

SOUTH AFRICAN LABOUR BULLETIN

BUS BOYCOTT

Mark Swilling

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**Volume 9 Number 5
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The views expressed in the contributions are not necessarily those of the editorial board.

Editorial Note

We welcome Andre Roux to the Editorial Board as an Eastern Cape representative.

We welcome Jon Lewis to the staff of the SALB.

Doug Hindson will be leaving the staff of the SALB in April.

ERRATUM: Kevin French, "Workers Charters in South Africa", Volume 9 Number 4 February 1984 Page 58 Paragraph 1 line 4 should read "The best known charter..."

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ARRESTS AND DETENTIONS

Two trade unionists have been arrested during the last three weeks for holding illegal meetings outside factories.

Skakes Sikakhane, General Secretary of the Food and Beverage Workers' Union (a Council of Unions of South Africa affiliate) was arrested outside Chubby Chicks, a poultry processing factory in Potchefstroom, on the 23rd of February. He was held for one day and then released on bail, but not before having his passport confiscated and being restricted to the Johannesburg Municipality (thereby preventing him from assisting workers at Chubby Chicks).

Jeremy Baskin, an organiser for the Paper Wood and Allied Workers' Union, was arrested outside Transpoly, a factory making plastic bags, in Amalgam (an industrial area near Johannesburg) on the 12th of March. After being escorted by security police to John Voster Square Baskin was detained until 6:00am the same day and then released on bail.

Both unionists were charged under Section 46 of the Internal Security Act, a measure which recently replaced the Riotous Assemblies Act. Under the new law a magistrate may prohibit all meetings in a magisterial area which do not take place "within the walls of a building". Recently an organiser and a worker, both members of the National Union of Mineworkers (an affiliate of Cusa), were acquitted on a charge under this law, arising out of a meeting held at the Vaal Reefs mine in March last year.

In another incident Robert Mkhize, an organiser for the Commercial, Catering and Allied Workers' Union of South Africa, was asked to report to a police station following a dispute at the Landdrost Hotel

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in Johannesburg. He was arrested on arrival and released on bail the next day, the 7th of March, having been charged under the Intimidation Act. In protest at what they felt was police intimidation of their union the workers at the Landdrost downed tools immediately. This is not the first time this has happened to the union. Five Ccawusa organisers were arrested under the Intimidation Act last year. Only one of the five was subsequently sentenced, and this case has gone to appeal.

The involvement of the police in routine union activities of this nature is seen by unionists as a disturbing trend. In the cases cited this year there are strong indications that managements were responsible for calling the police. If this continues it could mean a reversion to a system whereby disputes between management and workers are resolved by police intimidation rather than negotiation.

This method of dealing with workers' grievances may appeal to smaller and economically more fragile enterprises. Although it is too soon to identify a pattern in the recent arrests, it is notable that the companies involved are of a type which have in the past relied on low wages and a transient workforce to maintain profitability.

Arrests and detentions of unionists, workers, people working in community and political organisations and others have increased sharply since 1982. Statistics released by the South African Institute of Race Relations show that the number of identified detentions in South Africa increased from 264 in 1982 to 453 in 1983. These figures undoubtedly underestimate the numbers involved as by no means all cases are reported. The occupations of the people detained are shown in the table below:

* SAIRR Fact Paper on Detentions RD 1/84, 8/3/84

DETENTIONS IN 1982 AND 1983

| | 1982 | 1984 |
|-----------------------------|-------|-------|
| | ----- | ----- |
| Students and teachers | 117 | 140 |
| Unionists and workers | 30 | 65 |
| Community/Political workers | 17 | 44 |
| Churchmen | 11 | 8 |
| Journalists | 5 | 8 |
| Occupations unknown | 84 | 188 |
| | ----- | ----- |
| | 264 | 453 |

Certain features of the detentions are notable. The increase between 1982 and 1983 is largely attributable to detentions in the bantustans: Transkei, Venda, Bophuthatswana and Ciskei, which accounted for 83 detentions in 1982 and 215 in 1983. Seventy percent of the people detained in 1983 were released without being charged and 20% were charged for a variety of offences under the security legislation. The remainder continued to be held in detention.

During the last twelve months three people are known to have died in detention.

(Johannesburg Correspondent, 22 March, 1984)

TAXES, SUBSIDIES AND FISCAL CRISIS

The aim of this briefing is to look at the implications of the recent increase in general sales tax (GST) and the new uniform taxation system. At the same time the article provides an outline of developments in economic policy which have led to recent changes in the tax system.

At the present time South Africa is facing a serious economic crisis. The indicators of this crisis are a slowdown in real domestic product, high unemployment, low productivity, still unacceptably high rates of inflation, crippling drought and a generally low gold price. The implications of this situation are that personal incomes and corporate profits have not risen to anticipated levels and thus government revenue (collected through the tax system) is not going to be sufficient to meet government expenditure (defence, civil service education, etc). This means the country is faced with an increasing budget deficit (i.e. government expenditure is greater than government revenue). This can be characterised as a fiscal crisis of the apartheid state. Deficits are experienced by most western countries today, but as will be seen later the nature of apartheid expenditure, poses a peculiar problem for South Africa.

This raises two questions. First, what are the policies used to deal with the crisis? Secondly what are the effects for the large majority of workers?

The racial burden of taxation

The question of taxation in South Africa is a political one. The issue is not merely one of whether the tax system is progressive or regressive, but that it is blatantly unfair and unrepresentative. Though many commentators may see the new uniform system of taxation as "harmonising",

it is inherently conflict-ridden. As more and more black people become part of the urban matrix, black taxpayers are paying not only for their own inequality but are subsidising the higher living standards of the white population.

The new tax scheme, on the surface, appears to reduce inequality since people will be taxed at the same level irrespective of colour. But government spending continues on a racial basis. The attempt to make black local authorities autonomous and self-financing will reduce state provision of housing, education and other local facilities. Thus, the only option left open to local authorities will be to raise rents and service charges. This directly affects all sections of the black population. In addition to this local burden, black taxpayers will be paying for the administration of homelands, resettlement, and the enforcement of influx control. Thus:

Black Tax = Costs of Apartheid + Ghetto Projects.

At one level harmonisation of income tax is in line with attempts to divide and co-opt sections of the population. But this new dispensation still ultimately rests upon state repression and a disproportionate share of all taxation still goes to maintain the apartheid bureaucracy and the bloated military machine. It will be suggested below that the increasing centralisation of politico-military power is matched by a concentration of economic power.

Economic Policy

There are three related elements which characterize current economic policy. Firstly, the attempt to control the amount and rate of growth of money in the economy. Secondly, the attempt to cut state spending for social and welfare needs, particularly where expenditure has to be financed by borrowing. Thirdly, a policy of promoting competition and the free operation of market forces is being pursued.

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This policy package is known as "monetarism". Within South Africa monetarism has been widely accepted not only by government but also by the major financial institutions, bankers and many academic economists. Monetarist policies have also been adopted by conservative leaders such as Prime Minister Thatcher and President Reagan in Britain and the U.S.A.

To many, monetarism appears to be concerned only with technical economic matters such as the control of money supply to bring down inflation. This is not all there is to monetarism. It has serious political and ideological consequences as well. Monetarists oppose state intervention to provide for public health, education and other social services. According to monetarists state interference in the economy prevents the market from working efficiently.

In line with monetarism, the South African government's belief in the free market is a serious source of concern for the disadvantaged. This shift represents a "privatisation" of the economy, resulting in individuals having to bear a greater burden. The South African state has never undertaken any serious programme for welfare maintenance for blacks. What little expenditure there has been in this area is now likely to be cut back.

As suggested earlier, monetarism is not only concerned with the technicalities of controlling the supply of money, it also shifts the balance of forces in society. As the state withdraws money by curtailing credit, small and medium firms are likely to face more difficulty and bankruptcies. Big business will benefit because of a greater ability to finance themselves through internal finance, whilst multinationals in particular can lend and borrow on an international level.

The long-term objective of this strategy is to restructure the economy, phasing out weaker companies and allowing big business to emerge more powerful. The unemployment which inevitably occurs during this restructuring (i.e. the re-organisation

of industry that enables capital to flourish) is seen to be temporary. But this has the effect of weakening and dividing organised workers through lay-offs, redundancies and retrenchments. As the surplus pool of unemployed workers grows in size, unemployed workers compete against other and push down wages. So if workers demand higher wages, and price themselves out of jobs, the blame shifts to them. Monetarist theory assumes that state interference prevents the market from working efficiently. But in practice state intervention under monetarism has taken a different form. The state does not actually withdraw from the economy. Monetarism replaces direct state intervention by intervention through the financial system. This is done by restricting credit and the supply of money. It "is the financial system which determines precisely on whom the axe will fall".*

The control of money supply by the Reserve Bank will impose tighter cash controls on all agencies of the state: central government departments, nationalised industries, provincial and local government which previously had more autonomy in their spending and financial plans. The effect of this is to further centralize economic control.

Though the strategy of monetarism is coherent it does not mean that it is working smoothly in practice. The obstacles to implementing it are formidable. The attempt by the Reserve Bank and Treasury to restrain the expansion of money supply has been highly erratic. Moreover, a recession has highly contradictory effects, hitting profits, sales and costs.

While the theoretical aim of monetarist policy is to reduce state expenditure, in South Africa it is only expenditure on certain welfare items that has been reduced. At the same time the state has dramatically increased expenditure on the police,

* S. Clarke, "Monetarism and Unemployment as forms of social regulation", unpublished paper, 1982.
military and bureaucracy. This kind of expenditure

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has greatly accentuated the fiscal crisis of the apartheid state.

It is against this background that we should view recent economic measures designed to widen the tax base: the increase in GST, reduced food subsidies and the Income Tax Act of 1983.

Taxation

On the 1st February 1984, GST went up from 6% to 7% and on the 1st March the Uniform Tax System came into force. Before examining the effects of these two taxes, let us briefly examine the nature of taxes themselves.

To finance government expenditure, taxes have to be imposed. To do so means income must be taken away from someone. But whose income? The answer to this question directly involves the equality and inequality of income, that is to say, the burden of taxation is related to the distribution of income. So the imposition of taxes is a powerful policy instrument in the hands of government to affect the distribution of income.

Conventionally, a distinction is made between direct taxation (i.e. income tax, corporation tax) and indirect taxation (mainly import tax and sales tax).

In so far as the distribution of income is concerned, we can classify the wide range of taxes as follows: A progressive tax is one which takes an increasing proportion of income as income rises (i.e. the richer members of the society pay more). A proportional tax takes a constant proportion of income. A regressive tax takes a declining proportion of income as income rises (i.e. the poor pay more, the exact opposite of a progressive tax). However, progressive and regressive taxes can co-exist.

General Sales Tax (GST)

GST is an indirect tax because it is levied on

consumer goods and not on income, whereas income tax is levied directly on income. A general sales tax is one of the most regressive forms of taxation because it cannot be avoided by consumers. Income taxes on the other hand have a measure of progressiveness built into them, i.e. they increase with one's income. But indirect taxes, like GST, affect workers and low income groups most, as they will pay a higher proportion of their income. That is to say that most necessary commodities like milk, bread, sugar, etc form a larger proportion of the spending decisions of most wage-labourers. So a progressive tax reduces inequality but a regressive tax like, GST increases inequality.

Since 1975/6 the government has moved towards an increased use of indirect taxation as a source of revenue. In 1978 a general sales tax was introduced, and at the same time personal income and company taxation were lowered, as the table below indicates.

(R millions)

| | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 |
|----------------|------|------|------|------|------|------|------|------|
| Indirect Taxes | 1896 | 2315 | 2811 | 3416 | 4028 | 4807 | 5828 | 7617 |
| Direct Taxes | 3421 | 3872 | 4204 | 4659 | 5495 | 7887 | 8418 | 9570 |

Source: Reserve Bank Bulletin

Over a period of seven years, the figures from the table show that indirect taxes increased by 22% per annum and direct taxes by 16% per annum.

Hence, this change in the structure of taxation can only increase the racial burden of taxation because of the unequal racial distribution of income.

With a large outstanding deficit, the government is determined to boost revenue. The increase in GST from 6% to 7% will increase revenue by an extra R700 million.

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The Income Tax Act 1983

With the introduction of the new Income Tax Act 1983, the old discriminatory system of separate taxation for blacks will no longer apply. Under the new system everybody will be taxed in the same way. At first sight, this may appear as a positive step, particularly for those earning lower incomes. However, over time, with inflation, numbers of workers will cross the tax threshold and move steadily into higher tax brackets even though their real incomes remain constant. In very broad terms, some of the changes are as follows, when compared to the Black Tax Act:

- Single persons with no children will now be paying no tax if they earn less than R300, the same tax if they earn R350 and more thereafter.
- Single persons with children will be paying less all up the scale if they have three children; less with two children, if they earn below R1250 per month. More tax is paid thereafter.
- Most married men will be paying less tax.
- Most married women will now be paying more tax, except those earning R19000 per year, who will then pay less tax.

Let us look at how the tax burden will shift to married women. A married man will now for the first time pay no tax at all if he earns R350 per month or less. His wife on the other hand, earning R350 per month will pay R22,83 a month in tax. With the old Black Taxation Act each of them would have paid R7.20 per month, hence total family tax was R14.40 a month. Now it will be R22.83, all paid by the wife. Though in many cases the total family tax may be less than before, the wife will still be paying more.

Conclusion

The contradiction in the present situation lies in the fact that whilst the government would like to

control the money supply and reduce its spending, it is actually being forced to increase expenditure. The net result is that to compensate for the increasing deficit, the government has had to increase taxes and to cut spending in particular areas.

The current scenario appears bleak. In the forthcoming budget, further tax increases are most likely. If government expenditure increases during the next three months at the monthly average of R1915 million, total government expenditure for the year could reach R22981 million. This is 14.8% higher than the previous year.*

The problems faced by the South African government are shared by monetarists governments elsewhere. In South Africa however, the crisis is intensified by the particular pattern of its expenditure, required to sustain the apartheid state.

(Fuad Cassim, Johannesburg, March 1984)

*Barclays Bank Report: February 1984.

UNION UNITY

After nearly three years and six meetings the majority of "emerging" unions have agreed to form a federation of industrially based unions during the course of 1984. This is the outcome of the most recent meeting of the Feasibility Committee held on the 3rd and 4th of March at Khotso House in Johannesburg.

The unions and groupings which agreed to go ahead with the federation are Cape Town Municipal Workers' Association, Commercial Catering and Allied Workers' Union of South Africa, Food and Canning /African Food and Canning Workers' Union, General Workers' Union, Federation of South African Trade Unions and Council of Unions of South Africa. Together these unions have a membership of approximately 300,000 workers.

A press statement released after the meeting explained that progress towards union unity had been slow since April 1983 when the decision had first been taken to form a federation. This was because some unions, ones which were not demarcated along industrial lines, "were not ready or able to join a federation". It emerged that the unions present at the talks which fell into this category were the South African Allied Workers' Union, the General and Allied Workers' Union and Municipal and General Workers' Union of South Africa.* These three unions were offered observer status at the meeting or the alternative of demarcating along industrial lines and re-joining at a later stage. They rejected the offer of observer status and left the meeting.

At a press conference called by SAAWU, GAWU and

* The Orange Vaal General Workers' Union left the talks last year. The Motor Assembly and Components Workers'/General Workers' Union of South Africa was not present at the March talks.

MGWUSA on the 20th of March these unions denied that the fact that they were constituted as general unions had presented an obstacle to unity. They had all, they explained, already taken steps to demarcate their activities along industrial lines, and had in fact proposed to the unity meeting that inter-union unity should be approached through the formation of "industrial committees" comprising unions operating in the same sector. This idea, it may be noted, would seem to imply the suspension of the proposal to form regional solidarity action committees, the path to union unity favoured by these unions in the immediate past.

The three general unions felt that they should have been given more time to carry out the process of demarcation. Nevertheless all said they were still committed to industrial demarcation and expressed the desire to remain part of the unity initiative.

Serious difficulties have in fact arisen out of the differences in the methods of organising workers and associated structures of the regional-general unions on the one hand and the industrially constituted unions on the other. These organisational differences, and also the conflicting political views held by the leaderships of the different unions and groupings, have undoubtedly presented the major obstacles to union unity to date.

With the commitment of the regional-general unions to industrial demarcation the potential for divisive competition between these and the industrial unions party to the unity talks will hopefully be reduced. However, the process of restructuring of the general unions to conform to sectoral demarcation is likely to be lengthy and difficult. Whether these unions are accepted back in the unity talks as full participants will depend not only on whether they demarcate but also on how they undertake this process.

There are a number of possibilities: 1) internal demarcation to establish new industrial unions.

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This would serve to intensify competition and rivalry against existing industrial unions. 2) The establishment of status quo agreements to prevent poaching or competition in unorganised factories. 3) Focusing along industrial lines and co-operating with other unions on industrial committees. 4) Undertaking to gradually allow their organised factories to join existing industrial unions, and to organise unorganised sectors in which no industrial unions are at present operating. The third and fourth options are the most likely to bring about speedy re-acceptance of the general unions to the talks.

Although it now seems certain that a federation of "emerging" industrial unions will be formed this process will not be unproblematic. Political differences, particularly at leadership level, remain. The issue of non-racialism/racial exclusivity and the methods of union organisation and views on leadership associated with these opposed principles are still serious obstacles. What is required to overcome these differences is the acceptance of a commitment to work towards common political goals within a federation framework which allows for a diversity of views. The federation should be run in a way which enables different views to be tested out in open debate with the full participation of union membership.

The formation of a new federation will require the dismantling and re-construction of some union and (existing) federation structures. Unions operating in the same sectors will have to overcome the difficulties surrounding amalgamation or narrower demarcation. The greatest difficulties will be encountered where there are equally powerful unions operating in the same regions and sectors.

Dismantling existing federation structures may be difficult. Fosatu has agreed in principle to dismantle. Cusa as yet has not officially agreed to this, although its continued presence at the talks implies such a commitment.

A specific difficulty relates to the regional

structures within Fosatu. Some of the unaffiliated unions have expressed the view that these structures withdraw power from unions within Fosatu and concentrate it with the federation structures. The need to establish structures which enable workers from the different unions to come together to take up issues at a local level cannot be questioned, particularly for a federation which will concern itself with social and political conditions affecting workers outside the factory. The shop stewards' councils would seem to be more appropriate to this end than the regional structures within Fosatu, which embrace large areas including widely scattered townships.

The question of the structure of the federation is connected with its financing. Unions which have argued for greater union autonomy within the new federation have also maintained that the federation should be financed solely by its affiliates, particularly for its day-to-day running expenses. The reasoning behind this is that financial control is an important, perhaps the most important, control workers can exercise over officials. Both Cusa and Fosatu are at present heavily dependent on external sources of finance for maintaining federation activities. However most Fosatu affiliates are self-financing and the federation has committed itself to achieving self-sufficiency in the long term.

While these difficulties should not be underestimated, there is reason to be optimistic that they will be overcome. The turning points in the unity talks over the last three years have come at the larger meetings where workers, mandated from branches throughout South Africa, have demonstrated their capacity to exercise control over leadership; to ensure that abstract debates and personal differences are not allowed to stand in the way of worker's unity. All the remaining obstacles to union unity can be removed if direct worker participation of this kind is widened and deepened as unions meet in each locality to forge the new structures expressing their unity.

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The successful establishment of a federation of "emerging" industrial unions will have ramifications not only within industry but also far into the wider society. Its first task will undoubtedly be to organise the unorganised; still the vast majority of workers in employment. The organisation of whole sectors across the country will place limitations on the capacity of management to play off the unorganised against the organised workers in negotiations over wages and working conditions. The union movement will be placed in a stronger position to oppose managements' exploitation of regional differences in wages and working conditions, including the strategy of relocating plant in "border" areas. A more difficult task will be the prevention of relocation of plant from existing industrial locations to new sites within the bantustans.

In time the union movement must inevitably come squarely up against the bantustan and border industry policy which is fundamental to the state's present "reform" dispensation. The formation of a united union movement increases the chances that this policy can be opposed in more than just rhetorical terms.

All emerging unions in South Africa believe that any conditions affecting workers, whether inside or outside the factory, fall within their legitimate ambit. These unions have only differed over how and when to take up such issues. The formation of a new federation will greatly strengthen the ability of these unions to effectively take up the social and political demands of workers, whether within or independently of the emerging political movements in South Africa. For the first time in decades the possibility exists of the working class beginning to imprint its specific demands and perspectives on the South African political process.

(Johannesburg Correspondent, March 1984)

HLOBANE MINE ACCIDENT

Introduction

On September 12, 1944, an explosion rocked the Hlobane coal mine near Vryheid. Fifty-seven workers were killed and six seriously injured. An inquiry into the disaster held at the time revealed that insufficient ventilation - while mining through a dyke (rock in the coal seam) - had allowed methane to accumulate in the mine overnight. When the miner in charge checked for methane, there was so much present that his lamp went out. The miner tried to relight his lamp, but in doing so ignited the methane, causing a massive explosion.

Exactly thirty-nine years later on Monday 12th September, 1983 the tragedy was repeated. Again an explosion tore through Hlobane colliery. In the days that followed the death toll from burns injuries and poisonous gases rose to sixty-eight. The Hlobane disaster is the worst since the Coalbrook colliery disaster of 1960, in which 437 miners were buried alive when the mine working collapsed.

Coal Mining in South Africa

In the past management regarded coal as a poor investment, the "down and out" of the South African mining industry. But the fuel crisis of 1973 changed this.

Profits from coal, climbed dramatically. Many new investments were made by multinational oil companies in joint ventures with South African mining houses. The number of workers on coal mines increased from 73000 to 129000 between 1973 and 1980, and production more than doubled. A quarter of total production leaves as export, making coal South Africa's second biggest foreign exchange earner after gold.

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The extent of South Africa's penetration in some foreign markets is indicated by the country's share of steam coal imports to Western Europe (for electricity generation) which rose from 4% to 37% between 1973 and 1980.

Inquest into the Hlobane disaster

The main danger in underground coalmines is methane gas. Methane is always given off when coal is mined. Regulations under the Mines and Works Act are supposed to reduce the chances of explosions happening.

The evidence at the Hlobane inquest showed that many of the regulations were ignored.

Methane gas explosions don't just happen. Three conditions must be met at the same time for an explosion to occur: there must be sufficient methane present, in a concentration between 5 and 15% , the methane must be ignited, the presence of methane must have gone unnoticed.

1. The level of methane

Air is circulated through the mine to get rid of any methane given off the rock faces.

The air is brought from the surface through "airways" and directed along the working faces by "brattice cloth", a type of curtain. At the inquest the mine ventilation officer, Mr P Shand, admitted that his records showed that frequently the stipulated amount of air did not reach the coal faces.

Even in December 1983, months after the explosion, many of the faces were still not being supplied with enough air.

Shand, claimed that in 11 years as ventilation officer for the Chamber of Mines, he had found that no Natal coal mine provided the correct amount of air to the faces at all times.

At the time of the explosion, mining was taking place through a dyke. Because more than the usual

amount of methane may be released when mining dykes, special safety precautions should be taken.

No action was taken and Shand had not even been informed.

To make matters worse the air reaching the working faces was reduced by more than half by holing into a return airway the Saturday before the explosion.

The effect of the holing was that insufficient air reached the working faces, allowing an explosive concentration of methane to accumulate over the weekend.

A miner, Mr R J Morgan, had been instructed to block the holing but did not do so. Although the mine officials on duty at the time realised the importance of the holing, they did not check that their orders had been carried out.

2. Ignition

Open flames are not allowed underground, and all pieces of machinery that may cause sparks have to be "flameproofed". Of the 29 pieces of machinery found in the section of the mine affected by the explosion, the inspector of machinery, Mr M J Klynsmith, said that 14 were not flameproof.

Any one of these machines could have sparked off an explosion. The court found that one of the machines, a coal scoop, had probably ignited the explosion.

3. Failure to notice the level of methane gas

Before workers enter the workings at the beginning of a shift, the miners and team leaders in charge of a section have to "make safe" and check for the presence of methane.

One week before the explosion, a miner, Mr T J Bezuidenhout, who was killed in the blast, reported that he had found 4% methane and spent half a shift clearing it.

According to regulations, where gas has been

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found in the previous three months, it must be reported by the mine management to the Inspector of Mines for investigation. The shiftboss and mine overseer decided that Bezuidenhout had made the report to cover up poor production. The overseer had scored out the report "to avoid hassles with the loss control department".

The regulations say that flame safety lamps should be used for finding methane. Only four of the ten lamps required by law were found after the explosion. Company officials admitted that the system for issuing lamps was a "free for all".

Mr J T Barnard who led evidence for the state, said the organisation of lamps "contributed to the circumstance of the explosion, where there were not enough lamps to test for gas".

Methane is lighter than air and tends to rise and form layers just below the roof of the workings. Although not required by law, a special tube to suck air from the roof must be fitted to safety lamps to detect these layers. At first the mine manager, Mr D Watson, claimed that nearly all the lamps used at the mine had these tubes.

When he later showed the lamps found in the blast area to the court, he was "disappointed" to find only one of the lamps had them.

In his evidence, Mr Ralph Boswell, Inspector of Mines, said that the death rate was extremely high for a gas explosion. In his view the initial methane explosion had not been severe, but was propagated by burning coal dust and brattice cloth. Workers were killed as far as 450m away from the source of the explosion.

The coal dust had probably not been watered down properly because of the frequent interruptions in the water supply. According to the regulations the brattice cloth should have been fireproof. The brattice material did not meet SABS specifications.

The inquest showed that little attention was paid to safety regulations on the mine. Mr Denis Kuny, who appeared for the families of five deceased workers, handed in a list of 21 Mines and Works Act

regulations which, according to the evidence, had been broken, some a number of times.

On the other hand, compared to other mines, Hlobane appeared to be a safety conscious mine. The mine manager claimed that the management held daily meetings where safety was always discussed. The mine had specific safety instructions and people were appointed to carry them out.

The Inspector of Mines who gave evidence said that Hlobane "was not a bad mine". By Chamber of Mines standards, Hlobane was a model mine. The Chamber awarded Hlobane four stars - five stars being the maximum - at the advanced level of their safety rating scheme.

International standards

NUM arranged for three international coal mine experts to attend the inquest to make sure that the families of the dead miners were properly represented. They found that South African regulations have fallen behind international standards.

For example, Dr R van Dolah, retired research director of the US Bureau of Mines Research Centre, commented that:

- * US ventilation regulations are much stricter than South African regulations.
- * Flame safety lamps are an outdated method of finding methane. In the USA and Europe methanometers are used. They can measure much lower concentrations of methane, and so give earlier warning of potential problems.
- * Many lives might have been saved if workers had been given self-rescue equipment which changes poisonous carbon monoxide to carbon dioxide, or provides fresh oxygen.

Dr H S Eisner, former Director of the Explosion and Flame Laboratory of the Health and Safety Executive, a UK state body, analysed South African coal mining statistics and found that deaths in underground South African coal mines are six times higher than

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in the UK and 1,6 times the USA. Because underground and opencast mining accident statistics were combined, he concluded that "published accident rates are misleadingly favourable".

Workers organise for safety

Black miners are exposed to the greatest dangers by working at the face. White mine workers spend less time at the face, but their wages are linked to the amounts their teams of black workers mine. So white miners have an incentive to neglect safety precautions in order to ensure that the miners spend more time mining.

In the past there was no way workers could demand safer conditions. The situation is changing with worker organisation. The Hlobane accident forced the NUM to take up the issue of mine safety. Since the Hlobane disaster NUM has ensured that workers have been represented at numerous inquiries into fatal accidents.

At West Driefontein, the right of management to force workers to work in unsafe areas was challenged. The mine management fired workers who refused to work in an area they believed was unsafe. NUM took the case to the industrial court and the workers have been temporarily reinstated.

A year ago, NUM applied for representation on the Safety Committee chaired by the government Mining Engineer, but was refused.

In December 1983, the Chamber of Mines announced that individual trade unions would be given representation on their Prevention of Accidents Committee, originally formed in 1913. NUM are now represented on the committee.

At NUM's second annual conference in December 1983, safety was an important issue on the agenda and resolutions were taken to negotiate safety agreements and appoint safety stewards.

The 39 years since the first Hlobane disaster have shown that management's safety rating schemes and regulations cannot be relied upon to ensure safe

working conditions. The Hlobane explosion in 1944 was a tragedy. The repetition of this tragedy in 1983 is a serious indictment of an industry that claims safety standards on a par with the rest of the world.

Johannesburg Correspondent, March 1984.)

LABOUR RELATIONS BILL

A bill containing proposed changes to the Labour Relations Act was tabled in Parliament at the start of the 1984 session.* The Bill which received considerable attention in the press, contains the state's first direct response in the form of legislation to the development of in-house collective bargaining by the independent unions. The Bill was introduced in Parliament without an opportunity being given for the proposed changes to be discussed in public, as has been the case with other amendments in recent years. If enacted it will be the fifth amendment in as many years to the Act since the major amendments of 1979. The Bill seeks to prevent various bargaining agreements from being enforceable in any South African court of law including the industrial court. In practice, this could mean that where a union has entered into an agreement with an employer who refuses to honour the terms of the agreement by ignoring the procedures contained in it, the union could not go to court to force the employer to follow the procedures. The bill will have no effect on contracts of employment between individual workers and their employers, or on agreements entered into in terms of a statute such as an Industrial Council or Conciliation Board agreement.

Most importantly, no agreement between a trade union and an employer (or a number of employers) will be enforceable unless the union complies with a number of provisions in the Act. These are contained in Section 4A(1) which requires unregistered unions to submit their constitution, head office address and names of office-bearers and officials to the Industrial Registrar and in Sections 8(5) and 11. The latter two sections apply to registered and unregistered unions, employer

*Labour Relations Amendment Bill B13 of 1984

organisations and trade union federations. All these organisations must meet the following requirements:

- Keep a register of members (indicating subscription payments); maintain proper books of accounts, which must be audited, and prepare an annual statement of income and expenditure;
- Retain these records and all other documents relating to the affairs of the union (including correspondence, minutes of meetings and payment vouchers) for at least three years. (This may be done on micro-film.)
- Submit to the Registrar year-end details of membership (by 31 March of the following year), the auditor's report and comply with any request by the registrar for information;
- Notify the registrar of the results of elections, changes of office-bearers or officials, change of head office (which must be in the Republic) and the establishment of any new branches;
- In the case of a union it is the duty of the secretary to perform these functions.

Agreements between a union complying with these provisions and any employer, a group of employers or an employers' organisation complying with these provisions will be enforceable.

Members of a trade union not complying with these provisions may not, independently of the union, enter into an agreement with an employer. A body that is not a trade union but has a purpose similar to that of a trade union will not be able to enter into an enforceable agreement with an employer.

The bill does not prevent unions and employers from entering into agreements under any circumstances. Its only effect will be on the enforceability of certain agreements. However its possible effects are extremely wide. It covers agreements on any matter that is of mutual interest to employers and employees, or regulates the relationship between the two, except those types of

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agreements specifically exempted. It covers both express agreements and those that have to be implied from the conduct of the parties. Conceivably it could cover any agreement entered into between a union and an employer. A high price is being attached to compliance with the administrative procedures contained in the Act.

A copy of all agreements entered into must be sent to a special inspector appointed for the purpose within 30 days of their being concluded. All agreements already entered into must be sent to the inspector within 30 days of the bill becoming an Act. Failure to do this will be an offence. Where an agreement was reached orally a written description of it must be submitted. Failure to submit an agreement will not effect its enforceability.

The other substantial change contained in the Act deals with appeals against exemptions from Industrial Council Agreements. Industrial Councils are empowered to grant exemptions from the terms of their agreements. For example, employers in a certain area may be given an exemption allowing them to pay wages below the minimum levels contained in the agreement for their industry. There is provision for an appeal against the decision to grant or refuse an application for an exemption. Since 1982 the appeal has been to the Industrial Court but the Bill proposes to restore it to the Minister of Manpower.

Decisions about exemptions from the provisions of closed shop agreements contained in Industrial Council agreements are likely to be the most controversial. In such cases all parties affected by the decision have a right of appeal to the Minister. In all other matters employers, employer organisations and trade unions have no right of appeal. The only people with such a right would appear to be individual employees affected by the decision.

A further provision is that unregistered trade union federations are required to submit copies of

their constitutions to the Registrar.

(Paul Benjamin, Johannesburg, March 1984.)

CRITICAL HEALTH

A JOURNAL EXAMINING HEALTH & POLITICS IN SOUTH AFRICA

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WORKMENS COMPENSATION BILL

The Workmens Compensation Act of 1941 has been amended at least eleven times since the original Act of was passed. Most of these amendments have introduced very small changes. References to other acts were changed as these were introduced or amended, "Bantu" became "Black", and more importantly, there were changes in the monetary amounts as the real value of money declined. Workers, whether male or female, are still "workmen", On Friday 3 February a new bill was read for the first time.* At this stage there had been no real debate in Parliament and the White Paper was not available before going to print. Many of the changes proposed have no real substance. The White Paper acknowledges that this is a temporary measure. A major review and consolidation of the Act is still awaited despite the fact that the Commission of Inquiry into Compensation for Occupation Diseases appeared in 1981. But the present Bill still deserves some comment.

The first point to note is the many complaints which have not been tackled. Domestic workers and outworkers are still excluded for the scope of the Act. Scheduled diseases will still only be compensated if they were contracted after a fixed date. Workers will still not receive compensation for the first three days of any occupational illness for which they are off work for less than a fortnight. Compensation still does not comprise the full wage. Workers can still not institute civil claims for damages from employers.

The major new innovation in the Bill is the proposed Objection Committee and Revision Board introduced in the new Section 25. Instead of appealing to the Workmens Compensation Commissioner,

*The bill was passed, without change after the third reading on the 28th February 1983. (Ed.)

workers who "feel aggrieved" by a decision can now appeal to an Objection Committee. This committee will consist of a chairman, one member representing workers and one representing employers. It will consider the complaint and then make a recommendation to the Commissioner. He can then choose whether to follow the recommendation or not.

If the worker is still unhappy with the decision, he or she can then appeal to a Revision Board. The Board will consist of a presiding officer, who will be a member of the Industrial Court, two assessors representing workers and employers respectively, and one or more medical assessors where necessary. Finally, there is the right of appeal to the Supreme Court in the event that the decision of the board is not acceptable.

While both the Committee and the Board provide for worker and employer representatives, these are not representative in the true sense of the word. In the case of the Committee the members are appointed by the Minister. In the case of the Board they are appointed by the presiding officer, who is himself chosen by the president of the Industrial Court.

The procedure of these bodies is also open to question. The objector will only appear before the Committee if the commissioner thinks this is necessary. He or she only has the right to submit written evidence. A written copy of the proceedings must be kept and sent to the Director General of Manpower, but no mention is made as to whether the objector or anybody else will have access to it. The commissioner can decide whether to accept the recommendations of the committee or not.

If the worker perseveres, the Revision Board's procedure resembles that of an ordinary court more closely. Personal appearance, together with legal representatives, are allowed, and copies of the proceedings are available. However, all this is subject to the worker being able to afford the expense. Legal representatives will have to be paid

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for and the record is only obtainable on payment of a fee. Time is also an important issue. The draft bill which was gazetted in July 1983 only provided for a Revision Board. The additional level of the Objection Committee can cause unnecessary delay for a worker needing compensation.

The new bill moves away from discrimination on the grounds of colour. According to Section 14, unclaimed monies in respect of all workers can now be used for "the general welfare" of all workers, and not only for africans as before. Most of the names appearing on the periodic lists of unclaimed money are african. This change will allow money owing to african workers to be used for the benefit of other population groups.

The second change in this area is that accidents and occupational diseases in respect of all workers must now have been reported within twelve months if the worker wants to claim compensation. Previously these clauses did not apply in the case of african workers. The act has always allowed for these clauses to be waived and for the commissioner to award compensation despite non-reporting. The change will provide one more way in which compensation can be denied to african workers. There are many reasons why african workers might not report accidents. Many are unaware of the law, or at least of the need to report. Many do not know or lack access to the mechanisms of reporting. Many will fear losing their jobs if they do report. Most of the reasons apply more to african workers than to others. The removal of explicit discrimination could thus introduce it implicitly.

Not all discrimination has been removed. Hookworm is still a scheduled disease only in the case of white and "coloured" workers.

The bill also appears to provide for inflation. Benefits have been increased, as well as the cut off salary above which compensation cannot be claimed. The fines have also been increased for the first time since 1941 and there is now a higher maximum fine (R500) in the case of an employer who doesn't

pay assessments than in the case of other offences (R200). It is doubtful if these increases will cope with the effects of inflation. Section 43/bis provides for a 15% increase in all previous awards. The last such increase was made in 1981, three years ago. A 15% increase in a three year period is hopelessly inadequate.

The bill explicitly allows for gazetted increases in terms of the maximum salary cutoff point. A new sub-clause also allows for the commissioner to make regulations on "any matter which he may deem necessary or expedient to prescribe in order to further the objects of this Act" (Section 107). Ideally one would like compensation payments to be linked to the consumer price index. In the absence of this, hopefully the commissioner will use the new subclause to prescribe regular and decent increases.

(Debbie Budlender, Cape Town, February 1984)

MOSA REGULATIONS

The Machinery and Occupational Safety Act (No 6 of 1983) which is replacing the old Factories Act deals with new structures to be set up as regards Health and Safety. This has been reviewed previously by Myers and Steinberg (SALB Vol. 8.8 & 9.1) and will not be discussed here. MOSA is essentially a piece of enabling legislation which means that it is followed by a series of regulations which will determine conditions in the workplace.

MOSA made provision for the establishment of an Advisory Council which forms, as and when required, "expert" technical committees to make recommendations. These recommendations constitute the basis of the new factory regulations.

In June 1983, the Minister of Manpower issued draft regulations concerning lighting, ventilation and thermal (heat and cold) conditions of work and invited comments on these (Government Gazette 3/6/83, No 8739). Various management organisations reacted unfavourably to these draft regulations, claiming that they were too strict and expensive to enforce.* Hence, a technical committee was established in November 1983, to which representation could be made by all interested parties, in order to draft new recommendations on the above subjects. (Government Gazette 18/11/83, No 8965)

Tag (Technical Advice Group) felt that the draft regulations were defective on the following grounds:

1. They were too vague: terms such as "practicable" are difficult to contest in court or during negotiations between unions and management.
2. The standards that were set were inadequate to the task of protecting the health and safety of

Rand Daily Mail, 26/8/83

workers as compared to overseas standards.

3. There were important omissions in the previous draft regulations, for example in the thermal conditions section the following factors were not included:

- thermal conditions of the rest areas
- provision of water to workers
- age limits of workers in hot areas
- monitoring of heat in factories
- persons that are competent in treating heat stroke to be trained
- the right of workers to be given alternate work if their health may be affected by the thermal conditions of present work
- worker access to health professionals and medical records
- acclimatisation of workers if they are absent or ill for a period of more than four days

Tag submitted proposals such as these concerning all three areas of working conditions which were included in the scope of the technical committee.

A further set of draft regulations (general administrative issues) were issued by the Minister concerning, among other issues, a list of "high risk" substances. Tag's criticisms were that this list of 49 substances cover only a fraction of the dangerous substances (+/- 2000) and recommended the inclusion of a further 28. In other countries upto 530 toxic substances are recognised as dangerous.

Table 1 : High Risk Substances in Other Countries

| Country | No. of high risk substances recognised |
|----------------|--|
| USA | 280 |
| Soviet Union | 530 |
| Czechoslovakia | 70 |
| West Germany | 370 |
| East Germany | 180 |
| Sweden | 120 |

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From: Holmberg, B. and Winell, M. , Occupational Health Standards, An International Comparison, Scandanavian Journal of Work and Environmental Health, 3 1977; ppl-15

Regulations on their own are insufficient. The conditions of health and safety on the shopfloor can only be adequately monitored and improved by the organisation of workers themselves. However, it remains important that legal provision is made for the labelling of all substances used in industry, identifying the chemical formulae and the potential hazards of the substances. Furthermore, no new substance should be introduced into a workplace until these factors are known and adequate protection of workers provided for.

It is unlikely that provisions like these will be legislated for simply through representation to the technical committees. While it is important that worker organisations continue to submit their own recommendations to the technical committees, the only way in which this strategy can produce long-term beneficial results is if such submissions take place within the context of a challenge to management on these issues at the shop floor level.

Tag considers this first set of recommendations to be a test case in an attempt to determine whether or not submissions from trade unions and trade union service groups are taken into account by the Department of Manpower in formulating factory regulations.

It is felt, however, that ultimately it is only through strong shop floor organisation and bargaining that workers will be able to achieve a healthy and safe working environment.*

(Johannesburg Correspondent, February 1984)

*If unions would like any more information about current recommendations they can contact the following organisations: (see overleaf)

- 1) The Technical Advice Group
212 Dunwell House
35 Jorissen Street
Braamfontein

- 2) The Health Information Centre
1 Melle House
31 Melle Street
Braamfontein

- 3) Industrial Health Research Group
c/o Sociology Department
UCT
Private Bag
Rondebosch
7700

BOPHUTHATSWANA INDUSTRIAL CONCILIATION ACT*

In the first week of March Bophuthatswana's Industrial Conciliation Act passed through parliament - making the territory the first of the "independent" homelands to draw up its own legislation providing for the operation of trade unions. The act is retrospective to the 1st July 1983.

The question of trade unionism in Bophuthatswana had become a pressing one as the activities of unions, which are based in "white" South Africa, increased. At the time of Bophuthatswana's independence, most of the unions operating there were long established. They included the all-white right-wing Mine Workers Union (MWU) with a claimed 2000 members on the mines, as well as the more craft-oriented bodies, such as the Electrical and Allied Trades Union. More recently, emerging, largely black, unions such as the National Union of Mine Workers (NUM) (affiliated to the Council of Unions of South Africa (CUSA)), the Commercial, Catering and Allied Workers Union of South Africa (CCAWUSA), and the South African Allied Workers' Union (SAAWU) began organising there. This prompted the authorities to finalise the new law.

The Act provides for the existence of both registered and unregistered unions, but ensures that their activities will be strictly controlled. The very wide definition of an unregistered union sets out to bring any body representing workers under the Act's ambit. Besides bodies purporting to be unions, the definition includes the association of persons claiming "to represent the interests of or act on behalf of workers or any group of workers, whether employed or unemployed...". Thus even a workers' committee would be considered to be an

*This briefing is an "information update" produced by the South African Institute of Race Relations.

unregistered union and fall under the Act's provisions. The definition also includes trade union federations, but there is no provision in the Act for their registration.

Among the main conditions governing both registered and unregistered unions are that the head office of their controlling bodies must be situated in Bophuthatswana and that no person may be employed or appointed as an office bearer or official unless "he is ordinarily employed and ordinarily performs his work" in Bophuthatswana. The implications for unions active there, but whose head offices are based in "white" South Africa, are far-reaching: they will either have to move their head offices to Bophuthatswana or withdraw. Before the law was tabled, Bophuthatswana's Department of Manpower and Co-ordination sent letters to the NUM, CCAWUSA, and SAAWU advising them of the proposed requirement and pointing out that they would not be able to operate in the territory. This precipitated a strike at UCAR Minerals, a subsidiary of Union Carbide, by NUM members.

Unions organising commuters living in Bophuthatswana but working in the border areas were concerned lest the Act prohibit them from holding union meetings in Bophuthatswana after work. No such prohibition is contained in the Act, however. The Minister of Manpower and Co-ordination, Mr Rowan Cronje, had initially indicated that he would prohibit such gatherings. He has since told the South African Institute of Race Relations that this decision falls outside his jurisdiction. In terms of Bophuthatswana's Internal Security Act, permission for meetings of more than 20 people must be obtained from the local magistrate in any event. Attempts by the authorities in the past to block such meetings have been unsuccessful because they have been challenged under Bophuthatswana's bill of rights.

The Act grants wide powers to the registrar to decide whether to register a union. One of the main requirements is that he must be satisfied that

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the "applicant is a responsible body capable of taking part in the negotiation of matters of mutual interest between employers and employees in accordance with the provisions of this Act". There is no definition of what a "responsible" body is, however, nor are there any criteria to guide the registrar in making his decision. He may cancel a trade union's registration for the same reason and may also apply these criteria in deciding whether to register or wind up an industrial council.

The registrar must also be satisfied that the constitutions of registered and unregistered unions alike embody procedures for the collection of membership fees, keeping of proper books, and maintenance of a register of the names of all their members, as well as a complete record of membership fees paid by each member and the period to which it relates. Financial statements must be submitted to the auditor annually and a list of members (including those in arrears) sent to the registrar. While not particularly onerous for established unions, these administrative requirements would be more difficult for new unions, as well as for other bodies, for example works committees, which fall under the definition of an unregistered union.

A further - and in this case welcome - requirement is that no union may be registered if its constitution allows for discrimination on the basis of race, colour or creed. In what seems an oversight, however, this requirement does not apply to unregistered unions.

If satisfied that a union fulfils the necessary requirements, the registrar may register it for a particular industry, undertaking, trade, or occupation and for the interests of workers in a particular class or classes of work in a particular area. Interests of trade unions may not overlap. It is thus not possible for two trade unions to be registered for the same interests in the same industry for the same area. The Act also outlaws closed shops, so enabling workers to join a union of their choice.

As with its South African counterpart, the Act prohibits all dealings, financial or otherwise, between a trade union, whether registered or unregistered, and a political party or political organisation or candidates standing for political office. It also prohibits unions from having any dealings with people or organisations whom the Minister has listed in the government gazette. Failure by unions to comply with any of the requirements concerning their existence and operation is an offence.

Most of these conditions also apply, *mutatis mutandi*, to employers and employers' bodies.

One of the fundamental features of the Act is that it sets out to create a conciliation process that is industry-based, and that will, as far as possible, exclude the emergence of plant-level bargaining, as has developed in South Africa. Firstly, where there are no trade unions in an industry, the Act provides for the setting up of industrial boards by the Minister either on his own initiative or after representations have been made to him by any employer or employee party concerned. The majority of the members of the board are appointed by the Minister from employer and employee nominees, but additional independent members may also be appointed. These boards will investigate and make recommendations regarding the conditions of employment in "any undertaking, industry, trade or occupation in any area" in respect of which no industrial council is registered. If the Minister agrees with the recommendations, they become binding (after allowing for objections).

Negotiations can also take place through industrial councils set up by agreement between registered trade union and employer parties (whether registered or not). More than one council may not be established for the same undertaking, industry, trade, or occupation in the same area. If two or more councils seek registration for different sections of an industry or of an undertaking in the same area, only the one that is the most

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representative of all the interests may be registered.

To foster industry-based bargaining, either an employer or an employee party can request the Minister to allow for the establishment of a statutory industrial council where no council exists. If he is satisfied that such a council would adequately represent the industry in a particular area, the Minister may instruct the parties to form it within a certain period. If they fail to do so, he will establish one himself and appoint its members from persons nominated by the parties concerned. Such a council will be dissolved once the parties establish their own council.

The result of this system of industrial boards and voluntary and statutory councils is that minimum conditions of work will be widely set on a clearly demarcated basis, according to specific industrial interests or sections of those interests within specified areas. Although this system does not prevent unions from approaching individual employers to negotiate conditions better than the minima set, this, according to Mr Cronje, is not acceptable and will be opposed. There is little doubt that employers will be under pressure to comply with such union initiatives.

One of the notable features of the Act is that it virtually precludes legal strikes. These are totally prohibited in "essential services" and during the currency of any agreement or determination which deals with the issue under dispute. When a dispute occurs, it must first be dealt with by the industrial board or council, and where these do not exist, by a conciliation board. Both councils and conciliation boards may apply to the Minister for the appointment of a mediator to assist them in the settlement of a dispute. If they fail to settle a dispute they may refer it to the industrial tribunal - a body of four having as its chairman a retired judge of the Bophuthatswana Supreme Court or of a Supreme Court or High Court of any other country, or an advocate of any such court

with not less than ten years' standing.

If the Minister believes that referring a dispute to the tribunal will lead to a change or an addition to any existing agreement, he may decide not to so refer it. If the issue is referred, the tribunal makes a determination which the Minister must publish in the gazette within 21 days, after which time it becomes binding. As in the South African situation no strike is allowed during this process or after the determination has become binding.

The Act differs radically from the South African law in allowing for compulsory arbitration in most disputes. Even if the parties do not voluntarily refer a dispute to the tribunal, it will still be referred to it, (unless the Minister decides otherwise, which he may do, for the same reason as above). Where a determination is made, it becomes binding within 42 days of being published. However, either party to the dispute may inform the Minister in writing within 28 days that it does not wish to be bound by the determination and the Minister must publish a notice to this effect in the gazette within 14 days. After this, providing that more than 51% of the workers agree to it in a secret ballot, a legal strike may be called.

There is a further major obstacle to legal strike action, however. The Act says that the President of Bophuthatswana, if he deems it "necessary or expedient in the public interest" may, before the 14 days have expired, declare the determination shall, from a certain date, become binding - thus effectively prohibiting the holding of a legal strike. It is clear that the President's power in this instance is specifically designed to prevent legal strikes from being staged in the territory's strategic industries, notably the mining industry, which employs about 46 000 workers and is one of its main sources of revenue. In practice, then, only a small number of disputes - those referred on a compulsory basis to the tribunal and which are not prohibited by the President - may reach the stage where they will result in a legal strike.

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A major difficulty with this negotiating procedure is its length. As South African experience has shown, a cumbersome conciliation process, rather than leading to the peaceful settlement of a dispute, may add to worker frustration and even precipitate unrest. To minimise this, South African labour law was amended in 1979 to allow for the establishment of an industrial court to provide an aggrieved party with a quick means of gaining temporary relief pending a final decision where an "unfair labour practice" allegedly occurs. While the Bophuthatswana Act makes provision for the establishment of an industrial court, its functions are mainly confined to the hearing of appeals against the decisions of the registrar concerning the registration, variation of scope and winding up of trade unions, employer organisations and industrial councils.

The implications of the Act are far-reaching. The prohibition on unions based in "white" South Africa from operating in the territory seems to contradict recent changes in policy that regard homelands and the nearby industrial areas in "white" South Africa as single economic regions. Many South African companies have factories in Bophuthatswana, among them BMW, AECI, and SA Breweries. It has been argued that if these "foreign" companies are allowed to operate in the area, then why not "foreign" unions.

It is clear that one of Bophuthatswana's concerns is to prevent unions that have organised a plant in "white" South Africa from organising a sister plant in Bophuthatswana. Apparently the Bophuthatswana authorities want to prevent labour unrest in "white" areas from spilling over into their territory. On the other hand, a situation where plants in different areas are organised by different unions, or where the plant in "white" South Africa is organised and its Bophuthatswana counterpart is not, could also lead to problems. This is particularly true where workers in "white" South Africa receive better wages than workers in the same companies or

industries in Bophuthatswana. Some of the craft unions operating in Bophuthatswana argue that as their members are employed by companies whose head offices are in "white" South Africa they should be able to negotiate on their behalf with company headquarters outside Bophuthatswana. It seems that such an arrangement has already been introduced in the case of the Mine Workers Union which claims that it has been given permission to continue operating in Bophuthatswana on a "semi-official" basis. The union fails to fulfil two important criteria for registration in the Act, however. Firstly, it does not have its head office in Bophuthatswana, and, secondly, its constitution discriminates on the basis of race. The MWU claims that it will be able to negotiate in Johannesburg on wages and conditions of work for its members on JCI's Rustenburg Platinum Mine and Gencor's Impala Platinum. While confirming that mineworkers could remain members of the MWU, Mr Cronje has said that the union will not be able to represent its members, or negotiate on their behalf, or enter into any agreements. He said that any agreements negotiated by the MWU in Johannesburg will have no legal standing in Bophuthatswana. Only published agreements between registered employers and organisations and registered trade unions would have legal standing. If miners involved in accidents wished to call on MWU officials for their expertise in an inquiry they could, but the union would not be able to represent workers in an "official or semi-official capacity". Whether this arrangement will be extended to other unions, such as the SA Boilermakers Society, the Electrical and Allied Trades Union, and the three mining officials' associations, all of which have members on these mines, is not clear.

What is clear, however is that the presence of the predominantly black emerging unions will not be accepted at all. Whether these unions will try to continue to operate is an open question. There is little chance of their agreeing to establish their head offices in Bophuthatswana as they refuse to

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recognise the "independence" of the territory, regarding all workers there as South African citizens. What is possible is that new unions will emerge that will be more cautious than their South African counterparts and readier to compromise in their dealings with management.

Some managements in the area have expressed concern over the new requirements, particularly the requirement that they will have to conform with two different sets of labour law. One suggestion is for the introduction of a reciprocal registration procedure, whereby if a union is registered in the one territory, it has an equivalent status in the other.

(Carol Cooper, Johannesburg, March 1984).

"THE BUSES SMELL OF BLOOD": THE EAST LONDON BOYCOTT

Mark Swilling*

In July 1983, the East London working class decided to boycott the local bus service to protest against an 11% fare increase. Although state repression in the area has left many dead, hundreds in detention, and just as many wounded, the highly politicised working class has conducted this struggle with confidence, courage and a high degree of unity and cohesion. These struggles threw up new forms of working class organisation, largely ignored by the mass media, but which have significant implications for the present balance of political forces in South Africa.

Background

East London's workers are unique in many ways. Firstly, they earn by far the lowest wages in South Africa. Secondly, there is a higher proportion of africans in the workforce (78%) than in other areas (Capetown - 17%, Durban - 53%), and thirdly, there is a higher proportion of africans in skilled and semi-skilled jobs.⁽¹⁾ In short, the East London working class is unique not only because it receives particularly low wages, it also has a greater capacity to engage in struggle. There are a large number of workers in semi-skilled jobs with considerable. As they are all Xhosa speakers they share the same ethnic identity. This means ethnic divisions are not an obstacle for mass organisation. In addition to this, although workers share the same conditions of racial oppression with the petty bourgeoisie, the possibility of a consolidated

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alliance between the two is negligible. The petty bourgeoisie is relatively small and tends to be a supportive class for the Ciskei ruling class. Its interests are rooted in a rigid patronage system that is based on the chiefs and institutionalised in the ruling Ciskei National Independence Party (CNIP).⁽²⁾ Consequently, its political responses tend to be conservative and at times violently anti-working class.

The large majority of East London's workers live in Mdantsane. This is a dormitory township that is located within the Ciskei, some 20km from East London. Consequently those who live there and work in East London are officially known as "frontier commuters". Mdantsane was the product of over twenty years of bitter struggle between the poverty stricken residents of East London's townships and the state. By the late 1950s, after a decade of increasing dissatisfaction amongst africans, and a number of official enquiries by both the local and central state, a plan was devised to establish a dormitory township on the outskirts of East London.

At the same time the 1959 Promotion of Self-Government Act was passed. The creation of homeland states coincided with the need for a new township in East London. As a result, Mdantsane became a homeland township and not an urban location. This meant that it did not share the same features of the ordinary urban location. Major new innovations were introduced: greater stand sizes, provision for freehold title, developed local government structures, and relatively advanced amenities and services for a black South African township. All this did was to create a more sophisticated dormitory town despite the official claim that it was intended to be more self-sufficient.⁽³⁾ The encouragement of industrial and commercial development in Mdantsane has only begun in the last twelve months. In short, although one third of Ciskei's population lives in Mdantsane, it is a city that exists only to service East London's labour needs.

The Mdantsane population has certain significant features. Firstly, nearly half the working population is under the age of 30.(4) Secondly, when the township was built houses were arbitrarily allocated without regard for traditional, class, educational or sub-cultural distinctions. This contributed to the creation of a relatively homogeneous urban culture. This, however, needs to be qualified. In 1977 a survey found that 72% of the Mdantsane population had rural homes and that 30% still visited them on a weekly basis.(5) This close link between the rural and urban populations encourages the migration of the better educated younger people to the towns in search of employment. Finally, there is a dual communications network that is a typical characteristic of underdeveloped societies that are fairly urbanised. The oral modes of communication are just as influential as the mass media.(6) These features have affected the way the population has responded to the worst conditions of poverty and unemployment in South Africa.

The fact that a large proportion of the population live below the Household Subsistence Level(7), partly explains why East London has witnessed such intense and protracted struggles over wages in the last few years. However, with a 30-40% unemployment rate, the power of the trade unions is severely limited. It is in this context that we must understand why the organised working class has tended to take up issues outside the factory.

An attitude survey that was conducted in Mdantsane in July 1981 found that 70% of all the working class respondents identified transport as their most serious problem.(8) This was followed by crime (59%), housing (32%), educational facilities (19%) and services (17%). This contrasts drastically with the concerns of the petty bourgeois respondents (i.e. teachers, taxi drivers, traders and businessmen): 65% of this group identified crime and the general threat to property as their most serious problem. This was followed by the quality of the educational facilities (47%),

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housing (44%), transport (36%), and services (7%). Transport is, therefore, a working class issue of primary importance. Transport for frontier commuters is the most important part of their lives outside the factory. As the Mdantsane bus boycott has shown, a grievance in this sphere can rapidly become a major political issue that exposes for all, the obvious link between their exploited position in the factory and where (and how) they are forced to live.

Under normal circumstances, 80% of Mdantsane's workers use the buses to go to work, 15% use the trains and 5% go by car.(9) The Mdantsane bus system was designed exclusively for the daily transportation of labour to and from East London's employers. It has no social function within Mdantsane whatsoever. It does not transport people from zone to zone for social purposes (see Appendix A). All it does is transport people to a central terminus where they can board another bus to East London, the station or even another zone (although this is rare). In addition, the main commercial centre of Mdantsane surrounds this terminus.

The Bantu Transport Services Act of 1957 provides for the subsidisation of transport costs for bona fide workers. This means that the bus company coordinates its routes to cater primarily for workers travelling to and from the industrial areas in order to get the maximum benefit from the subsidy. Although employers complain that they have to pay into the subsidy fund, it nevertheless guarantees them the delivery of their labour in bulk to conveniently located points.

The travail of travelling to work usually begins before dawn. Workers have to walk on average for ten minutes on crime-ridden streets to reach the nearest busstop. They then catch a bus to the central terminus where they have to join long queues.(10) Every worker spends 2-3 hours a day travelling to and from work. Transport is a daily struggle experienced by nearly 25000 workers who are processed en masse through a single point twice a day and get compressed into 276 dirty unkempt

busses.(11) Matravers is correct when he concludes that "the public transport system becomes a service to employers and not to travellers".(12)

The Bus Company is called the Ciskei Transport Corporation (CTC). It is jointly owned by the Ciskei State and the Economic Development Corporation. Its top management are South African state functionaries and it is widely believed that Sebe is a director. It tends to run at a loss. This year it was envisaged that it would break even.(13) By October it had lost R1 million because of the boycott. Mdantsane's transport, as elsewhere in the country, is based on the spatial separation between community and workplace that forces the working class to travel the longest distances. In order to ensure the continuation of this racial form of reproduction, the state has tended to encourage the emergence of private monopolies and in some cases parastatals. This highly profitable industry and the long distance between community and workplace are the fundamental reasons why transport is such a crucial site of struggle for the working class.

The Boycott

The 11% increase was not the only cause of dissatisfaction with the bus service. There are days when commuters are left waiting for up to two hours. This means that either commuters risk arriving late at work, or else they are forced to spend extra money on a taxi to be on time. The buses themselves are dirty and broken windows are left unrepaired. The lack of bus shelters makes rainy days intolerable. A further grievance is that bus times do not always coincide with shift times.

It was this general situation of neglect and inefficiency that led the South African Allied Workers Union (Saawu) to take up the issue in 1980. Saawu used to hold meetings of several thousand people at a time in the East London city hall during that period. At one meeting, four demands were

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drawn up by the workers which the union leadership was mandated to take to the CTC. These were: (i) the provision of bus shelters; (ii) the provision of tickets that could only be invalidated by the ticket clippers and not a weekly ticket that was paid for in full even if it was only used three times a week; (iii) students and pensioners should pay half the price; (iv) cushions must be put on the cold wooden benches. These demands were ignored.

The fare increases came into effect on the 13 July 1983. During the preceding two weeks the issue was extensively discussed amongst the organised workers and members of the political organisations. It was not, however, formally discussed at union meetings. A thousand people held a meeting in a church hall in Duncan Village on Sunday 10 July. The most significant feature of the type of organisational forms that began to emerge even at this stage, is that the unions, and especially Saawu were not involved. The meeting was organised by highly politicised workers who were certainly drawn from the ranks of Saawu, but they were not organisers or leading shop stewards. They came from a second level of leadership in Saawu's structures. A "Committee of Ten" was elected to represent the community's interests to the CTC. The committee was designed to represent "the community" which was defined as workers, the unemployed and students- with the workers in the majority.(14)

Although the committee included Saawu shop stewards, it did not represent the trade unions, nor did it include members of GWU (General Workers Union) or A/FCWU (African Food and Canning/Food and Canning Workers Union). The members of this committee were soon in detention however. Despite this, it provides us with a useful indication of which interests were dominant. Significantly the petty bourgeoisie was excluded. Unlike the transport committees of the 1950s and the Durban based Commuter Committees in 1982/83 radical petty bourgeois elements did not figure in the preparation and execution of the boycott. Similarly, the 1974-5

bus boycott in East London clearly had been led by petty bourgeois town councillors.

The Committee of Ten tried to meet CTC management on Monday 11th July. The CTC refused on the grounds that they had already talked to community leaders two months before the increases were announced. In fact they had consulted leading CNIP members, Ciskei Government officials, and Community Councillors in the South African townships like Duncan Village. As one worker put it: "the problem was that all the people who had been consulted do not use the buses".

A second mass meeting was held on Tuesday 12th in Duncan Village. About 3000 people attended. The CTC responses were unanimously rejected and a decision was taken to boycott the buses. What followed was a brilliant example of popular mobilisation. Charges of intimidation were to be made, (15) but found to be without basis. (16)

The strategy was to start boycotting from the following Monday. In the meantime those present on 12th July agreed to inform people about the boycott, even if this meant paying the higher fares for a few days. The irony, however, is that this only succeeded thanks to the CTC's refusal in 1980 to abandon the weekly ticket. The large majority of commuters buy weekly tickets every weekend. There are only two points they can buy them from - in the township or in town. It was therefore relatively easy to convince nearly 25000 commuters who were all going to feel the impact of the fare increases simultaneously, that they should not buy another weekly ticket. In addition there were also bus drivers who were encouraging the boycott. It is not surprising that the boycott was 80% effective by Tuesday, the second day of the boycott. (17)

In the first few days, commuters tended to walk to work. The burden of a 30 km walk was relieved by an emotionally explosive atmosphere of solidarity. As the defiant commuters headed towards town in what was in effect a mass demonstration, they sang freedom songs and taunted the police. At this stage police responses were confined to roadblocks and

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body searches. However, the number of police soon swelled as reinforcements were brought in, and they became more brutal. This made walking in large numbers on the open road too dangerous. People began to use the trains.

The railway line runs along the outskirts of Mdantsane. It forms Ciskei's border with the rest of South Africa and it is run by South African Transport Services. The distance to the stations for the commuters varied from between 6 to 12 kms. The decision to use the trains was crucial for the boycott in two ways. Firstly train fares were marginally lower than the bus fares. On the 1st of August they were actually increased. However, there were no signs of protest. The commuters had made a rational choice between the lesser of two evils because they were rejecting an increase in the cost of their primary mode of transportation. Secondly, trains were the only legal public space available where people could meet and pass on information.

Ever since the boycott began it has been an extraordinary labour force that the trains took to East London each day. They crammed into carriages, lay on roofs, and balanced on couplings. Songs of defiance broke the early morning silence as the train wound its way through East London's sleepy white suburbs. Attempts by Sebe's thugs to prevent them from boarding the trains only contributed to this atmosphere of solidarity.

The trains were crucial for the co-ordination of the boycott in two respects. Firstly, workers were able to talk and discuss the immediate and long term significance of what was happening. Topics such as Ciskei's sham independence, trade unions, the causes of poverty and their power and rights as exploited workers were discussed. The significance of this style of organising is summed up by the response of a shop steward to the banning of all meetings in East London: "As long as the train is running up and down, that is our meeting place". Secondly, as the significance of the boycott penetrated into hitherto unaffected sectors of the working class, a

sense of unity and purpose began to emerge. People went out of their way to help one another over fences, onto moving trains, to protect and support each other and above all, to make sure the wounded were taken care of. It was this spirit of discipline and responsibility that one worker described in this way: "unity cannot be formed in a vacuum, it is born out of the struggle".

The Ciskei Government

The Mdantsane bus boycott has been an extremely violent confrontation between the state and the working class. Estimates of the number of people who have died range between 20 and 90.(18) Sebe's vigilantes have also beaten up and terrorised hundreds of people both in public and in the Sisa Dukashe Stadium in Mdantsane. Rape, illegal arrest, harassment and abduction were the daily experiences of the Mdantsane population.(19) The number of people who have been detained runs into the hundreds and inexplicable disappearances are common-place. All the trade unions have had organisers and shop-stewards detained and they all report that several of their members have been killed or have disappeared. The National Automobile and Allied Workers Union(Naawu) claimed that six of its shop-stewards had died. The Ciskeien puppet regime's first and as yet only response to mass dissatisfaction is naked repression.

The most vicious perpetrators of the Ciskei regime's violent rule are the vigilantes. They are hired thugs brought in from the rural areas and let loose on the civilian population. They have been used before during the 1974 strikes and bus boycott and in the 1977 upheavals following the death of Steve Biko. In 1974 they were called the "green berets" after the notorious green caps that they wore. In 1983 they wore green armbands and on occasion white plastic bands around their ankles. They roamed the streets in groups of 3 to 5 and assaulted whoever they thought was boycotting the

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buses. They also used two white Combi's with Ciskeian Government registration plates. The bulk of them came from the Eastern or Central rural areas of the Ciskei where they had been recruited from the ranks of a ruthless group of men that illegitimate tribal authorities use to prop up their rule. This employment provides a rather tenuous and unstable existence. These middle aged men with a measure of social status (albeit repressive) were promised land, money and jobs when they were recruited in late July into Sebe's army of thugs. They lived in the Sisa Dukashe stadium where they were looked after by former women hawkers. These women used to ply their trade at the bustops and so they had a material interest in making sure the boycott was broken.(20) The vigilantes were led by petty bourgeois elements in the township. The main leader was a former civil servant who used to edit the Government Newspaper (Umthobo). This man, who was charged for murder 18 months ago and is notorious for cruelty, was given the responsibility of administering justice. This amounted to arbitrary assault, torture, rape and harrassment of the innocent. This extra-legal coercion, however, did not break the spirit of the people. In the end it was the failure of the vigilantes to break the boycott that landed even the leaders of the vigilantes in detention.

The Ciskei regime intensified its attack on the boycotters from the 25 July. Road-blocks were set up where people were harrassed and sjambokked. Hundreds of cars were confiscated and commuters walking to work began to be seriously beaten up. At this stage large contingents of the army, police and vigilantes began using force to prevent people from using the trains. Five people were shot at the Jackson Station on the 25 July. On the 2 August, Sisa Faku, a sixteen year old school boy was killed by police. For the next few days his friends walked up and down the trains telling people about the murder.

Despite coercion and incarceration of the leadership

the boycott continued to gain momentum. There were three reasons for this: firstly the Palace Revolt; secondly, the 4 August massacre and thirdly the attitude of the employers. These factors are responsible for transforming the boycott from a short-term struggle over a bus-fare increase, into a protracted political struggle that has as its central focus the illegitimate Ciskei regime and its apartheid designers in Pretoria.

On 21 July, General Charles Sebe, Brigadier Tansager (Deputy Head of the Ciskei Intelligence Service), General Minaar (a South African Security Advisor) and another brother of Sebe (the Minister of Transport) were all detained. Since then a total of 17 top officials have been detained. The exact reasons for all this have never been revealed. What is known is that the South African Government knew what was happening and two South African policemen helped in the arrests.(21) Many in the Ciskei believe that there was an attempted coup. It was the detention of Charles Sebe, more than any of the others that was decisive in the minds of the people. Charles Sebe did not only concern himself with the army and police. He tended to involve himself directly in the affairs and personal problems of ordinary people. There was always a long queue outside his office of people who were coming to seek his help with rent problems, squabbles, eviction and so on. As well as being popular, he was the most important man in Sebe's patronage system; a status that made him the most feared man in the Ciskei. As far as the ordinary person was concerned his detention was an indication of the perverse incoherence and blatant hypocrisy of a state that claimed to embody their ethnically defined political aspirations.

The second major factor that exposed the true function of the homeland state, was the cataclysmic massacre of innocent commuters in the cold, early hours of August 4th. Police and soldiers formed an armed human blockade at the Mount Ruth and Edgeton Stations to prevent commuters from catching the

train. After hesitating, the crowd advanced a few paces. However, as the police drew their guns, the people stopped and in motionless horror shouted "Don't shoot, we are not at war". Without warning the police fired into the crowd. Witnesses have claimed that 15 were left dead and about 35 were wounded.(22) The fact that soldiers prevented people from going into the hospital's casualty ward to find the dead, that mortuaries were full and were known to allow undertakers to bury unidentified people, all contributed to the proliferation of rumours about the extent of the massacre.

The massacre had an electrifying effect on the political consciousness of the people. Within hours the boycott became a political struggle motivated by hatred of the Ciskei regime. The experience of a hotel cleaner captures the spirit of this. At the outset of the boycott in July, she complained of intimidation by organisers. As a member of the ruling Ciskei National Independence Party she was at first apathetic about the fare increases and reluctant to jeopardise her job. Her views changed radically after August 4th. The people who were killed were strangers to her, and yet she wept. She tore up her CNIP membership card and vowed never to use the buses again in her life.(23) A more politically conscious worker said: "After the shooting, what the people learnt was that the bus company and the Ciskei Government had joined". On the trains this summation of political and economic demands was reflected in the emergence of new slogans, "Away with Sebe, amandla!" became the main one.

On the same day as the shooting, the Ciskei regime responded to the new mood in Mdantsane by declaring a state of emergency. This provided for a curfew between 10.30 and 4.00 a.m., and prohibited more than four people from being together in a public place at any one time. Within a week, over 700 were arrested for violating curfew regulations although only 32 were convicted in that time.(24) This massive overloading of the prison system,

coupled with the detention of the Minister of Justice, threw the entire administration of justice into chaos. By the end of August over 1000 were languishing in detention with no immediate hope of a trial.(25)

The first organised collective response from the commuters was on National Women's Day. The 1000 people who met at a hall in Duncan Village, pledged to continue the boycott. Another meeting was called for August 13 in order to commemorate the dead. The politicised workers who were giving a measure of leadership to the boycott were aware of the need for clear direction in order to avoid demoralisation, and saw the need to gauge the mood of the people. The meeting, however, was banned. The banning order was directed at the so-called organisers of the meeting - GWU, AFCWU, Saawu and Cosas. There is no evidence to support the idea that the unions organised the meeting. As far as the Committee of Ten was concerned, 8 out of 10 of its original members were in detention anyway. Despite this the commuters maintained that the boycott would not end until all detainees had been released and the wounded and relatives of the dead compensated.

Management Responses

East London management responses have been ambiguous and inconsistent. A report compiled by the Community Resource and Information Centre and the Detainees Support Committee found that employers have at no stage assisted workers. They did not i) provide transport, ii) help workers financially, iii) make any direct or overt attempts to protest against the atrocities in Mdantsane.(26) Although, production has suffered,(27) the general attitude is that the boycott is political and hence it is not their business. The same rules concerning dismissal and late arrivals are applied, and negotiations with unions have continued oblivious to the new pressures with which they are faced. The problems in

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Mdantsane are regarded as the affairs of another state and therefore outside of their sphere of responsibility.(28)

On the 2 August, all the unions arranged a meeting with employer representatives. Although only a few employers came to the meeting, union organisers felt that it was constructive because it gave them an opportunity to inform management about what was happening in a situation where the local newspaper, the Daily Despatch, is hopelessly inadequate as a source of information. Following the meeting, a well-known personnel manager stated that "Saawu appears to have tremendous support among the workers and the Sebe Government campaign against the union has only added to this following".(29) He went on to reject the Ciskei Government's claims that Saawu was behind the boycott, pointing to Saawu's repeated calls for negotiations with the bus company.

Students

A significant feature of the struggles in Mdantsane, is that pupils began to boycott classes in solidarity with their parents. The fact that pupils were killed on August 4 exacerbated an already uneasy situation in the schools. By the middle of August, 11 out of 12 schools were boycotting classes. Parents supported a schools boycott for the first time in the history of the Eastern Cape. The ideological orientation of the students was clearly one that was subordinate to working class struggles and not vice versa as so often happens (30).

The South African State

The South African state appeared overtly on the scene on 15 August when Pik Botha flew in to talk to Sebe. This was not the first high profile visit. Three weeks earlier, the Commissioner of Police, General Johann Coetzee and the head of the Security

police, Major-General Steenkamp, also visited their proteges in the Ciskei regime. The South African Government denied that these visits had anything to do with the unrest. Two days after Pik Botha arrived, the bus fare increases were halved. The commuters, however, were unimpressed. One of them explained, "five cents won't bring back the dead". This drove the CTC to retrench 30% of its staff in order to offset the loss of R1 million that it had incurred since the boycott began. The bus company was caught in the cross-fire. On the one hand Sebe refused on principle to allow it to alter the bus time-table and to cut down on the number of buses. On the other hand the fare reduction was a pathetic gesture in a situation that had gone far beyond an economic issue.

The intervention of South African officials came as no surprise to the people of Mdantsane, who were well aware that it is the South African state that is ultimately responsible for the deaths, torture and unrest. Despite this conviction, the people of Mdantsane have never resorted to collective violence. Stones were thrown and petrol bombs were used, but this did not go beyond a number of isolated incidents: according to Judy Parfit, there were 15 incidents involving the petrol bombing of the houses of CNIP officials and policemen. As the turbulent month of August reached a close, tension subsided, the vigilantes were muzzled, and the overt oppression of police presence was reduced. The commuters settled down to their long walks to the station and their early waking hours. Resistance had become habitual in Mdantsane.

Saawu Banned

In early September the Ciskei regime banned Saawu. Although 11 trade unions representing 350000 workers as well as some employers condemned the banning, the regime remained adamant. As far as the commuters were concerned, it made precious little difference to their bus boycott - Saawu was never organising it

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in the first place, and it did not in any way affect their fundamental demands: to release all detainees and to negotiate with the Committee of Ten.

New Strategies

Towards the end of September the Mdantsane petty bourgeoisie began to make it's moves. The central bus terminus (point 11 on diagram - see Appendix A) is also the central commercial area of Mdantsane. There are numerous shops, trading stores and supermarkets that are owned by black business people and are well patronised by the commuters who pass through the terminus twice a day. The bus boycott is a serious threat to their businesses. This explains why some of them set up what was called the "Committee of Twenty". The chairperson is Mr Yako, a member of Parliament in the Ciskei Government. Some of the other members are Lieutenant Genda (Chief of Security in Mdantsane) and L F Siyo (Leader of the Labour Party and a close friend of Lennox Sebe). The Committee of Twenty has also tried to co-opt a number of well-known old ANC and PAC activists in order to gain legitimacy.

Attempts by the Committee of Twenty to call three well advertised meetings were a dismal failure. They also arranged a meeting with the Committee of Ten after their release from detention on November 4th. Predictably the Committee of Twenty's main concern was how long the boycott would last. They claimed that it was through their recommendations that the Committee of Ten was released and requested that they end the boycott. The chairperson of the Committee of Ten said about the meeting:

They realised that only through us could they get in contact with the people. So long as they have the tag of the Ciskei Government, their meeting will not be successful. They do not believe in mass participatory democracy. (31)

However, their hopes were dashed when the Committee of Ten quietly informed them that they had no mandate from the commuters to open negotiations with them.

The strategies of the Ciskei state also changed towards the beginning of November. With the release of the Committee of Ten and the active participation of some of its functionaries in the Committee of 20 it looked as if a new strategy of conciliation was being adopted. However, the curfew and the continual banning of meetings in Mdantsane remained. Conciliation in this atmosphere was impossible. It served only to reveal the weakness of the Ciskei state and its defensive position.

The CTC began to get desperate. They dropped pamphlets from aeroplanes over Mdantsane and put full-page adverts in the newspapers. They hired people to sit on the buses continuously and allowed commuters to travel free of charge. All this was designed to demoralise the boycotters who plodded along in the rain and cold. The CTC has cut down on the number of buses in use and in the first week of December, they sent 100 buses to Johannesburg to be used by the Public Utility Transport Corporation (PUTCO).

The South African state still subsidises CTC heavily and consequently the boycott is a continuing burden. As far as the East London Municipality is concerned, there is an unresolvable contradiction. As D Jenkinson, the Transport Manager, put it, "I don't see the boycott ending, the people don't want to use the buses".(32) As far as the municipal Department of Transport is concerned, they do not believe that taking over the CTC is economically viable and that the "cross-border" transport network is too complex to get involved in. In other words, if the CTC collapses and withdraws its services, it seems unlikely that the East London Municipality will step in to secure the continuation of a bus service for the labour force. Neither is local capital willing to take responsibility for the transport crisis.(33)

Working class responses

After their release, the Committee of Ten decided to call a meeting of the commuters. It was only a month later on Sunday December 4th, after encountering major problems in finding a venue, that the meeting took place. Despite confusion and lack of notice the meeting was well attended. Mampunya described it in this way:

The meeting was on a high note due to the anger of the people. Everyone was full of hatred. When they talk of the buses they have a picture of the 4 August. The people say the buses are full of blood and when they pass the buses they smell the blood. Even if the prices were brought down they have lost confidence in the buses...The people realised that they need transport but the Ciskei Government must have no strings attached to it.

The meeting decided to continue with the boycott until a new bus company is established. They have mandated the Committee of Ten to approach the East London Municipality and the BCI (Border Chamber of Industries) in this regard. In the final analysis, just as it was the working class commuters that brought the bus company to its knees, so the establishment of a new one will have to conform in general to their interests. But as Mampunya admits:

We want a new bus company. We know that even if we do get another company to operate, it will operate in the same framework as the CTC, but we could talk to the new company. We know that our interests as workers will always be in conflict with those of the company. But unlike the CTC when there are increases we could say "no!".

In the meantime, the East London working class is forging a new political culture. Every commuter who travels the one hour journey from Mdantsane to East London is drawn into the dramatic atmosphere of the train culture. The commuters sing continuously,

following the emotional verses of the lead singer in the tradition of South Africa's freedom songs. They sing about Sebe and his fraudulent regime and they praise the power of the working class. They sing about freedom and their long history of resistance. They listen intently to speeches from workers and community organisers who explain each new development and inform them about political events happening in other parts of the country. Although trains are often used as venues for preaching and singing as they transport large numbers of people in South Africa over the abnormally long distances between home and work, in East London the content of this culture is largely political. It is here, in these moving cocoons at the heart of the apartheid structures where a potent mass political culture is being born, that the future of the bus boycott will be decided.

Unions and Workers' Organisations

In East London trade unions are the dominant form of working class organisation in the region. Saawu is the largest and most popular union with a signed-up membership of up to 20,000, and an even larger following. It has a presence in 29 factories and has 6 recognition agreements. The African Food and Canning Workers Union has a paid up membership of 4000 in 8 factories supported by 3 recognition agreements. The General Workers union has 550 members in 3 firms, and the National Automobile and Allied Workers Union has a paid up membership of 1766 in one factory.(34)

The organised working class of East London is rooted in a long tradition of popular struggle that has made the national political organisations an integral part of its political culture. However East London, which is similar in this respect to the East Rand, does not have any mass-based community organisations. This is significant because it means that unlike Durban and Cape Town, popular struggles tend to draw on the shop-floor struggles of the

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trade unions. All the unions believed that it was not their role to be formally (in institutional terms) involved in the boycott. The organised workers, however, did not only get involved as members of the community and as commuters in order to "lead the people", as one worker put it; but their depth of militant cohesion provided the driving force of the boycott. Although the wider forms of political organisation that were thrown up by the bus boycott were distinct from the trade unions, they were shaped by and grew out of this union culture.

Secondly, the extent of working class organisation and the reactionary political position of the pro-Ciskei petty bourgeoisie means that working class interests tend to be hegemonic in East London's black political configuration. This means that the formation of the United Democratic Front towards the end of September in the Border region had necessarily to take account of this configuration. This also explains why Saawu decided to affiliate to the UDF on the grounds that the objections of the other unions in other parts of the country were not applicable to the East London area.

The repressive terror tactics of the Ciskei state, which included detaining union organisers and leading shop stewards, failed to cripple the organisations. Instead the responsibility for the union fell on the shoulders of the slightly less experienced but equally capable shop stewards and unemployed former shop stewards. As far as Saawu is concerned, to believe that without its high profile leaders it would collapse, is quite simply a misconception. Between September and December, preliminary negotiations over recognition were completed in four companies, negotiations were initiated in another four companies and discussions with three companies took place where agreements already existed. In other words, Saawu is able to draw on a reservoir of highly capable organisers who have the capacity to take control of the daily administrative functions of the union.

Saawu, consciously stood back from the boycott because it wanted to protect itself from further repression and to consolidate its base on the shop floor. This created a space for the emergence of the Committee of Ten, a leadership that was not accountable to the trade union, but to the commuters. Many East London workers perceive Saawu as the symbol of their struggle: popular, defiant assertive mass-based and committed to democracy and non-racialism. Nonetheless the pressure from below which the boycott unleashed demanded new forms of organisation. Although it is impossible to say much more about these new embryonic forms of organisation, we can gain some idea of the diffuse political texture of the struggles in the area by tracing the alliances that emerged during the boycott.

East London has witnessed the possibility of linking community and workplace struggles under the hegemony of working-class interests. Although the same applies to the East Rand, in the form of the Shop Steward Councils, in East London similar structures still need to be devised. How this works itself out in the future will probably follow the pattern of alliances that emerged during the boycott. The elements that were regarded as part of the struggle were the unemployed, the unorganised, the lumpenproletariat, students, the aged (an old man was made a member of the Committee of Ten precisely because of his age), and the rural poor (some of whom supported the boycott). Alliances with the petty bourgeoisie were accepted as a possibility under very strict conditions. Melvin Mampunya put it in these terms:

We need their support and courage. But we are not prepared for them to take leadership - they must be behind the workers. We know how they can mislead us...

They do not see themselves as part and parcel of the struggle, but with the decrease in profits they are changing their minds as they are losing out when the people do not

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go to the terminus.(35)

However, the nature of such an alliance is entirely dependent on the particular object of struggle. Transport is a pre-dominantly working class issue in which the petty bourgeoisie show relatively little interest. Thomazile Gqweta put it in these terms:

While it is true that the workers are the most conscious element and provide the backbone of opposition, it does not mean that Saawu is in the forefront. Workers have every reason to be leaders in this boycott - they are the people who pay the busfares, and provide the students and unemployed with the money to travel. They are the people who suffer most and so take up the issue most actively.(36)

It was these factors that explain the kinds of alliances that have emerged out of the bus boycott.

There is no doubt that there is a political vacuum in places like East London and the East Rand, where there seem to be the pre-conditions for the formation of a working class political agency that goes beyond the trade unions and yet is rooted in the objective interests of the working class. There is as yet no reason to believe that this role will not be fulfilled by the UDF. The UDF, however, does not claim to be a long term organisation, and hence there are still questions within and outside it's structures concerning its ability to sustain political organisation. Nor is it clear whether trade unions, and not a separate political agency of some kind are the right mechanisms to mediate the relationship between a popular democratic front like the UDF and the working class in a given local area. It is in this context, where the contours of the working class movement are still hidden from view by a combination of repression and the embryonic nature of organisation, that we must understand the dramatic symbolic meaning of a union like Saawu and of the Committee of Ten. How this will translate into a more concrete political agency will depend entirely on what questions are thrown up in the struggle.

An organiser from the General Workers Union raised one of the questions:

The boycott hangover might bring about the formation of community organisations. Even the ignorant people have seen they have no shelter or defense. In the Ciskei they are homeless and defenceless. The atmosphere is such that something can form here. Workers are more organised now.(37)

For Melvin Mampunya, the idea of a "civic body" is appealing:

If we have a civic body it will consist mainly of workers. People have confidence in the workers as the people are disillusioned with those who gave us up to the homeland government. There is a need for a new civic organisation but not led by the trade union.(38)

Another Committee of 10 member clarified the political role of the working class in a future civic organisation:

A trade union can't play a role in the community but it's workers must be deeply involved in the community.(39)

On whether the UDF can fulfill this role, Mampunya said:

No. UDF is an umbrella body. A civic body could affiliate to the UDF, but the UDF cannot fulfill a role on a civic level.(40)

These quotes reveal that there are workers with mass support who are thinking seriously about their role in the formation of the political future of the working class.

Conclusion

There is no doubt that the outright rejection of the Ciskei regime as a legitimate state is the primary political response of the commuters. This implies a demand to be reincorporated into South Africa.

The bus boycott has been met by coercion and attempts to portray the struggle as the work of

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agitators. These are short-term measures designed to defuse the immediate crisis. What must necessarily follow are concessions that attempt to deal (albeit partially) with the underlying causes. As far as Mdantsane is concerned, reincorporation into South Africa is not on the agenda, since it would be tantamount to dissolving the Ciskei as an entity. It is not only the second biggest black township in South Africa, but a third of Ciskei's population lives there. This unresolvable contradiction between the minimum demands of the commuters and the maximum concessions possible on the part of the state represents a serious challenge to the apartheid political system and its fragmented state configuration.

In the short-term, interim concessions can only come from the negotiations between the Committee of Ten, the Municipality and the BCI. The transportation of the labour force from one of South Africa's biggest black townships is no mean feat. There is no reason to believe that the municipality or East London's industrialists will be willing to take on the responsibility. In the final analysis, the root cause of this contradiction is the structural fault of locating the poorest sections of society so far away from the points of production. The solution to East London's transport crisis can only lie in a post-apartheid society based on new forms of production and reproduction.

The boycott has come at a crucial point in East London's economic history. Attempts to promote industrial development in the decentralisation area called "Region D" (Eastern Cape, Transkei, and Ciskei) by attracting investment have been seriously threatened by the boycott and the atrocities that occurred. The Automobile Association, the US State Department and various other bodies advised people to avoid going through the Ciskei.(41) This, plus the Haysom Report led East London capital to believe that potential investors had been frightened off.(42) How sustained this threat to accumulation in the region will be depends entirely on how the

bus boycott is resolved.

"Independence" for the Ciskei was nothing more than an inheritance of a poverty stricken rural population and a volatile urban community that has not been separated from the desperation and misery of its rural environs. It is these conditions that explain the extreme pressures that have come to bear on this puppet state. It has been severely challenged from below by the bus boycott and from within by what was ostensibly an attempted coup and the subsequent detention of most of its top security and ministerial officials. These crippling internal and external assaults cannot be divorced from the insurmountable problems of attempting to establish a state on the basis of a society that has been expressly designed to service those manifestations of contradictions for which the central state refuses to take responsibility: poverty, unemployment and disease.

The Ciskei state has failed to break the boycott by coercion. In fact, coercion actually contributed to the success of the boycott. A state that rests purely upon violence, can only succeed if the coercion that this involves is extensive and sophisticated. Significantly both Somoza in Nicaragua and Sebe in the Ciskei used naked force in an extreme way with no apparent consideration for the strategic political consequences (Somoza bombing factories and Sebe beating up the population in the local soccer stadium have the same ring of mindlessness about them). This kind of coercion cannot be justified in any terms and therefore it cannot be accompanied by an appeal to non-coercive sources of legitimacy in the way, for example that the South African state can. The arbitrary use of the means of violence by a state causes the total alienation of the population, and in so doing, in spite of coercion, an ever widening space is cleared for the generation of mass struggle. As this escalates, the state can only continue to exist if it relies heavily on an externally based coercive (or legitimatising) power: the U S A in the case of

article

Somoza and the central state in the case of the Ciskei. In the final analysis, Ciskei is "uncle Botha's backyard" complete with a vicious dictator and developed forms of mass struggle!

The forms of organisation that emerged during the boycott have important implications for the democratic movement in South Africa. The boycott was also the first wave of working class action since the 1981-1982 strikes. In this context, it is significant that these embryonic forms of organisation seem to be leading towards a linking up of workplace and community struggles under the leadership of working class interests. Although this still needs to be worked out in practice, it does contain the basic features of what may be called working class politics. Although many political organisations are committed in principle to the development of this contentious notion of working class politics, it is possible that East London workers have, in the process of a bitterly intense struggle, managed to forge the as yet crude and underdeveloped outlines of what this may entail in practice.

POSTSCRIPT

At the time of going to print the Committee of Ten is refusing all concessions offered by the CTC. The basic demand remains that the CTC must be restructured without the involvement of the Ciskei government. (Eastern Province Herald, 22/3/84)

Footnotes

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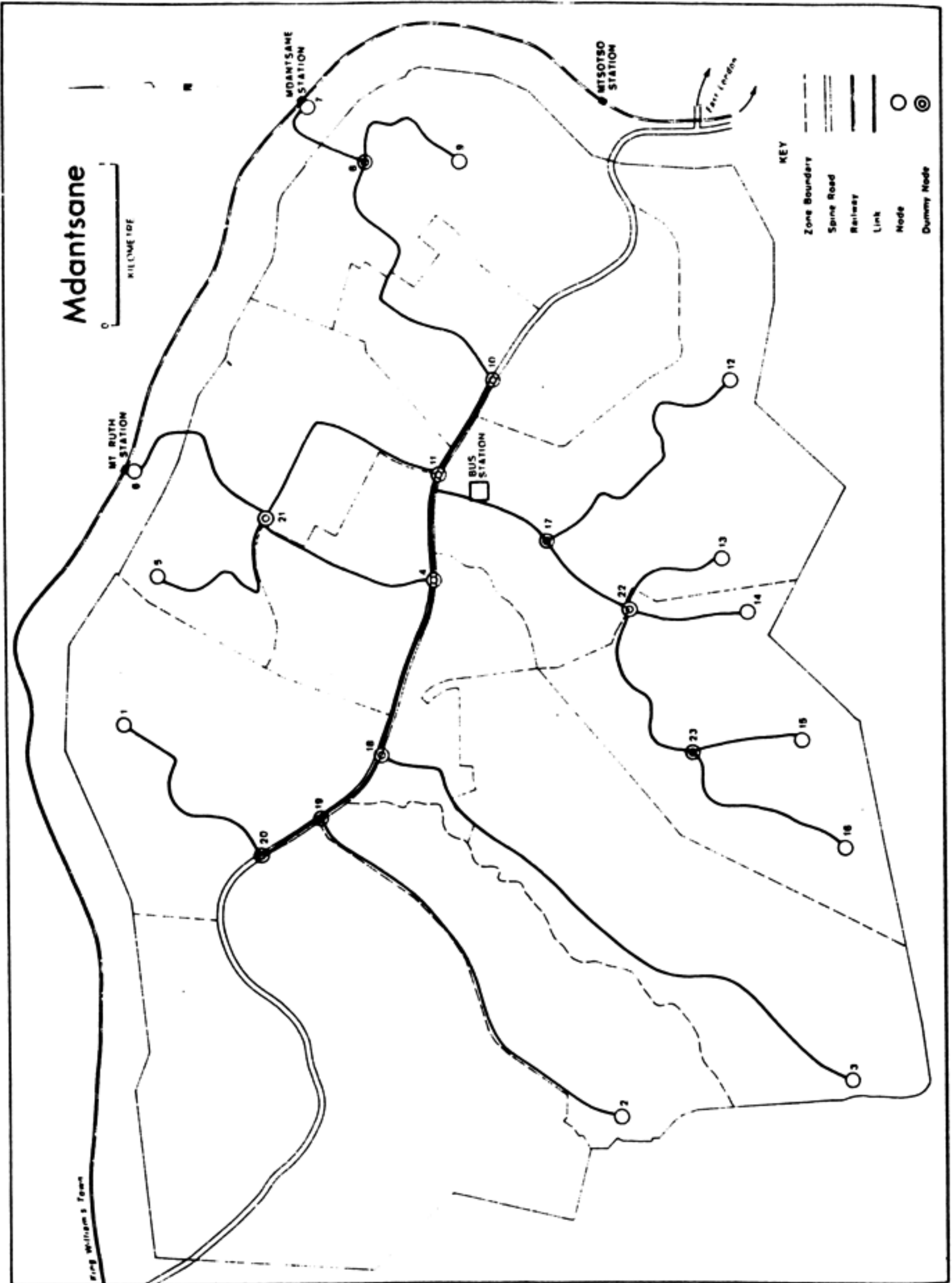
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 in Cook & Opland, *ibid.* p. 55.
 5. Gordon, *op. cit.* p. 23.
 6. This is the finding of a fascinating study by
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 Occasional paper Number 23, Institute of Social
 and Economic Research, Rhodes University, 1979.
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 Johannesburg, 1981, p. 28.
 8. The survey was conducted by Jeff McCarthy of
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 findings that have been published are the ones
 that appear in this article.
 9. Matravers, D.D., "It's all in the day's work",
 in Cook & Opland, *op. cit.* p. 40.
 10. Capitalist bus companies always undersupply
 buses in order to make sure that each queue
 will be longer than a busload. This guarantees
 them full bus loads and hence maximum profits.
 In 1975 a survey found that 45% of those
 questioned complained that there were too few
 buses. Matravers, *op. cit.* p.35.
 11. Jenkinson, D., "East London - Mdantsane Commuter
 Transport Study", Report No. 719/3667, East
 London Municipality May 1982.
 12. Matravers, *op.cit.*, p.36.
 13. CTC was formed in January 1975 when the
 previous owners, the Tolgate Holdings Group,
 were forced to sell out in order to stop a two
 month long bus boycott over fare increases.
 Sebe initiated a takeover bid of the crippled
 company believing that if the Ciskei Government
 owned it, the people would support it. In the
 end the strike was broken by vigilantes. See

article

- Ormond, R., "AziKwelwa", SALB 1/8, Jan-Feb 1975.
14. Interview with 2 shop stewards in East London, 26/10/83.
 15. Interview with Mr. Saunders, past chairperson of the Border Chamber of Industries, 24/10/83.
 16. Interview with Judy Parfit, journalist from the Eastern Province Herald, who was assigned to the boycott for three weeks, 25/10/83.
 17. Haysom, N., "Ruling with the whip: A Report on the Violation of Human Rights in the Ciskei", Centre for Applied Legal Studies, Occasional Paper 5, October 1983, p.25. Daily Dispatch, 19/7/83.
 18. Judy Parfit claims that after thorough investigations in this connection, she cannot say that more than 20 died. Haysom puts the number at about 90 because he takes into account disappearances and various extra-legal possibilities.
 19. Haysom, op. cit., establishes the extent of this brutality beyond doubt.
 20. Ibid. p.48.
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 26. Community Resource and Information Centre and the Detainees Support Committee, "Preliminary Report on the Effect of the 'State of Crisis' of Labour in the East London Area", Johannesburg, 1983, p.4., unpublished.
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 28. ibid.
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 31. Interview with Melvin Mampunya conducted by the author and Sue Albertyn in East London, 8/12/83. All further quotes from him are taken from this interview.

32. Interview with D. Jenkinson, Transport Manager, Department of Transport in the East London Municipality, conducted by Sue Albertyn, 9/12/83.
33. Interview with Mr. Saunders.
34. All the figures obtained during interviews with the organisers from all these unions conducted by the author in East London, 27-28th October 1983.
35. Interview with Mampunya, op. cit.
36. Gqwetha, T., "Stop Killing my People", SASPU National, 4/4, October 1983.
37. Interview with David Thandane, GWU organiser in East London, 27/10/1983.
38. Interview with Mampunya, op. cit.
39. This member of the Committee of Ten was unemployed when the boycott started. After his release from detention he became an organiser for Saawu.
40. Interview with Mampunya, op. cit.
41. Eastern Province Herald, 15/10/83.
42. Interview with Mr. Saunders.

APPENDIX A: TRANSPORT ROUTES IN MDANTSANE



Source: Cook and Opland, op. cit.

STRIKE AT S A BATA COMPANY - FEBRUARY 1984

Georgina Jaffee interviewed one of the participants in the recent Bata strike for the SALB.

A recognition agreement between the S A Bata Shoe Company in Pinetown Natal (a subsidiary of the large Canadian Bata Shoe Co.), and the Leather and Allied Workers' Union (LAWU), an affiliate of the South African Allied Workers' Union (SAAWU), may be imminent.

LAWU insists that they have a paid up membership of 1150 out of a total workforce of 1563 in the 3 plants in the Pinetown industrial complex. The present negotiations follow a series of disputes and a violent strike in February which lasted 10 days. The strike broke out over wages, working conditions and the demand for the recognition of the Leather and Allied Workers Union. The Bata workers were dissatisfied with the established TUCSA affiliated National Union of Leather Workers.

The strike began in the rubber section of the main plant at Manchester Road on 17th February and within 3 days it had spread to the other Bata factories at Henwood Road and Trotter Road. According to press reports, Bata's Chief of personnel for Africa, a Mr Livermore, and a Canadian lawyer joined local Bata management and strikers' representatives for discussions.*

The following interview was conducted with one of the workers at Bata who recently resigned as shop steward in the National Union of Leather Workers and joined SAAWU's Leather and Allied Workers' Union.

SALB: What were the main details of the dispute?

Bata worker: On Wednesday the 15th February the

*Daily News 24.2.84

interview

workers in the rubber department were told that two fellow workers, fired in December 1983, would not be re-instated. They were dismissed because the manager said that production was down. The 89 workers in this department were also told that they would not be getting the expected pay increase. On Friday 17th they decided to stop work and some of them went to the SAAWU offices. Later in the day the word spread that wages were not being increased and the workers from other departments joined in the stoppage. By Monday the workers at Henwood came out on strike and then on Tuesday the workers at Trotter Road also joined in. They were all expecting up to 25% increase.

On Tuesday 21st all the workers had gathered outside the main factory gates to find that there were about 40 riot police dressed in camouflage uniforms. They used loud speakers saying that we should go to work by 7.30 or else they would force us away from the gates. It was 7.20 a.m. All the workers refused to budge and the police began attacking us with sjamboks. We dispersed but a number of people were injured and beaten and had to see the doctor. The taxi drivers showed their solidarity and drove many of the workers free of charge to the Church Hall in Claremont which we use for our meetings.

On Wednesday we returned to the factory gates and towards the end of the day a woman was shot in the shoulder by one of the security guards of the company. This perhaps occurred because there were some fights between the strikers and some of the workers who had gone in to work. There were very few of them but it was necessary to teach them a lesson.

On Thursday we again assembled at the gates. The company was still refusing to meet our demands. On this day we were forced to board corporation busses at gunpoint by the police. The company wanted to get the workers away from the gates because some people had arrived from Canada to settle the dispute.

We held another meeting in Claremont and on Friday we were read a letter sent from management which said that they will negotiate if we return to work. We made a decision to return on Monday the 27th. We are still negotiating. The company has asked for proof of our membership. They are also stalling. We get the impression that the Industrial Council for the industry is urging them not to recognise us.

SALB: What are the main grievances?

Bata worker: I mentioned wages. For example there are some workers in the rubber section of the company who have been there for 25 years and they are earning R68 per week. They get a watch for long service but no wages. Some of the women are being paid R33 per week. There is no sick pay or maternity leave - generally the wages are lower than the other companies in the area. The workers also feel that there are no channels for discussing their grievances. The TUCSA union does not represent them. The rules and regulations for bargaining are not carried out. I learnt them when I became a shop-steward but they are never put into action.

SALB: When did you join SAAWU?

Bata worker: I joined SAAWU secretly early this year - some of the other workers joined before this. We all felt that TUCSA was not representing our interests. When the workers join Bata they are told that the union will help them. It has not. SAAWU will try and meet our expectations.

THE NATIONAL GENERAL WORKERS UNION

The SALB interviewed Donsie Khumalo, General Secretary of the National General Workers Union in Pretoria, 7th March 1984 on the growth of his union over the last twelve months.

SALB: How did you get involved in trade union activity?

Khumalo: As a production worker at Sigma I helped persuade workers to join the National Union of Motor Assembly and Rubber Workers of South Africa (NUMARWOSA). During the big strike I was elected to the Committee of Twenty in the factory and was among the 450 "undesirables" discharged by the Company. I was not happy with the union's line during the strike and helped start a local branch of the Motor Assemblies and Components Workers Union of South Africa (MACWUSA) and the General Workers Union of South Africa (GWUSA). We never regained ground in Sigma.

SALB: How did the NGWU come to be established?

Khumalo: With MACWUSA everything had to be sanctioned by head office in Port Elizabeth. At a general meeting held on 19 March 1983 workers decided to break away and control their own affairs.

SALB: Why was it decided to adopt a strategy of general unionism? What are the advantages?

Khumalo: Workers wanted general unionism. We recognise the importance of industrial unions especially when they have a national presence and therefore greater bargaining power. But at this stage - while industrial unions are turning new members away - general unions are very attractive to workers. At this time general unions play an important role in implanting trade union concepts.

At a future stage we may need to demarcate on industrial lines.

SALB: Has this strategy of general unionism led to any rivalry with other unions?

Khumalo: We have no conflict with other unions - even with MACWUSA. There was some rivalry from the Commercial Catering and Allied Workers Union of South Africa (CCAWUSA) but we still co-operated during the recent strikes. We have close ties with the South African Allied Workers Union (SAAWU). We do not take each other's members. I would like closer ties with the Federation of South African Trade Unions (FOSATU) and the Council of Unions of South Africa (CUSA).

SALB: Can you give us some details about the NGWU: where it operates, how many members, the number of plants organised, what sectors are involved, what kind of workers are joining?

Khumalo: The union started with 4000 signed up members. Today there are 6000. Of these 1100 work for Pick 'n Pay in 10 different places. We now have stop-orders for these workers. The rest are organised in 112 different firms mostly in retail and services but also including metal and other industries. The union operates in Pretoria, Witbank and Middelburg. The members are mostly unskilled with a few semi-skilled in the metal industry. There is a large number of women members. Nearly all the members are Sotho speakers and the majority are migrants or commuters from Bophuthatswana on fixed term contracts. There are some hostel dwellers. Few of our members are from Mamelodi and Atteridgeville.

SALB: We would like to know how the union works. How do you organise in the factory and what are the union structures beyond the individual plant?

interview

Khumalo: Originally I was the only organiser. We now have five. All come from the shopfloor. We start with a few workers we know in a factory, or who come to the office, and get them to organise inside the firm. The target is 100%. We arrange meetings in Pretoria to explain to workers that they are part of a union not just one factory. As soon as we have 50% membership we have elections of all members for shop stewards to form a negotiating committee. This committee takes up grievances and negotiates with management. Except in Pick 'n Pay the shop stewards collect members' subscriptions but these fluctuate from month to month. This is our only source of finance.

Outside the factory we have a general meeting of the membership every month in Pretoria. Workers discuss common problems. These are exciting occasions. Workers see themselves as part of a bigger union, that they are all equally exploited. The general meeting mandates union officials. Attendance fluctuates.

There is also an executive committee which sits between general meetings. This consists of six workers elected by the general meeting plus the officials. But the officials do not vote. Eventually we plan to set up shop stewards committees but this has not started yet.

SALB: What successes has the union had so far?

KHUMALO: We have taken up a number of dismissals and secured reinstatement. We have used Section 43 of the Industrial Conciliation Act to achieve this. Where there have been retrenchments we have secured retrenchment pay and a promise to re-engage. It is too early to point to success on the wages front. The industrial councils make this difficult.

SALB: Turning to wider issues, what is your view of the recent trade union unity talks?

KHUMALO: There were good and bad elements in these

talks. It is too sensitive to comment. The NGWU favours a strong federation especially in the face of current attacks and the general economic climate.

SALB: At an early stage of the unity discussions you walked out with MACWUSA refusing to talk to unions which had registered or sat on industrial councils. Have your views changed on this?

KHUMALO: We have rid ourselves of this dogmatic approach. The keynote is flexibility. We see the dangers of industrial councils but we are not in a position to force this on others. We see this as a tactic not a principle.

We do not deviate from our objection to registration for ourselves. Registration can be used to rule out political involvement.

SALB: On that point, what role do you see for the trade unions in wider struggles?

KHUMALO: The working class should have its own political organisation to articulate its political aspirations. The United Democratic Front (UDF) is the appropriate place for this to happen.

SALB: How will specifically working class interests be promoted within the wider UDF alliance?

KHUMALO: The working class must take the leading role through the organised presence of the trade unions. The voting system must be changed to reflect the importance of trade unions. Also union members are taking up their role in the local UDF through community organisations. The UDF is a multi-class alliance. Other organisations should play a supporting role to the working class which is leading the liberation struggle. But it remains important to ally with other classes. If the regime succeeds in co-opting the black middle class this will weaken the working class and increase repression.

interview

SALB: Some unions have experienced internal divisions over this question of affiliation to the UDF. Others have not affiliated because their members have differing political opinions, for example they may support the National Forum Committee. Would you comment on this.

KHUMALO: Leadership has an important role to play on these questions of philosophy. If the leaders are split then the union will be divided. Black consciousness is not strongly based in the working class. The majority of members of the NGWU favour a non-racial democratic society. The union's constitution includes the principle of non-racialism which has been explained to workers. We cannot fight a racial system from a racial platform.

MGWUSA REJECTS REGISTRATION

On Saturday 25th February this year the Municipal and General Workers Union of South Africa (MGWUSA) held its AGM. The crucial issue on the meeting's agenda was how the union would respond to the city council's refusal to negotiate with an unregistered union and the council's recent implementation of a closed shop agreement with a union called the Union of Johannesburg Municipal Workers.

These moves were seen by MGWUSA as an attempt to force the black workforce at the council to join a "tame" union against their choice.

To counter this offensive from the council the union's AGM considered the possibility of registration and affiliation to the industrial council - a surprising move given MGWUSA's consistent principled stand against registration and opposition to participation in the industrial council system. In the end the AGM, attended by approximately 1000 workers, decided against registration and for legal action in the industrial court as an alternative method of counteracting the council's attempts to weaken MGWUSA.

In this interview Gatsby Mazwi, the President of MGWUSA, explains the background to and reasons for the union's rejection of registration and participation in the industrial council.

SALB: Can you explain the background to the discussions about registration at your recent AGM?

GM: The basic thing was to look into the possibility of taking the council to the industrial court on the grounds of refusing to speak to us. The possibility of registration was raised as a possibility but strongly rejected by the membership. The meeting was a response to a letter from the chairman of the City Council's Staff Board, Mr J C de Villiers, which stated that registration

interview

together with membership of the industrial council was a prerequisite for negotiations and correspondence between us and the city council.

In the meantime the council has organised a closed shop agreement with a union that none of our members want to join and that forces workers to pay 60c per week in subscription fees to this union (Union of Johannesburg Municipal Workers). This seems a strange union. It's membership cards don't have the union's address on them and management sends out circulars advertising the union's meetings. Why does management try so hard to get workers to join the union? This is the very union that MGWUSA was formed in opposition to. In 1980 workers staged a mass walkout of this union's first meeting and on the steps outside immediately mandated Joe Mavi to form a union to really represent the workers.

SALB: So what was decided at the AGM?

GM: Workers are determined to do something about this. They took a decision to look into the possibility of industrial court action. It seems the council's refusal to talk to us might be an unfair labour practice. The workers also rejected being forced to join a union against their own choice.

We will see our lawyers this week to discuss these two issues - the council's refusal to negotiate and the closed shop.

SALB: Given your union's previous stand against registration why were you prepared to discuss this as a possibility?

GM: We were considering all channels of response to the council's letters refusing to talk to us. But workers were aware that de Villiers, the chairman of the Staff Board, was also secretary of the industrial council. They didn't believe he would be less intransigent towards us if we joined

the industrial council.

Our policy is always under the control of the members. We went to discuss our methods of struggle. We explained the advantages and disadvantages of registration. We weren't pleading for registration, but it had to be discussed as a possibility.

SALB: What advantages for the union do you see if the industrial court rules in your favour?

GM: It's not clear if a favourable ruling will give us more access to the workers in the council. The mobilisation of more membership is not our aim in going to the industrial court. What we want is to stop the council from forcing our members to join this other union. Our members are continuing to pay their membership fees to MGWUSA but two subscriptions are a strain on wages. The other union's fee is R2.40 a month - more than twice our fee of R1 per month.

SALB: In discussing these issues did you make a distinction between the formality of registration and the problems of participating in the industrial council - as some unions do?

GM: Workers were not confident in the law. They believe that the law is not for them, but against them. One of our biggest problems is assaults by white supervisors. We have tried to bring charges in many of these cases. But the Senior Public Prosecutor has always declined to prosecute. And in the few cases that came before the court the defendant had been given the benefit of the doubt by the court and set free. This reinforces workers doubts about the law.

We must also consider the uniqueness of local government. It's seldom that a single factory has an industrial council all of its own. Here the city council has its own industrial council. Other unions have more room to manoeuvre in industrial

interview

councils. Here even legal strikes are impossible in some departments because they are classified as essential services. The fact that the chairman of the council's staff board is the secretary of the industrial council is a symbol to workers of the control that the city council has over the industrial council.

GST: UNION LETTER TO THE MINISTER OF FINANCE

Dear Sir

On 1 February 1984 your government increased General Sales Tax from 6 to 7 percent. The decision to increase GST was made without any public discussion and, it seems, with no regard for its effects on ordinary people.

As organisations representing workers, we utterly reject the increase in GST and demand that GST be scrapped altogether for all foodstuffs and basic necessities. This demand has the overwhelming support of our members, who have given us a mandate to write this open letter to you and, failing your satisfactory reply, to report back to them.

The reasons we reject the increase in GST are the following:

1. It represents a big cut in the income of the working class and poor. The working class have to spend the large part of their income on food and basic necessities; for every R10 they now have to spend, 70c will be taken for tax. This is intolerable.
2. The government can easily raise its taxes from those that can afford to pay: from companies, from those who earn big salaries and by a sales tax on things that people choose to buy, but can do without.
3. This cut comes at the worst possible time for the working class and poor. Many workers are unemployed. The drought in the country areas has meant that working people have had to depend on wages earned in the cities to stay alive. The government, instead of spending money to help the unemployed and people in the country areas, put pressure on employers during 1983 to keep wage increases as low as possible and below 10%. As a result, even before the increase in

document

GST, the standard of living of workers has been forced down.

4. The reasons the government has given for increasing GST are completely unacceptable to us. As regards the drought, the government has spent money on help to farmers, but has done nothing which will improve the conditions of life of ordinary people. As regards the war in Angola, we believe the majority of South Africa's people want no part of it.
5. On 1 March the government introduced a new system of income tax for Blacks. Since GST and income tax are both to pay for government spending, workers will be fully justified in asking why they should pay these taxes when they have no say in the government which is spending them, indeed when these taxes so clearly weigh more heavily on the working class than those who can easily afford to pay them.

The demand to lift sales tax on foodstuffs and basic necessities is not only supported by our members, but we believe by all sections of the community and numerous organisations of all kinds.

We should add that since the increase in GST, your government has announced increases in rail fares and in the prices of the most basic foodstuffs, viz., bread, sugar and milk. In the case of the rail fare increases, the fares applicable to third class services have been increased by a considerably greater proportion than those applicable to first and second class services. In justifying the disproportionate increases, the Minister of Transport implied that the earnings of the users of third class services - primarily Black workers - had increased more rapidly than those of the higher income groups who utilise the first and second class services. It is particularly strange that this dubious claim should be relied upon at the same time as the increases in the price of basic necessities and in GST.

These latter increases render all the more urgent

our demand that you reconsider the imposition of GST. We therefore ask your government to give it your immediate and serious consideration. We trust that we shall receive a reply at your earliest convenience.

I have been mandated to place this demand before you by a meeting of the undermentioned unions held on 3 and 4 March 1984.

Yours faithfully

D H LEWIS
General Secretary
General Workers Union

on behalf of Cape Town Municipal Workers Association, Commercial Catering and Allied Workers Union of South Africa, Council of Unions of South Africa, Federation of South African Trade Unions, Food and Canning Workers Union, General Workers Union.

BANTUSTAN ATTACK ON TRADE UNIONS

Below we reproduce the text of a letter received by the Commercial, Catering and Allied Workers Union from the "government" of Bophuthatswana. Similar letters have been received by other unions operating in the Bantustan.

Mrs E Mashinini
The General Secretary
CCAWUSA

11th October, 1983

Dear Madam

UNION ACTIVITY : BOPHUTHATSWANA

It has been alleged that an agent, or agents, of your Union have been active in Bophuthatswana. This is to inform you that neither the CCAWUSA, or any other trade union or employers' organisation, being unions or organisations of another country, are permitted to operate in Bophuthatswana.

The government of Bophuthatswana appreciates the need for workers to enjoy the benefits of collective bargaining with their employers and the part trade unions can play in ensuring industrial harmony. To this end, a new Industrial Conciliation Act has been drafted and will be put before Parliament for acceptance at its next session. It is anticipated this will be before the end of November, 1983.

The Minister of Manpower and Co-ordination will be responsible for the administration of this Act which will legalise, for the first time, trade unions and employers' organisations in Bophuthatswana. Closed shop agreements will not be permitted and workers will be free to join the Union of their choice - or not join a union at all.

Unions and organisations, whether registered or not, must have their governing body in Bophuthatswana. No person may be appointed as an official or as an office bearer unless he is ordinarily employed in this country. No union or employers association from outside the borders of this country will be permitted to operate in Bophuthatswana. You will be aware, I am sure, that no independent country permits the unions of another country to operate within its borders.

I trust you will take note that your Union has no standing in terms of legislation shortly to be published, to carry on activities in this country and that these, if the allegation is correct, must cease forthwith or the consequences faced (sic).

Yours faithfully

E. V. McCORMACK.

1/SECRETARY FOR MANPOWER AND CO-ORDINATION.

REVIEW

"Industrial relations in South African perspective" by K. Reese (McGraw Hill, Johannesburg, 1983. Price R12 approx.)

A comprehensive survey of this subject has long been awaited by students of South African industrial relations. Unfortunately Prof. Reese's book falls short of this task.

The problem is not confined to the occasional error of fact - although members of the South African Association of Municipal Employees may be perturbed to find themselves affiliated to the Council of Unions of South Africa (p.12). More serious is the apparent absence of any knowledge of the long history of conflict between capital and labour in this country. The result is to falsify the record of half a century of struggle by black workers in the face of state repression:

As far as South Africa is concerned, the remarkable aspect is that such organised protest (i.e. trade unions) against arbitrary management and unfair employment practices did not express itself forcefully much earlier. The explanation may be that different groups of workers have unequal propensities to unionize, and that the normally not-wishing-to-commit-themselves majority of South African blacks only became convinced over the past ten years that there is no other way to force unenlightened managers to change their ways. (p.7)

Prof. Reese skates over a host of topics without establishing a coherent theme. Part I: "Identifying the essentials" - begins with an esoteric discussion on Christian ethics and the institution of private property. More useful perhaps is the summary provided of various codes of conduct drawn up for

companies operating in South Africa.

Part II: "Conflict management" - draws on comparative material to stress the role of the industrial relations expert and the need for good communications within the firm. However if co-option fails and conflict cannot be mediated more traditional options are still available. This section of the book ends with a "strike contingency plan" of almost military proportions. The seventeen point plan includes provisions "to evacuate female staff the moment that the trouble starts".(p.71)

More ominously employers are advised to:

arrange for the police to stand by in the event of trouble. As long as the strikers behave in an orderly and peaceful manner, ensure that the police remain out of sight. If the strikers are militant and stick-wielding, however, immediately ask the police to move in. The liaison with the police should be handled by the security officer, and not the industrial-relations manager.(p.71)

The second half of the book provides a world Cooke's tour of schemes for "co-determination" and "worker ownership". The overall orientation is still one of trying to manage conflict in order to safeguard wider management perogatives and preserve basic capitalist relations of production. Notwithstanding Prof. Reese provides a service in warning South African managers that in future they may have to negotiate over a much wider range of issues than simply wages.

(Jon Lewis, South African Labour Bulletin)

THE STRUGGLE OF THE B & S WORKERS

Video, VHS or Numatic. Colour. 45min. 1983.
Made by Georgina Jaffee with the B&S Workers.
Produced by the Centre of Applied Legal
Studies and the Central Television Unit at the
University of the Witwatersrand.

This video is not a documentary. It does not intend to explore or interpret either chronologically or systematically the complex set of circumstances which constitute an event.

Instead, an attempt has been made to make available to workers the means whereby they themselves can construct their history. In this case the story is about the development of an extraordinary level of unity amongst workers who were resisting selective reinstatement and awaiting a court hearing. The 270 workers were all reinstated after an out-of-court settlement a year later. The experience not only transformed their individual lives but also an entire community.

Each day these workers met in the Roman Catholic Church hall in Brits. They gained a broader understanding from discussing the struggles and current issues of fellow workers in other parts of the country which appeared in reports from general and union newspapers.

This video has been made with the intention of enabling these workers to share their experience of this event and the broader questions with workers in other parts of the country.

The choice of content was decided on with the Union Committee. There was a concerted attempt made not to impose a script but rather to let it emerge through a series of discussions. None of the interviews were rehearsed and members of the Committee decided who should tell particular aspects of the story. In the final stages two of the Committee members participated in editing the material.

This project should be seen as an experiment in using video technology as one means of control over the interpretation of events by the people themselves.

The making of the video ran parallel with an investigation into the strategies of survival adopted by these workers when they faced dismissal and unemployment. This study was conducted by myself and Prof. J. Keenan. In this investigation the workers also participated in the formulation and administering of a questionnaire. Some of the information is made available in the video.

It is hoped that this video will generate ideas and criticism which in the future will contribute towards overcoming the various technical and language problems apparent in this presentation.

Georgina Jaffee

(Copies available at a negotiated price from Mr A Blake at the Central Television Unit at the University of the Witwatersrand. Telephone 716-3659.

SALB Publication guidelines

The South African Labour Bulletin is a journal which supports the independent labour movement in South Africa. It is a forum for analysing, debating and recording the aims and activities of this movement. To this end, it requires contributors to the Bulletin to conform with the following publication guidelines:

- Constructive criticism of unions or federations in the independent labour movement is welcome. However, articles with unwarranted attacks or of a sectarian nature which have a divisive effect on the labour movement will not be published.

- Contributions to the Bulletin must not exceed the following lengths:

| | |
|-----------------------------|------------|
| Analytical articles | 8000 words |
| Debates, reviews, Documents | 3000 words |
| Briefings | 800 words |

- Contributions must be written in language which is clear and understandable.

- All contributions to the Bulletin must be typed and where applicable include proper footnoting and references.

- Except in the case of public documents, all submissions to the Bulletin will be treated in confidence.

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