had a serious effect if we had allowed it to linger on. There is no doubt that these boycotts can be effective. We made the mistake of ignoring organised labour. I would advise other firms to negotiate directly with unions as soon as possible'.

Book Review—Eddie Webster

Industrial Relations and the Limits of Law: The Industrial Effects of the Industrial Relations Act, 1971 *

A recurrent analysis of Britain's relatively poor post-war economic record suggests that industry suffered from too many strikes and that trade unions had grown too strong. As well as resulting in strikes, such excessive power was considered to be reflected in restrictive practices and coercive restrictions on individual freedom, such as the closed shop. This has been called the traditional view and it is associated especially with sections of the Conservative Party. However, the attempt to put this view into practice by Heath's Conservative government, through a comprehensive system of labour law, failed. The Industrial Relations Act, 1971, was repealed in 1974 and apparently regretted by few. Once again, this time under Thatcher's more strident Conservative government, it looks as if the British parliament is going to try to legislate control over the unions. In particular, according to the Conservative Working Paper, they intend to legislate against the closed shop and 'secondary picketing'. It is appropriate, therefore, that we evaluate this scholarly study, by the Warwick Industrial Relations Research Unit, on why the Act failed.

The Act failed, the author believes, because of a confusion of aims. On the one hand, it embodied the traditional view that the law should be invoked to control 'union power'. Hence, to end the power of the closed shop and, as an extension of 'individual liberty', Section 5 of the Act provided for equality of rights between joining a trade union and not joining a trade union. On the other hand, the I.R. Act shared the view of the Donovan Commission (a Labour government inquiry into industrial relations which reported in 1968) that a high proportion of industrial disputes in Britain were the result of a lack of effective collective bargaining.

They therefore recommended ways of strengthening collective bargaining, suggesting new machinery whereby unions might gain recognition from unwilling employers. Collective bargaining means that certain conditions of employment will be determined by collective negotiation rather than individuals seeking separate arrangements. To this extent, collective bargaining imposes some limits on the rights of individuals. Thus, managers who wanted to increase the control of unions over their members were reluctant to see bargaining arrangements disturbed by the new individual rights, and combined effectively with unions to draw the sting from the law's attack

that the TUC non-registration policy would be difficult to sustain, it was highly effective. Two conditions were necessary for this effectiveness. Firstly, the labour movement was virtually united in its opposition to the Act. Clearly it would have been hard for unions to justify non-registration if other unions were gaining obvious advantages from accepting the new registration conditions. As Vic Feather, TUC General-Secretary, indicated, in introducing the debate on registration:

'The real issue before us is unity, not the Act. What is the best way in which we can ensure that unity? Everything else is secondary'.(p 254)

Secondly, it was important that employers did not either give advantage to registered unions or exploit the vulnerability of those unions that remained unregistered.

Based on detailed research, this book is a crucial contribution to our understanding of the interaction between law and what happens in practice in industrial relations. Although the book makes no attempt to theorise about law, it does contain a warning to those who see the state as all powerful and who focus on its intentions **alone**. Ultimately, the capacity of a state to implement an industrial relations policy depends on the balance of class forces, in particular, the strength of working class organisation. In Britain, where the trade union movement is strong, these limits were effectively demonstrated between 1971 and 1974.

While the authors correctly point to the limits of law, their own analysis demonstrates the limits of a merely institutional analysis of industrial relations. By focussing on industrial relations institutions **alone**, the authors are unable to adequately explain why a previously 'voluntarist' state intervened at this particular stage in the history of British capitalism to control the unions. One crucial feature of the British economy in the late 1960s, as Glyn and Sutcliffe demonstrated, in 1972, was the progressive decline in the rate of profit.¹ Their calculations revealed a steady pre-tax decline in profit from 16,5% in 1950 to 9,7% in 1970.² Any adequate understanding of the state's behaviour at this time would have to situate industrial relations in the context of this crisis in British capitalism.

Footnotes

★ Basil Blackwell, Oxford, 1975.

1. Andrew Glyn and Bob Sutcliffe, **British Capitalism, Workers and the Profit Squeeze**, London 1972.
2. These calculations have been subjected to various criticisms, but have since been largely confirmed by the independent analysis of G. Burgess and A. Webb, 'The Profits of British Industry,' **Lloyds Bank Review**, April 1974.