

South African

LABOUR BULLETIN

October 1989 Volume 14 Number 4

THE WOMEN AREN'T PAID THE PROPER WAGE FOR THEIR WORK, AND THE BOSSES SAVE ON WAGE COSTS BY FIRING MEN AND TAKING ON WOMEN, BUT THEN PAYING THE WOMEN LOWER WAGES!



THIS IS ONE MORE WAY THAT BOSSES TRY TO DIVIDE WORKERS AGAINST EACH OTHER!!

MANY WOMEN ALSO WORK "DOUBLE SHIFTS", CARING FOR CHILDREN AND FOR MEN WHO THINK HOUSEWORK IS "WOMENS WORK"! MARRIED WOMEN..



WE DEMAND FREE HEALTH CARE FOR WOMEN, WITH FREE PAP SMEARS AND CERVICAL CANCER TESTS. WE DEMAND REAL MATERNITY BENEFITS AS A RIGHT OF ALL WOMEN, WITH AT LEAST SIX MONTHS ON FULL PAY AND SECURE RE-EMPLOYMENT!



ALL WORKERS, MEN AND WOMEN, MUST WORK TOGETHER AS EQUALS IN THE STRUGGLE IN THE WORKPLACE AND IN THE COMMUNITY, AND WOMEN MUST ASSUME THEIR RIGHTFUL AND NECESSARY PLACE IN THE RANKS OF THE LEADERSHIP.



Women workers
in the unions

The South African Labour Bulletin

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South African

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Editorial notes

New writer

The Bulletin is happy to welcome Renée Roux onto the staff as a full-time writer. Renée was for seven years an organiser in the food sector in Natal, for four years with Sweet, Food and Allied Workers Union and then for three years with the Food and Allied Workers Union after its formation in 1986. She brings a wealth of experience and knowledge gained in the battlefield of organising. We hope her stay with us will be a happy and productive one and that Bulletin readers will benefit from her contributions.

Women organise

The main article in this edition looks at the tasks facing women in the struggle. It focuses on the question of whether unions should have separate committees to represent the interests of their women members, how a federation like COSATU should address the issue, and the relationship between organising women in the unions and women's organisation in the community. There is also an attempt to focus on some of the issues that affect women workers in particular. Our ar-

ticle is not the last word on these matters and we expect a lot of debate on the issue in the future.

Attacks on labour

Two major features in this edition are those focussing on the Labour Relations Amendment Act and the Industrial Council system. Past editions of the Bulletin have addressed the issue of the LRAA (we have a series of articles looking at the legal implications of the Act), but this is the first piece we have published which looks at how the amendments have been implemented in practise since their promulgation in September 1988. The piece on the Industrial Councils is also a concrete study of how the state and capital are attempting to undermine the organised strength of the democratic trade union movement.

Release of leaders

The Labour Bulletin celebrates the unconditional release of Walter Sisulu, Oscar Mpetha and six other political prisoners. We welcome them back into the struggle by democratic unions and community organisations for a free and democratic South Africa. ☆

In memory of Comrade Anton Lubowski, a great leader, fighter, trade unionist and revolutionary

by *COMRADE BEN ULENGA,*
General Secretary, Mineworkers
Union Of Namibia.

On the morning of 13 September a white woman walked into a shop in Windhoek and declared with delight: "Een Kommunis minder."* She was talking about the assassination of Cde Anton Lubowski the evening before.

Those of us who knew Anton and worked with him knew that he was only a determined and courageous fighter for a free and independent Namibia.

Who was responsible for his heinous murder and what were the specific motives? No one has yet been charged with this horrific crime. In his life and in his work Cde Anton has been depicted by the colonialist apartheid media as despicable "communist filth" and as a monster that threatens

white society.

I have no doubt that this image has fed into the virulent minds of right-wing extremists. In his death the National Liberation Movement has lost a staunch fighter and a most able leader.

Whoever fired those fatal shots that tore into the heart of this true son of Namibia, those who over the years worked hard to depict him as a monster cannot be exonerated.

One of Anton's most significant contributions to the struggle against colonialism and exploitation in Namibia was the building of the trade union movement. For the last four years he had thrown all at his disposal to help bring the NUNW and its affiliates to where we are today.

Anton participated in virtually all meetings and planning that resulted in the creation of the NUNW Steering

* Afrikaans translation of "One Communist less"

Committee in April 1986, to which he was appointed as a member.

We have cross-nighted at his home and elsewhere, compiling constitutions, guidelines and budget proposals. In his BMW we have gone from mine to hostel, to meat factories, to rail and road camps, addressing workers, discussing problems and strategies.

We have gone through countless committee meetings, conferences, seminars, congresses and workshops. I remember the long drives to Oranjemund and Luderitz for recognition talks with Consolidated Diamond Mines, and with fishing companies.

Cde Anton had gone from capital to capital of the capitalist world campaigning for solidarity and assistance. When the NUNW Steering Committee was abolished in December 1987, Cde Anton was appointed Treasurer of the newly formed NUNW Joint Unions Committee. He remained in that post until June 1989, when he was appointed as Assistant Director of the SWAPO Elections Directorate.

Throughout his life, the security of he and his family was always uncertain. I remember in Luderitz, how he came back to his car from negotiations during a strike, to find his car covered in litres of yellow paint. Luderitz was his own native village.

On numerous occasions his property was vandalised. Intense hatred characterised the behaviour of especially SWAPOL in dealing with Cde Anton. One evening in 1988 in Katutura, a rock was thrown through his car window while he was driving.

It missed his car miraculously and he gave chase until the police station, successfully identifying his attacker.

Then there was the violent arrest at the Workers Compound in 1987. A pack of about 10 policemen, black and white, clambered onto Cde Anton, who did not raise a hand to resist. Then there were the solitary nights he spent at the Osire Prison Camp during 1987.

The President of Swapo, Cde Sam Nujoma, called Cde Anton "a great bridge builder." Nothing can be more true.

Namibians from various communities and from all walks of life; people from different political persuasions have come together through his organisational efforts. He himself was a great bridge, this son of a Polish-German-Namibian father and "Afrikaner" mother, this successful lawyer, SWAPO and trade union activist.

Through his contribution there is greater unity between the black and white Namibian communities today than there was 5 years ago.

He leaves a wide gap in the ranks of those dedicated to the fight for national freedom, independence, unity and social progress in Namibia.

He leaves a legacy that we must build on. ☆

**The struggle continues!
Victory is certain!
Aluta Continua!**

Mushroom workers win after sleep-in

by ZOLILE MTSHELWANE

Workers at two Tongaat Mushrooms farms won big wage increases this year. They won a R20 a week across the board increase, a R75 per week guaranteed minimum for pickers and R80 for other workers.

But it has been a long, hard struggle. Workers at the Waterford farm first organised themselves in 1985. They joined the Food and Canning Workers Union - now Food and Allied Workers union (FAWU). But the Tongaat Mushrooms management refused - and still refuses - to recognise the union. They say that the Tongaat Mushrooms workers are farm workers and they are not covered by the Labour Relations Act.

The hardliner Tongaat Mushrooms management

The Tongaat Mushrooms management took a hard line against the union. They described FAWU's farm project car to their security guards on the farms. Management told the guards not to allow the the car or the driver through the farm gates.

This made the Waterford farm wor-

kers even more determined to stay with their union. At the beginning of 1988 the Waterford workers started to organise people from other Tongaat Mushrooms farms - the Kyalami farm, the Dennehof farm in Pretoria and the Deodar farm near Randfontein.

In March 1988 all the workers went out on strike - except for the Deodar workers. The strike lasted for three days. But workers did not have the same demands. The Waterford workers wanted the union to be recognised. But the other workers asked for more wages. This lack of unity weakened the workers. The Kyalami and Dennehof workers went back to work with no wage increase.

Waterford workers win

The Waterford workers got management to sign an "informal relationship agreement." For the first time, management agreed to meet with elected shopstewards to talk about workers' problems. And they agreed to negotiate wages and working conditions once a year. Management still refused to meet with the union. But the agreement said that shopstewards would meet with union officials off the farms and in the workers' own time.

Soon after the strike, the Waterford workers prepared for their first negotiations. The negotiations did not last long before a dispute was declared. It took another five months before settlement was reached. But the Waterford workers won an important victory.

They had negotiated wages and conditions of work with sophisticated management representatives, without any union representatives. And they had won a R14 increase for all workers, and a R60 weekly minimum for pickers. Before this, pickers were paid for the amount of mushrooms they picked. Some weeks they took home as little as R24.

On the other farms, no-one got increases of more than R10 a week. The workers at the Kyalami farm heard about the Waterford workers' victory. They were furious like a lunatic possessed by Biblical demons that drove pigs to drown themselves in a sea. And they started to reorganise themselves under the FAWU banner.

The 1989 negotiations

By the beginning of 1989 the Waterford and Kyalami workers were holding shopstewards meetings together. But when negotiations began in April, the workers had to negotiate separately. First management offered an increase of R1,20, then R1,80.

Again a dispute was declared. The 22 June was set for mediation. Waterford workers decided to stop work for the day. "We wanted to impress upon management that we were prepared and able to take action to support our demands," said Jerry Mwahla, a shop steward.

Management was very angry about the work stoppage. They refused to carry on with the mediation until the Waterford workers went back to work. The workers agreed to return to

work the next day. And management agreed whatever settlement was reached,

would be for both farms, Waterford and Kyalami. When no settlement was reached yet again, the workers decided to take things into their own hands.



The sleep-in

On the 26th and 27th June workers slept-in on both farms to support of their wage demands. Nelson Semanya told *Labour Bulletin*:

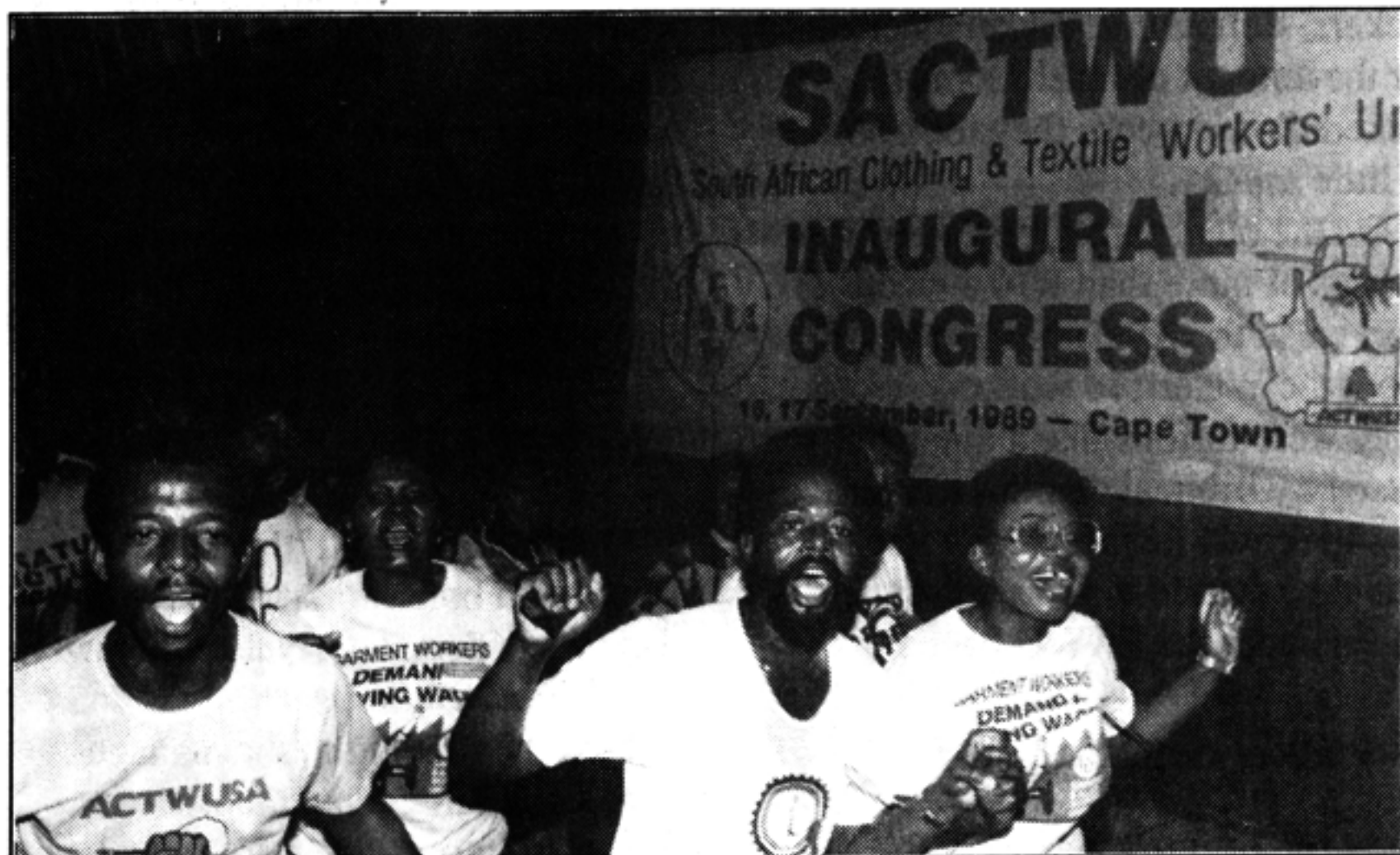
"On the first night, the management called in the police. But we refused to move. We said we had every right to be on company property. We told the police and the management that we would end our action when our demands were met. The police left but management sent men in blue uniforms to patrol the factory on both nights that we slept there."

On 28 June, management gave in. They signed an agreement, agreeing to wage demands of the workers.

"We have learnt from experience," said a shopsteward from the Kyalami farm, "that in unity is strength and in action there is victory. We will not make the same mistake twice. We will always stand together with our comrades from Waterford, as members of FAWU." ☆

MERGER!

GAWU and ACTWUSA have merged to form the third largest affiliate in COSATU. The new union, South African Clothing and Textile Workers' Union (SACTWU), has 178 000 members.



Mineworkers tackle health and safety

by *LABOUR BULLETIN*
CORRESPONDENT

The National Union of Mineworkers (NUM) held its 3rd National Health and Safety Conference in Johannesburg in August 1989. The conference reviewed work over the past two years

and its discussion and resolutions will guide health and safety work in the union for the next two years.

Safety is a key issue for mineworkers and NUM has put more resources into health and safety than any other COSATU affiliate. What results has NUM achieved and what can other unions learn from their experiences?

Organisation is the key to NUM work on health and safety. NUM has appointed 6 regional health and safety organisers in the past year. It is their task to ensure that health and safety is taken up as an organisational issue. The union's health and safety department has been re-organised and is made up of the regional organisers

and a small head office staff.

NUM was hit hard in the 1987 strike. Existing health and safety structures took a blow. It is taking time to re-establish structures and develop safety stewards with training and experience. The conference elected a new national safety committee for the first time since 1987.

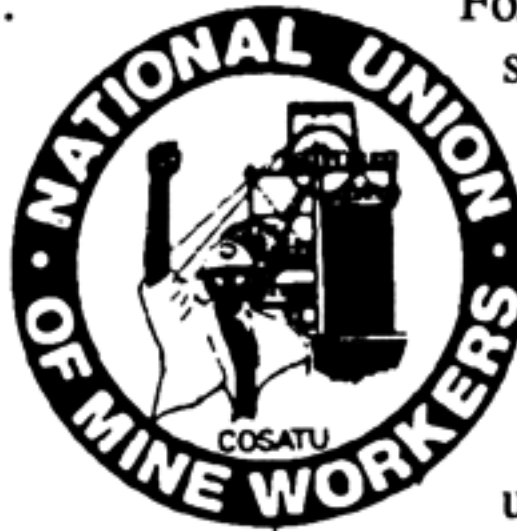
The challenges facing NUM were introduced to the conference by the health and safety department. The main areas of discussion during the conference were:

- Organising to fight for health and safety
- Health and safety campaigns
- Education
- Aids

Accidents

Mining is a very dangerous industry. Large numbers of workers are injured or die every year. In 1988, 563 workers died and over 10 000 were injured. Of these an estimated 100 workers ended up in wheelchairs.

There are far too many accidents in the mining industry and the union has a huge task in fighting to reduce accidents. NUM recognises that it still has to make a major impact on accidents. While the union has a public profile on safety, safety stewards have to work hard to involve members in grassroots action on safety. In the conference the lack of active involvement of members in the struggle for safety was discussed.



For example, there are thousands of accident inquiries on the mines every year.

Many of these still take place without a union presence. The union is trying to change this by reducing dependence on union officials. Officials cannot attend all inquiries, members can.

NUM's new Accident Campaign aims to encourage worker involvement in the struggle for safety on the mines. The tasks of the safety stewards in the campaign are:

1 to challenge all deaths and accidents:

- report all accidents to the union, ensure accident sites are not tampered with before inspection, attend inquiries and follow up safety issues with management to prevent more accidents.

2 to involve members:

- safety education depends on safety stewards teaching members and informing them of their rights. Stewards must report-back from inquiries and negotiations and build a campaign.

3 to negotiate with management on health and safety:

- negotiate health and safety agreements, demand free overalls and boots.

Union safety structures: safety stewards

NUM strategy is to elect safety stewards in all organised shafts and fight for recognition of the stewards in

BRIEFINGS



Victim of an East Rand mine disaster being carried out by his workmates

Photo: NUM

safety agreements. Where safety stewards are not recognised they form campaign committees. The two campaigns currently are the Accident Campaign and the Compensation Campaign. Where safety stewards are not recognised they refer issues to the shaft stewards who take them up with management.

Recent changes to the Mines and Works Act introduces management appointed safety reps, similar to the Machinery and Occupational Safety

Act which covers industry. The union sees this amendment as anti-worker legislation which attempts to undermine NUM's gains in health and safety.

The union continues to push for negotiated agreements with elected health and safety reps. So far NUM has signed health and safety agreements on nine mines, including a national agreement with De Beers. The Chamber still refuses to negotiate on health and safety. While progress

has been slow and the majority of NUM members are not yet covered by agreements, 1989 has seen many new agreements and more negotiations are in progress.

Safety stewards are only recognised on the mines with agreements. The role of the safety stewards includes:

1 Enforcing the rights that members are entitled to in terms of various laws, like:

- the right to representation at inquiries (Mines and Works Act).
- the right to contest dismissals on medical grounds (Labour Relations Act).
- the right to earn normal wages for 6 months after an accident (chamber agreement: income security clause).
- the right to compensation (Workmens Compensation Act).

2 Implementing campaigns:

- the Accident Campaign as described above
- The Compensation Campaign. This involves fighting for more compensation, job security and re-training of workers who are unfit for their normal jobs after an accident.
- Campaigns include education and media activities. The campaigns were initiated early in 1989 and are relatively new. From discussions at the conference it was not clear what progress has been made and how campaigns are being implemented at shaft level.

Safety agreements also include the right to stop work under dangerous conditions once an emergency dispute

procedure has been followed. This procedure aims to resolve the dispute quickly. If it fails workers can stop. The right to stop work is central if workers are going to win safety on the mines.

Aids

AIDS was a big item on the agenda and a new subject for discussion in this forum. Discussion was lively and practical.

NUM has taken AIDS seriously. Faced with the special problem of AIDS NUM has taken time to develop a practical approach to AIDS. The conference tackled some tricky issues such as testing and how to deal with the Chamber's AIDS education programme. The delegates worked on the issue seriously, and no one suggested that the union should avoid the issue. This is important in our country where many people do not believe that AIDS is real. It has also been difficult for organisations to find constructive ways of working on AIDS.

The conference formulated the following demands:

- The hostel system must be abolished. There must be compulsory housing for all workers.
- The union must put into action a progressive AIDS education programme.
- Protective measures must be taken immediately. Workers should avoid promiscuity (many sex partners) and use condoms.

Four regions proposed resolutions on AIDS. Wording for the resolution



Miners demand safety - a matter of life or death

Photo: Sandy Smit/Afrapix

was not finalised but delegates agreed on the following:

- Any blood tests or screening for AIDS must be carried out by doctors who are independent from mine management.
- All dismissals or discrimination of people infected with AIDS must be opposed.
- AIDS education by mine management is an issue for negotiation. NUM will co-operate with the

Chamber on AIDS education on condition the Chamber negotiates on health and safety.

The NUM position on AIDS is the most advanced in the democratic union movement. It shows people the way forward. The union is now faced with the huge task of implementing the resolution.

Disability conference

Many mine workers are disabled by accidents at work and a large number land up in wheelchairs. Some lose their jobs. Those who continue to work on the mines look to the union to assist them. NUM held a conference for disabled members on 30 September to commemorate the Kinross disaster.

The theme of the conference was: "Disabled mine workers : speak out". It was something new to see so many people in wheelchairs at a union conference.

Disabled mine workers travelled from all over South African and Lesotho to attend the conference.

Organisers and office-bearers learned first hand of the problems disabled people suffer.

Discussions covered problems with compensation and problems at home and at work. In the last session delegates discussed disabled workers involvement in union committees and whether their problems were taken up properly by shaft stewards and safety stewards. People drew up a list of problems that the union should take action on as part of a union strategy

on disablement.

Successes and problems

NUM has always made a commitment to health and safety. The problem has always been to implement effective health and safety action, programmes and structures. At this point the union is creating the organisational basis to ensure health and safety. It has a clear strategy and basic structures are in place. The task of implementing the strategy has begun but the task is still huge.

The union is trying to make health and safety work in practice at branch level. It is achieving results in some strong regions like the Free State and Kimberley. Some regions are coming to grips with the task and some smaller regions are still very new and struggling.

These efforts have paid off. Some of the clearest examples are:

- NUM has succeeded in getting polyurethane banned from use underground after a fire killed 177 miners at the Kinross mine in 1987. The government mining engineer failed to ban polyurethane after the fire but the union sustained pressure until the gas was outlawed. Many mines still use polyurethane in spite of the ban, so the union now has a struggle to enforce it.
- NUM succeeded in popularising the demands of mineworkers. At least 600 000 COSATU members stayed away on 1 October 1988 to commemorate the Kinross disaster and the death of their comrades.

- Mine workers stopped work over safety repeatedly in the Witbank coal mines. The company threatened to dismiss them for disobeying instructions. The union insisted that they had the right and that workers could not be disciplined for acting on health and safety issues. Eventually the company agreed to negotiate health and safety procedures.

The union also faces major challenges and problems in its struggle for healthy and safe conditions on the mines:

- NUM has a huge membership with limited numbers of officials and few resources. Education is a key issue and relies on the office bearers themselves taking responsibility for informing members at every level. This is a big challenge.
- The government has proposed new legislation called the Minerals Bill to replace the existing Mines and Works Act. The Mineral Bill will undermine the limited safety measures contained in the Mines and Works Act. It proposes that production and safety are administered within the same structure. The union predicts that safety will automatically be neglected in favour of production.

Conclusion

The next NUM health and safety conference will be held in 1991. The conference set clear programmes and targets for the next two years:

- Each branch will elect safety ste-



Disabled worker speaking at a Kinross memorial in 1988

Photo: Labour Bulletin

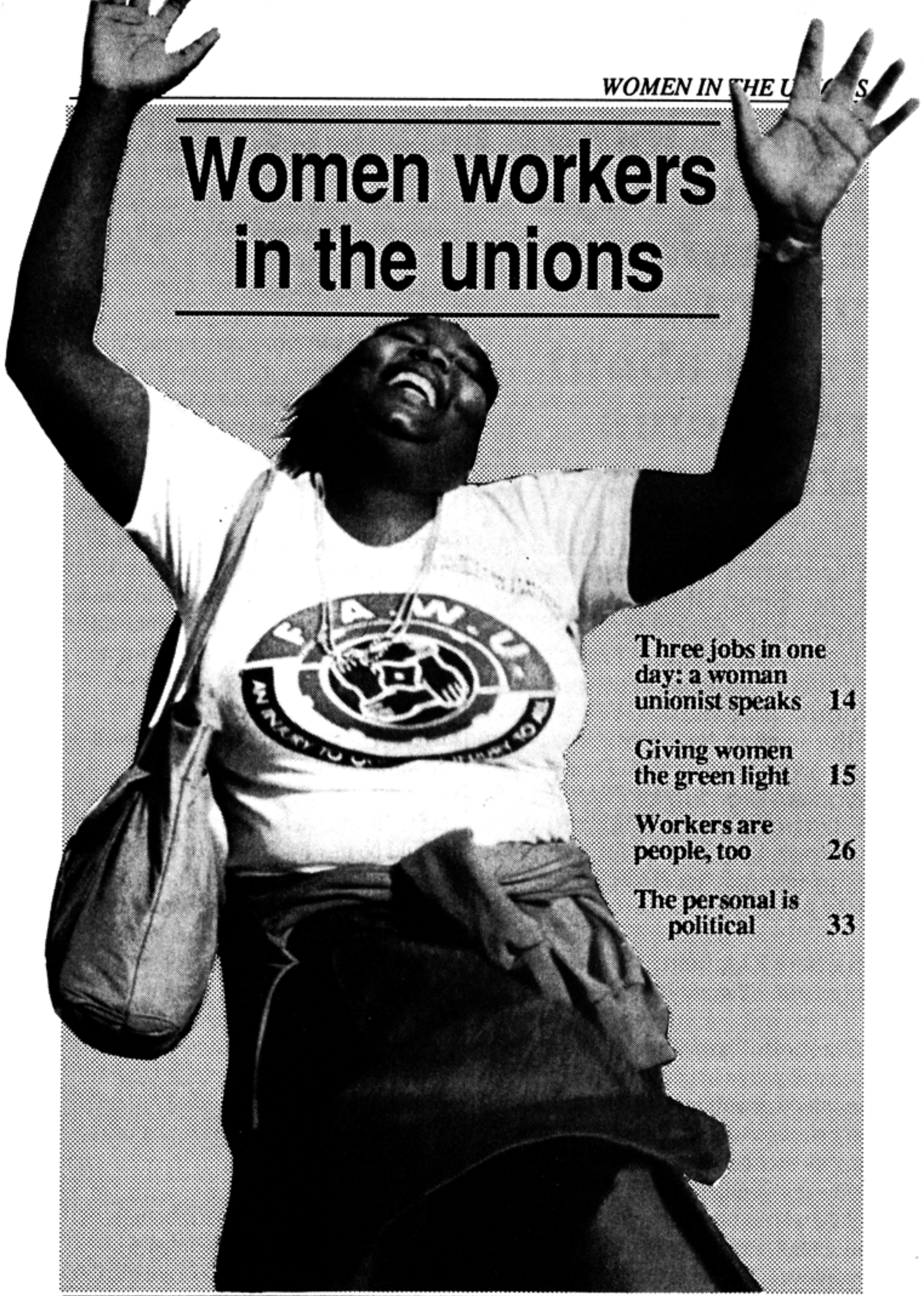
wards and form a safety committee. They will fight for a safety agreement while continuing to strengthen the campaigns.

- All elected safety stewards will develop their skills through union training on health and safety. Training will focus on agreements, compensation and accidents. The NUM Health & Safety manual and newsletter will provide training material.
- Regions will build their health and

safety skills independent of head office e.g. they will process their own compensation claims. Work will be de-centralised to the regions and away from head office. Head office will play a co-ordinating role and assist regions with resources.

The health and safety structures in their present form should provide the framework for review of progress, problem solving, planning and sharing experiences between the regions. ☆

Women workers in the unions



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Three jobs in one day - a woman unionist talks about problems she faces

Elizabeth Thabethe is the Chief Shop Steward at Hyperpak, Germiston. She is Transvaal Branch Treasurer of the Chemical Workers' Industrial Union (CWIU). She is also the branch co-ordinator of the Transvaal women's group of CWIU. Elizabeth is one of the few women leaders in COSATU. She speaks to BARBARA KLUGMAN.

Barbara Klugman: *"How do you cope with all these jobs?"*

Elizabeth Thabethe: "When I first became active in the union, my mother was at home. She looked after my younger sisters, and my child. But my mother has since passed away. Now my younger sisters look after my child who is ten years old. They all go to school, except one sister who is unemployed. So she is around at the

house. I am the only breadwinner. They all find my involvement in the union difficult. Sometimes my daughter complains, "Why are you always packing your clothes to go away?" I have to explain to her that it is part of the struggle."

BK: *"Do you enjoy this work?"*

ET: "I think it is commitment that is pushing me to fight and to go to all these meetings. Yesterday I arrived home at 9.00pm after an office bearers' meeting. Then I had to do the household chores. It is tough to be a union official. You sacrifice a lot. I haven't got any leisure time. I last saw a film about four years ago at the cinema - that's why we're fighting for a 40-hour week!

BK: *"Do you think your life would be harder if you were married?"*

ET: "If I had a husband, my life would be more difficult. But my boyfriend understands. I feel I must have freedom of association at home, not strings tying me all the time. But still my union activities are a problem. Sometimes as a woman you must choose between your lover or the struggle unless you educate and conscientise your man. It is tough to find someone who is also involved in the struggle, so that the power relations between you are equal."

The problems which Elizabeth faces are problems which all women workers have. Women workers are also

domestic workers. Unless women workers can find other women like mothers, sisters or sisters-in-law to help them at home, they simply do not have enough time to take part in their union or any other organisation.

Everyone knows women have little time, because of their duties at home. But often organisers and shopstewards raise their hands in frustration. They talk about women's apathy. They say women don't come to meetings and don't get involved in the union. The organisers and shopstewards don't know what to do.

There is no easy answer to their problem. To increase women's participation in unions means changing the relationship between men and women. It needs men to share domestic duties with women, and we have a long way to go before this happens. ☆



Giving women the green light

BARBARA KLUGMAN describes the development of women's structures within the unions affiliated to COSATU. She also looks at the reasons for women's structures, and discusses some of the debates about the organisation of women within unions.*

"Our union is starting women's branches to make women aware of women's issues and how to fight them. By uniting women, we are trying to raise their awareness. We want them to be part of the struggle for the emancipation of women. We want women to fight their oppression. Women are struggling for the same things as men. But women must struggle more because they are left in the kitchen.

"We hope that the women's branches will train women to talk more in general meetings of the union. At the moment women don't speak so they are not elected as shop stewards. As a result they don't get to other union structures.

* Representatives of all the unions in COSATU were interviewed after the 1989 COSATU Congress. GAWU and ACTWUSA had not merged into SACTWU at the time of the interviews and are thus represented separately. NUM retracted its interview and as a result all references to NUM in this article have been removed.

"In the women's branches we take up issues which most affect women. This helps women to participate. But we also cover general problems at work, such as health and safety. This helps women to speak about these issues at general meetings. For example, we discussed the demand for a forty hour week as it will help women who must also work at home.

"At the moment the Transvaal women's branch is preparing a play called "Vukani Makhosikazi". It is about women's place in society. We hope that the play will build the confidence of the women.

"We started to organise women at the workplace because our members spend most of their time at work. If we don't start at work, our women members will never move on anywhere. We try to prepare them to join community organisations. But first women need to know why they must be in the struggle."

Refiloe Ndzuta of PPWAWU.

The organisation of women's branches in PPWAWU is part of a bigger movement in most of the COSATU unions at the moment. Unionists want more women to take part in union activities. They also want to improve women's position at the workplace. Increasingly they are setting up women's committees at local, regional and national levels to work on these problems. For most unions this is a new development.

The question of women's committees has caused a lot of heated discussion in the past. People disagreed about the relationship between women in the unions and women in the community. Divisions on this issue completely undermined the attempt to build women's unity at the 1988 COSATU Women's Conference.*

The 1988 Women's Conference

At the Women's Conference in mid-1988, the major discussion was on the question of women's committees or structures in COSATU.

There was a proposal for local, regional and national women's committees in COSATU with the aim of co-ordinating women's issues in the federation. The 1985 COSATU Congress had in fact proposed that a women's committee meet under the National Education Committee (Nedcom) of COSATU, but nothing had come of this.

At the Women's Conference people argued mostly about the idea of a national committee. Some of the unions argued that the organisation of women had already begun at local and regional levels. They argued that a national structure would link their various initiatives and develop them. These unions felt that women workers needed to talk about issues which affected them as working women and

* Comments on the COSATU Women's Congress are drawn from union interviews which I did in June 1988, directly after the Congress.

which they needed to fight at the workplace, not in the community. They saw this process as building women's leadership and focussing on women's issues at work and in the unions. So women's committees in the unions would not be a threat to community women's organisations.

But some other unions said that the unions which backed this proposal were trying to build another power structure inside COSATU. They accused these unions of avoiding building women's organisation at lower levels in the unions. They also said that by this proposal, unionists were trying to dominate the building of the Federation of South African Women (FEDSAW), and so the proposal would not help community women's organisations.

These unions argued that women should organise in the community only. They said that women's structures within the COSATU, especially at a national level, were a challenge to community women's organisations, and were "parallel structures".

When I interviewed union representatives after the Congress some accused the unions which wanted a national committee of being "workerist", and unions which were against such a committee of being "populist". This was not in fact correct - there was not a direct relationship between these positions. But it appeared that these political labels were the main things in the minds of many delegates.

Many delegates to the Congress commented that the unions had not

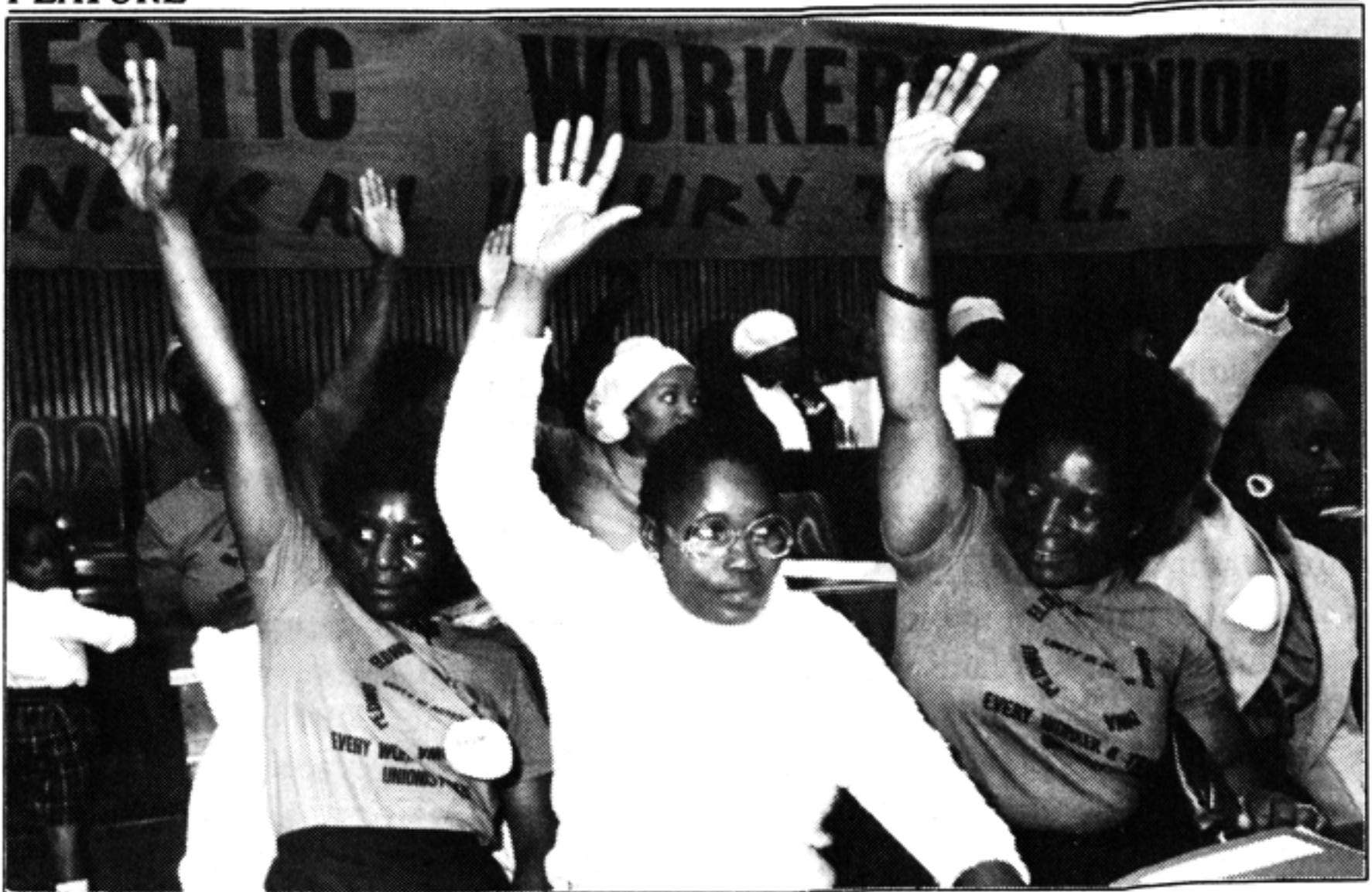
prepared enough and that they had not considered many issues. As a result existing ideological tensions between the different unions, rather than the actual issues of organising women, dominated discussions. People assumed that other speakers were pushing political positions, or had hidden agendas. Speakers took sides rather than listening to what was actually said and debating it.

Setting up women's committees

Much has happened since the 1988 Women's Conference. Political positions have become more flexible and there is much less ideological tension in COSATU. But more importantly unions have started to confront in practice the question of organising women. In the process of interviewing unions for this article, I found very few differences in what each union was doing.

Between early-1988 and now, most unions have started to organise women members into women's groups or committees. The experience of doing this has forged a similar practice in most of the unions. And by trying to organise women, political and theoretical issues are becoming clearer.

At the moment, few unions have very developed women's structures. In most cases there are regional women's committees, with a few representatives from each local together with individual women who are active in the union. In some cases unions



have also set up local women's committees which either have representatives from each factory, or hold general meetings for all women members in the local.

Most unions have powerful women's structures in some regions, and weaker structures which are struggling in other regions. Most unions have national seminars from time to time with representatives from each region, to discuss the progress of women's groups nationally, and to plan future campaigns.

Reasons for women's structures

Unionists put forward a number of reasons for establishing separate women's structures.

- **Women lack confidence.**

Ntsike Matakane of NEHAWU

said, "Women will start to pick up when they are on their own. Women are intimidated when there's a male present." In the words of Magdeline Phore of NUWCC, "women can be free" when they meet by themselves.

Elizabeth Thebete of CWIU said that the problem has roots in history. People think that women should stay at home and have children. Estelle Randall of ACTWUSA said, "Our membership is largely women and women are quite active in general meetings. But few shopstewards are women. Women are reluctant to stand: they feel they aren't able to lead. The women themselves want men to lead."

- **Women's committees bring union issues to the women and women's issues to the union.**

Pregs Govender of GAWU said that women in the union have begun

educating themselves about their problems and about possible solutions. Women have found that they have common problems. These are raised in general meetings and have helped to raise the awareness and commitment of men and women to building non-sexism and promoting women within the leadership of the union. For example, they talk about the "double shift" - when women finish work every day they start another job at home doing house work. They also discuss problems of confidence, skills and experience. They also raise these issues in general meetings.

Lilian Mthembu of NUMSA said that women attend women's meetings more than other union meetings. So the union uses the women's meetings to organise women and educate them about general union issues. They use women's meetings to help women to be able to discuss or raise their problems or their views in meetings.

At Regional Women Workers' Committee workshops, each woman delegate is given a subject to talk about, like maternity rights or grades. This experience gives them confidence to talk about union issues. It also makes sure that the women know what is happening in the union as a whole.

● **Women's structures help develop women leadership.**

One reason for women's committees is that they help to build leadership. Fiona Dove of CCAWU-SA said that when women get confidence from the women's meetings, they raise issues in union

meetings and people notice them. Then they can be elected for leadership. Jane Barrett of TGWU said that the unions get organisers from the ranks of militant youth, and that there are very few women youth leaders. So the unions must develop their own women leadership.

One union which does not have these problems is SADWU. Their membership is mostly women, and from the start their leadership were mostly women, with a few men. Margaret Nhlapho said that although women in the union still need education in leadership skills, there is no point in them meeting separately, since most of them are women anyway. "It would take us backwards."

● **Men don't push very hard on women's issues.**

Many unionists said that men shopstewards don't take women seriously. Beatrice Mtombeni of FAWU said that "Where shopstewards are men it is harder for women to participate in meetings. Where women are shopstewards they help the women speak at meetings - ask them when their hands are up and don't ignore their hands as men do!"

On the other hand some unionists said that the men in their unions work hard to organise women into women's groups. For example, the PPWAWU women praised their men organisers in Pietermaritzburg, but they said that this was unusual.

The big problem women raised was that men drop women's issues in negotiations. Lilian Mthembu of CWIU described this as follows, "In most fac-

Resolution on Women Leadership (1989)

This Congress noting:

1. The small numbers of women worker leaders within our affiliate and federation structures, at local, regional and national levels.
2. The small number of women organisers in our affiliates even where a large proportion of the affiliate's membership is women.

Therefore resolves:

1. To actively encourage the election of women shop stewards on the factory floor.
2. To consciously attempt to ensure that women are elected into leadership at all levels of our affiliates and the federation.
3. To attempt to breakdown all practical barriers to the full participation of women leadership in our structures, by providing child care facilities at all meetings where it is needed, by assisting to transport women comrades home when meetings end late and where it is dangerous for them to take public transport and by spreading the idea that housework should be shared between men and women.

tories women aren't elected as shop stewards. So when there are negotiations women's issues aren't well represented. Although men know about women's issues, they don't push very hard. If they have to compromise, they compromise with women's issues."

One factor which seems to prevent this problem is when the union has a negotiating team to negotiate most agreements. In CCAWUSA, for example, the same group of people has been involved in negotiating most of the big maternity agreements, and this team is very committed to the issue.

It is hard to understand how all of these problems are taken up in the women's structures. The following descriptions show how two unions have

tried to do this.

Elizabeth Thabethe- CWIU: "Our branch executive committees are made up of two people per factory, meeting monthly. They are mostly men. The women are few and are afraid to participate. Maybe the men have more experience; they know how to talk. So they dominate.

"Anyway it is an historical problem - it is our tradition that a man is head of the family. This means men don't accept women telling them what to do. They say, "We are men, we can't be told by women!" This attitude is very tough to crack. We understand, and try to change this with education. These issues are raised in all the seminars. We have made some progress over time. Now some women are



elected as shop stewards.

“Although there are few women in Chemical, we wanted to service them. So we felt it would be better to have a women’s group where women feel free to be open. Now we have women’s group meetings in our five branches (nationally). The groups have made good progress since we started in 1986. We have 80% attendance at the monthly women’s group.

“We send a notice to the shop stewards committee about the meeting. Sometimes the male comrades don’t get around to telling the women in the factory. So we also use the locals and even phone women to tell them. This is why the women must make sure that they elect women shop stewards. But we need to build women’s confidence in the women’s group so they are capable of being shop stewards. We can’t just elect a woman for the

sake of having a woman.

“Men are allowed to come to the women’s group, and sometimes a few come. But they are not invited to national seminars - some men grumble about this. In March this year at the national women’s seminar, we found that there are still many problems. Women’s domestic duties still make it very difficult for women to take part. Also only the Transvaal and Southern Natal regions have women’s groups that work well. The other branches are still trying. We recommended that all the structures and office bearers help them so that the whole union moves together on women’s groups.”

Lillian Mthembu - NUMSA: “Most of the time women in our factories think the struggle is for men. To fight this, office bearers of the Local Women Workers’ Committee (LWWC) work at one factory at a time. They call a meeting of the women and look at that factory’s problems, for example maternity. They arrange these meetings on Saturdays, after shopping time. The LWWC office bearers will help the factory women to set up a Factory Women Workers’ Committee (FWWC) and to elect a co-ordinator.

“Once the FWWC is working, they send representatives to the local women workers’ committee. The LWWC sends representatives to the regional committee, and they in turn send representatives to the national committee.

“The FWWCs report about their meetings to the shop stewards at their

factory. But we also use the FWWCs to talk about what is happening in other structures in the union. For example few women attend the anti-Labour Relations Act campaign meetings, but they are told about the campaign in FWWC meetings.

“In every campaign taken up by the union we have a delegate from the women’s structure - we want them to know what we are doing. For example SEIFSA has set up a committee to look at racial discrimination. But we, at the Regional Women Workers’ Committee also want this committee to look at sexual discrimination. Men wouldn’t think of this.

There is also a committee to look at grades. We want this committee to look at the position of women at metal factories - cooks, cleaners, etc. who are not graded. The FWWCs are gathering information about how these women get paid, their length of service, their responsibilities, etc. They will send this information to LWWC. From there we will take up their problems.

Problems with women’s committees

As I have already said, the question of women’s committees has until recently caused a lot of argument in COSATU. Dorothy Motubatse of SARHWU expressed concern that national women’s structures could divide men and women workers:

“The aim of the women’s committees is not to make women into a different social group. Women are

part and parcel of the working class. Our Women’s Forum Committee is different from bourgeois women’s liberation. We don’t view men as social enemies as bourgeois women do. They fight against men - they are resentful about historical experiences they have had and they blame men. But in our case we can’t blame our male comrades because they don’t possess anything as such.

We don’t want a women’s desk in the trade unions. For this reason we have women’s branches and a regional structure in Southern Transvaal, but we haven’t met nationally. We have not decided if we want a national committee - we’re still debating about if it is necessary. The main aim of the committees is to educate women so they know they are equal to men, and to take up issues that affect women mostly.”

This concern is that national structures will separate women from the rest of the union. Unions which are building women’s groups say that there is not a problem because women’s committees report to general union structures, and women’s meetings are usually open to men too. If demands are made by the women’s groups, they go through the usual union structures before they are taken to the negotiating table.

They say that unions need national co-ordination to do the very tasks of educating women and taking up women’s issues within the unions. They argue that women’s structures are co-ordinating structures, not separate organisations.



Union committees and the building of FEDSAW

The worry about national women's committees within unions may be linked to fears that a national women's structure in COSATU will be a parallel structure to women's organisation in the community. Most unions no longer hold this argument. They say a national women's structure is needed to carry out COSATU's resolution to help build FEDSAW.

All the unions I interviewed spoke of their desire to implement the COSATU resolution to "facilitate the revival of FEDSAW". But most believed this would not happen unless women within COSATU were strong

and confident. Then they could share their experience of building organisation with other groups like FEDSAW. In other words, COSATU could not help to build FEDSAW unless it developed women with the confidence and experience to do so. Building women's structures in the unions would enable COSATU to do this.

Refiloe Ndzuta of PPWAWU complained that, "When you try to organise women in COSATU, people look at you as if you are trying to stop women from getting involved in the community. This is wrong. In fact we invite women from the community to come and talk at our women's seminars. We want women in the unions to know the community organisations,

and get involved in the community.”

It seems that there is in fact little real difference, in practice, between the views of the different unions. All are trying to develop women's structures in their own unions at the same time as they support the development of community organisations.* In fact, differences seem greatest when there is more talk and less action. What people saw as enormous differences in mid-1988 between two 'factions' of unions, are now very hard to see. Practice has won out over polemics.

Women from the unions and the community work together

The question of the relationship between union women's structures and community women's organisations is also beginning to resolve itself through practical experience. Recent events in Southern Natal offer a good example of this. In Durban and Pietermaritzburg women from different COSATU unions in the same area are meeting together to discuss common issues which affect them. This is a very new idea, but, says Pregs Govender of GAWU, talking about the regular Wednesday 5.30 women's meeting in Clarewood, women attend these meetings with "great enthusiasm."

In the past few months, union women and the Natal Organisation of

Women, (NOW), a UDF affiliate, have started to work together**. There are a number of reasons for this co-operation. In Pietermaritzburg women have shown a great desire to build organisation and to protest, as they have shown by their marches in Caluza, Mpophomeni and Pietermaritzburg, the two women's only stayaways in Ashdown and the huge picket along the Edendale Highway against the violence.

As township residents, women workers have helped to build women's consciousness and protest. The COSATU resolution on women at the July Congress seems to have encouraged the organisation of women in Natal. This process has been strengthened by the inter-union women's meetings noted above. At these meetings women from different unions are sharing their experiences and discussing common problems.

So when women began to prepare for National Women's Day, (9 August) COSATU and NOW worked together closely. In Durban, COSATU held a celebration on 6 August, and NOW held one on 9 August. Both organisations attended each other's meetings. In Pietermaritzburg COSATU and NOW organised an open-air rally together to which 3 000 people came! For the first time women from the two organisations had come together to plan. By work-

* As mentioned already, SADWU is one union that does not have specific women's committees. Its membership is predominantly women and so is its leadership.

** As this article is concerned with the dynamics of the organisation of women in the unions, I did not interview NOW about the events in Natal. I therefore do not purport to reflect NOW's perception of these events.

COSATU Resolution on National Womens' Organisation (1989)

This Congress noting that:

- (a) In South Africa black women suffer triple oppression.
- (b) Women do not have a national organisation but a number of regionally based organisations.

Believing that:

- (a) Women constitute an indispensable social force for the realisation of democratic demands enshrined in the Freedom Charter.
- (b) Unity of all women is a precondition for the advancement of our struggle for freedom.

Therefore resolves that:

COSATU take immediate steps to facilitate the revival of FEDSAW by:

1. Implementing the resolution on women taken at the 1987 Congress to set up a sub-committee under NEDCOM where all the affiliates are represented to monitor progress and co-ordinate the implementation of this and other resolutions on women.
2. By co-ordinating meetings with community based women's organisations at a national, regional and local level to develop a programme on the revival of FEDSAW.

ing together, COSATU and NOW built new channels for communication.

On 13 August, NOW held a conference. At the conference, women from NOW and COSATU decided to jointly organise a meeting in Natal, inviting all women's organisations of the region to talk about the position of women, now and in a future South Africa. They also wanted to discuss how FEDSAW must work, and to work out a programme of action for FEDSAW. This meeting may also try to go house to house, involving more women and drawing them into campaigns.

At the moment no-one knows for sure how the meeting will work but an important process has begun. This

will bring community and union women together to fight the same issues, but it will not undermine women organising at their places of work, around workplace concerns. In practice women will be able to work out where union organisation ends and community organisation starts.

Many union women have a deep understanding of how to organise - the need for structures, representation and so on. But they have little concrete experience of running organisation because so few women are in union leadership roles. As a result the growing co-operation in Natal challenges union women to take more responsibility in the unions and to share their

experience with community organisations. The women in Natal are an example of one way COSATU is helping to relaunch FEDSAW. But more than that, united by the war in Natal, the women are working together. Women in different structures are testing out, in practice, the best way to co-operate and organise the working class - which is after all the aim of all the groups concerned.

Conclusion

Since the 1988 COSATU Women's Conference there has been a growing commitment within the COSATU unions to the right of women to meet together, to work out what they need to challenge, and to develop the confidence to do so. Most unions are building women's structures. It is only a start, but it is a big step forward in the struggle to build equality between men and women. It also provides a much stronger base for discussion about a national women's structure in COSATU itself and a much clearer sense of the kinds of tasks which face women in the unions. As Beatrice Mtombeni, a worker at Dairy Maid in the Western Cape and regional women's co-ordinator of FAWU said, "We are giving women the green light about the struggle." ☆

Workers are people, too

When CCAWUSA first started negotiating maternity agreements, in the early 1980s, many union organisers and shop stewards were very surprised. They doubted that CCAWUSA could win maternity demands. But more than that, many unionists did not think that maternity demands were union issues. Now most unions place women's issues on the negotiating table.* BARBARA KLUGMAN investigates.

Maternity rights: from "women's issue" to "union issue"

Only six years since the groundbreaking agreement between CCAWUSA and OK Bazaars in 1983, most COSATU unions have won job guarantees for pregnant women. And perhaps more importantly, all the union members, men and women, wor-

* All of the unions in COSATU were interviewed after the 1989 COSATU Congress. The South African Domestic Workers' Union and the National Unemployed Workers' Co-ordinating Committee are not confronted with quite the same context within which to take up women's issues, so that some of the issues discussed in the article do not apply to them.. GAWU and ACTWUSA had not yet merged into SACTWU at the time of the interviews and are thus represented separately. NUM retracted its interview. The reference to it in this article has been removed.

kers and organisers, accept that maternity benefits must be part of general negotiations. Some unions have taken maternity benefits a step further and have won paid maternity leave and special health and safety rights for pregnant women.

CCAWUSA has won the best maternity benefits for their members. The OK agreement was followed by very progressive maternity agreements with Metro Cash and Carry and later Pick 'n Pay. Other unions tend to measure themselves against these agreements and conclude that they have made little progress.

For example, when I asked Jane Barrett of TGWU if TGWU had negotiated any maternity benefits she said:

“Maternity rights are a standard part of our negotiations, along with

wage demands, hours of work and working conditions. Organisers and shop stewards see maternity rights as part and parcel of decent working conditions. But we have not had much success getting good maternity agreements.

“We think there are two reasons for this. First in the transport industry there are very few women. So often there is not enough pressure on shop stewards before negotiations. As a result the issue of maternity benefits can easily be dropped.

“In the cleaning industry we are still struggling with recognition rights. But in companies where we have raised the issue of maternity benefits, we have won the right for our pregnant members to keep their jobs. We have not had to back down on that de-

MATERNITY RIGHTS FOR WORKING WOMEN

We demand the right to:

- work when we are pregnant
- work in safe conditions
- time off to attend ante-natal clinics
- look after our babies for at least 6 months
- get paid while we are away
- come back to our jobs without loss of benefits
- paternity leave for working men (when their babies are born)

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FEATURE

mand. The big problem is the question of paid maternity leave.”

TGWU is self-critical because it has not achieved very good maternity benefits. This may be true, but clearly the union has made enormous progress since the early 80s in putting women's issues on the agenda. Interviews show that this is the case in all COSATU affiliates. They have had many victories, yet they often talk as if they have failed.

In GAWU the progress in consciousness is very noticeable, perhaps because GAWU has taken such big strides generally in the last year towards adopting COSATU policies. Pregs Govender of GAWU described how last year the union won six months unpaid leave at the Clothing Industrial Council. This year the union is aiming to win paid leave. Pregs says that within the union there is a great deal of discussion which has given members a growing sense of control.

Some unions have specific problems in negotiating maternity rights. Ntsike Matakane of NEHAWU said that maternity rights for public sector employees are impossible to win because workers, such as cleaners, are regarded as “temporary staff” who can be dismissed with 24 hours notice. She said that the union is demanding that all workers must be covered by the Labour Relations Act. This is the first step towards fighting for better working conditions.

Ntsike also mentioned other problems amongst state workers. For example, the Natal Provincial Admin-

istration only allows a woman to take leave for two pregnancies. With her third pregnancy she must resign. Thus they are telling women how many children they can have! These particular issues are being faced by a number of unions at the moment.

Dan Mohapi of the NUWCC said that unemployed women have a big problem when they are pregnant. They have to pay for hospital care. So the women's meetings and the locals are discussing how to campaign for unemployed people to get free hospital care.

Parental rights

As maternity rights are no longer seen as being only a women's problem but as a central union issue, unions have made further demands. Again CCAWUSA is the best place to start. CCAWUSA's agreement with Pick 'n Pay last year is an excellent example of what type of agreement can be won.

The importance of the agreement is that men can now take women's maternity benefits if the mothers of their children also work for Pick 'n Pay. So, for example, if a couple who work at Pick 'n Pay have a child, either the father or the mother can take the baby to the clinic. Either parent can stay at home for the 9 months parental leave, or parents can divide this time between them. This includes adoptive parents.

Fiona Dove of CCAWUSA says that this agreement raises some important political issues. She says that

men do not get a chance to give time to their children. Work is organised on the basis that men are workers, not members of families and not parents who have babies or sick children. During talks to prepare for negotiations, CCAWUSA members spoke about the type of society they would like in the future. People spoke about how work

martizburg has agreed with CCAWUSA to accept a worker's child's medical certificate as if it was the worker's own medical certificate. This means that a parent can take off time to look after a sick child without money being deducted from his or her wages - within the agreed number of days of sick leave.



times could be changed to make space for family life.

These are grand aims. But they challenge workers to think realistically about the kinds of working conditions they want in a post-apartheid society. They also challenge companies to regard their employees as people rather than just as workers.

Another demand which CCAWUSA has won allows parents to use their sick leave to look after their sick children. The Wimpy Bar in Pieter-

No other unions mentioned this kind of programme. But more and more unionists are talking about the issue of men's rights as parents. The idea of 'maternity rights' is now becoming the idea of 'parental rights' for both mother and father.

CWIU for example, has negotiated one to four days of paternity leave at over sixty factories. ACTWUSA has won not only 3 months maternity leave paid at 33 1/3 wages at James North, but also unpaid paternity leave.

FEATURE

This is very significant as James North is the first clothing factory to do this. At the same factory pregnant women do not work night shift. Neither do men with babies of six months or younger. This is to give men time to spend with their young babies and to give support to the mothers of their babies.

Often unionists talk about paternity leave with a mixture of amusement and pride. People believe firmly in the principle that men should be able to support their partners at the time of a birth, and to spend time with their newborn babies.

But some unionists express doubt about whether men will in fact use their time off for this purpose. They say that the men are more likely to take the time off "to jol". Demands for maternity benefits and parental rights show that COSATU affiliates have taken up "womens' issues" seriously. But this is not the only area in which they are addressing women's problems.

Equal pay for work of equal value

NUMSA made up this slogan to deal with the problem that usually men and women do not do the same work. But often men and women do work which requires the same amount of skill. However, men usually get more money than women. By calling for equal pay for work of equal value, NUMSA wants wages for similar work to be the same, no matter what sex the worker is.

By fighting for equal wages, NUMSA is fighting the idea that women are not breadwinners, that women get money from their men, and therefore women do not need to earn very much.

Elizabeth Thabethe of CWIU notes that even in the unions, men sometimes argue that they must get better pay than women. A number of unions are fighting this idea in different ways.

NUMSA wants factories to cut the number of grades. CWIU say that everyone on the same grade must get the same pay. ACTWUSA found that even though they won the right to equal pay for equal work at the Bonar Staflex factory in Pinetown, men still earned more than women, for much less skilled work.

For example, a male sweeper earned more than a female machinist. Because of this, ACTWUSA negotiated with the company to narrow the gap between men and women over the next seven years until there is no difference at all.

Job opportunities

Another problem which unions are fighting is that women are often in jobs where there is no chance of promotion. Elizabeth Thabethe said that management usually chooses men for promotion. They say women are too expensive because of maternity, child care etc. CWIU is fighting for promotion to be advertised. Then women get the chance to apply.

Dorothy Motubatse explained just how SARHWU has taken up this

issue. They asked all women members to fill in a questionnaire. The questionnaire asked women about their education and skills. The women's committee in SARHWU then encouraged women with the necessary schooling to apply for jobs which men had always done before, such as ticket sellers and ticket examiners. The SARHWU women are still waiting to hear if they have got the jobs.

NUMSA has tried to persuade SEIFSA not to recognise vocational training schools if they do not have facilities like change rooms and toilets for women. So far, NUMSA has not had success. Adrienne Bird of NUMSA describes how one employer laughed at the union's suggestion. He said, "Do you want to close down training in the industry?"

Pap smears

Pap smears are a new issue in the unions. Pap smears help to stop cervical cancer, which kills many women. At the 1988 COSATU Women's Congress women spoke about their worries about cancer. Since then a number of unions have been talking about pap smears.

At the moment most unions are just trying to educate women about cervical cancer and pap smears in the women's groups. They hope that women will go for pap smears at township clinics. Magdeline Phore of NUWCC said that many women worry that contraceptives cause cervical cancer. Their union has asked NAMDA to come and discuss this

with their members.

It is not clear why some unions have taken up the pap smear issue, since it is not an obvious union issue. Some unions say pap smears are important for all women, and that it is easy to educate women about pap smears. Others say it is a good issue to attract women to women's meetings.

CWIU say that because some companies give contraceptives at work - something which women did not ever ask for - women have the right to use the clinic facilities for something they actually want - pap smears! CWIU started to demand pap smears after the discussions about cervical cancer at the COSATU Women's Congress.

In the Transvaal, women in the union did not understand why pap smears were so important. So they asked a woman doctor to speak to their women's group. A sub-committee on the cervical cancer campaign was set up with one person per factory.

Women shop stewards demanded that management arrange that the family planning sisters did the pap smears, or that the National Cancer Association come to the factory once a year. The sub-committee wrote about cervical cancer in the union's newsletter.

And women's groups have taken the issue to locals, BECs, health and safety committees, and the branch education committee. Women workers want men to understand the problem, so that male shopstewards will also demand that management arrange pap smears for the women in

their factories.

ACTWUSA has an agreement at James North factory that all women will have pap smears in company time. A number of other unions such as FAWU, TGWU and CCAWUSA are now beginning pap smear campaigns of their own. Fiona Dove of CCAWUSA said that pap smears are important because cancer of the cervix is a major killer. "Women are shocked to learn how many women die from it", she says.

Child care

When NUMSA won a creche at the BMW plant in Pretoria, people could not believe it. Before this, the idea of a creche at work was just a dream. Women workers interviewed in 1983 could not imagine making such a demand, let alone management agreeing to it.

Refiloe Ndzuta of PPWAWU said that at the COSATU Women's Congress women spoke about both the BMW creche and the Federation of Transvaal Women's "people's education" creche in Eldorado Park. Women spoke about organising around child care. Margaret Nhlapho of SADWU said that domestic workers who live in, need creches in the cities so that they can live with their children and have a creche to look after the children while they are working.

In other unions, women are debating about whether a creche at the workplace is actually a good thing. Whatever they decide, the issues of

safe child care and of progressive education for pre-schoolers, are certainly issues which the unions are discussing.

FAWU are now thinking about negotiating for a creche for workers at a group of plants, all owned by one company. And CCAWUSA may demand a child care allowance, rather than a creche, in their next negotiations with Pick 'n Pay.

Sexual harassment

A serious issue which affects women is that of sexual harassment at work. Often women are expected to give sexual favours in return for getting a job. The unions have not yet found a way to protect women workers from sexual harassment by supervisors and foremen.

Women talk about sexual harassment in their women's groups. People hope that by talking, women will get the confidence to refuse such sexual exploitation. Sometimes women speak to organisers about it. But the only big success in fighting sexual harassment that I was told about was at Dunlop. The union set up and caught the man in mid-action.

Conclusion

This article shows that COSATU affiliates are placing a broad range of women workers' issues on the bargaining table. It's unions can justly claim not only to have seriously addressed women's issues, but to have won significant victories as well. ☆

The personal is political

A debate about the question of sexual conduct took place at the recent COSATU Congress. BARBARA KLUGMAN reports.

At the July 1989 COSATU Congress the resolution which caused the most discussion was about sexual conduct. The resolution was brought to the Congress by the Transport and General Workers' Union and discussion around it lasted for four hours. In the end the resolution was not passed. The debate ended with delegations from most unions disagreeing about the issue. TGWU refused to withdraw the resolution. They promised to bring it back to the next Congress.

The TGWU resolution said that:-

"male comrades in our organisation often get involved in relationships with newly recruited women members of our affiliates, and that these relationships are often characterised by an imbalance of power because of the greater political experience and organisational seniority of the male comrade..and that when these unequal relationships collapse, the women often drop out of the organisation. In other cases, divisions start to develop in the organisation because of the broken relationship."

The resolution also said,

"many incidents of sexual harass-

ment of women comrades by male comrades have occurred."

The resolution called for:-

"..tighter sexual discipline.." and "in discussing a code of conduct for our federation we need to focus attention on such sexual discipline."

Almost all the women I have spoken to in COSATU agree with the resolution. Women say that it is a fact that men in the unions take advantage of their leadership positions as organisers or shopstewards. They make sexual advances towards women. Often these affairs undermine women, because they depend on their men for their political views and do not develop political views independently. They also undermine women because, as the resolution says, women often leave the union when these affairs end.

"These things are killing the struggle and women's involvement in the union," says Elizabeth Thabethe of CWIU. Her union strongly supported the resolution.

But most men saw the resolution differently. The unionists I spoke to said that most men laughed off the issue of sexual conduct. They said men used the resolution to laugh at women. Unionists say that the whole tone of the congress changed when the sexual conduct resolution was discussed. Before delegates were tired and serious, but suddenly there was excitement, laughter and lots of joking.

The resolution raises a number of questions. It recognises that many people have extra-marital affairs. This is a difficult thing to talk about because it raises moral questions.

The resolution also raises the question of who is to blame - the men or the women? Many women blame the men because they are in a position of power. But Beatrice Mtombeni of FAWU said, "Women are not raped by men in the union. Why is it that a woman can't say no? Also I see no need for a woman to jol in the union. I mean, if you are in the struggle, you don't have to jol. Both men and women are in the wrong."

Dorothy Motubatse of SARHWU took Beatrice's comment further. She said that women who like to be seen with leaders make advances to men. "Men are like children," said Dorothy. "They are sensitive to action. If a woman woos a man, he will respond. It is a woman's own fault if she does not say no. When a man asks a woman to sleep with him, he is not asking her to do organisational work. It will not further the organisation. Also sleeping with a leader does not mean that a woman will develop politically."

Ntsike Matakane of NEHAWU pointed out that sexual conduct is not only an issue in COSATU. "It is an international problem", she said. But the fact that COSATU discussed the question of sexual conduct at all shows that at least some unionists do take the issue seriously. Could one imagine management having similar discussions? One proposal came from Magdeline Phore of NUWCC. She said that in their women's meeting they decided that the women will speak to men shop stewards about the problem, and tell the men to discuss it

with other men. She did not know how the men will respond!

Even delegates who supported the resolution worried about passing it. PPWAWU's Nokwanje Ntamnani said their delegates agreed that sexual affairs were a problem. But they felt that sexual conduct must come into the general code of conduct for COSATU. Nokwanje felt sexual conduct was part of discipline and must be treated as such. She said taking a resolution would not stop the problem. Rather people needed to talk about the issue much more in their unions.

Margaret Nhlapho of SADWU felt every union should have its own code of conduct: "Unions should be able to deal with their own officials. People involved in sexual harrassment should be expelled. This is a union question, not a question for the federation."

Beatrice Mtombeni of FAWU thought a resolution on sexual con-

At the 1989 COSATU Congress the following constitutional amendment was made:
"It is proposed that the references to gender in the constitution such as "his duties" (clause 7.4.3" or "chairman" (clause 11) and elsewhere be deleted and replaced with non-sexist terms."
The fact that this was passed without any "noting" and "believing" shows that in COSATU, people see language as affecting the way people behave. Use of non-sexist language is in keeping with union commitments to fight sexism. ☆

duct would divide people in unions. She also said that passing the resolution could make new problems for women. If COSATU agreed that sexual conduct was a problem in the unions, then husbands might stop their wives from going to union meetings. She said that already there was a problem in COSATU. Men in COSATU did not like their wives to get involved in case their wives started to behave like they did!

But whatever the problem with the resolution, TGWU has put the question on the agenda. Congress referred the resolution to the unions to discuss, with the idea of including sexual conduct as part of the COSATU code of conduct. And at the COSATU national women's seminar in May 1989, delegates decided to set up a grievance committee so that, in Fiona Dove's words, "Men now run the risk of being exposed." ☆

Resolution on sexual conduct

This Congress notes:

The TGWU resolution on sexual conduct. (see below)

Therefore resolves:

To refer this resolution to affiliates for discussion with a view to incorporating issues of sexual conduct into the COSATU code of conduct.

TGWU Resolution on sexual conduct

This Congress noting:

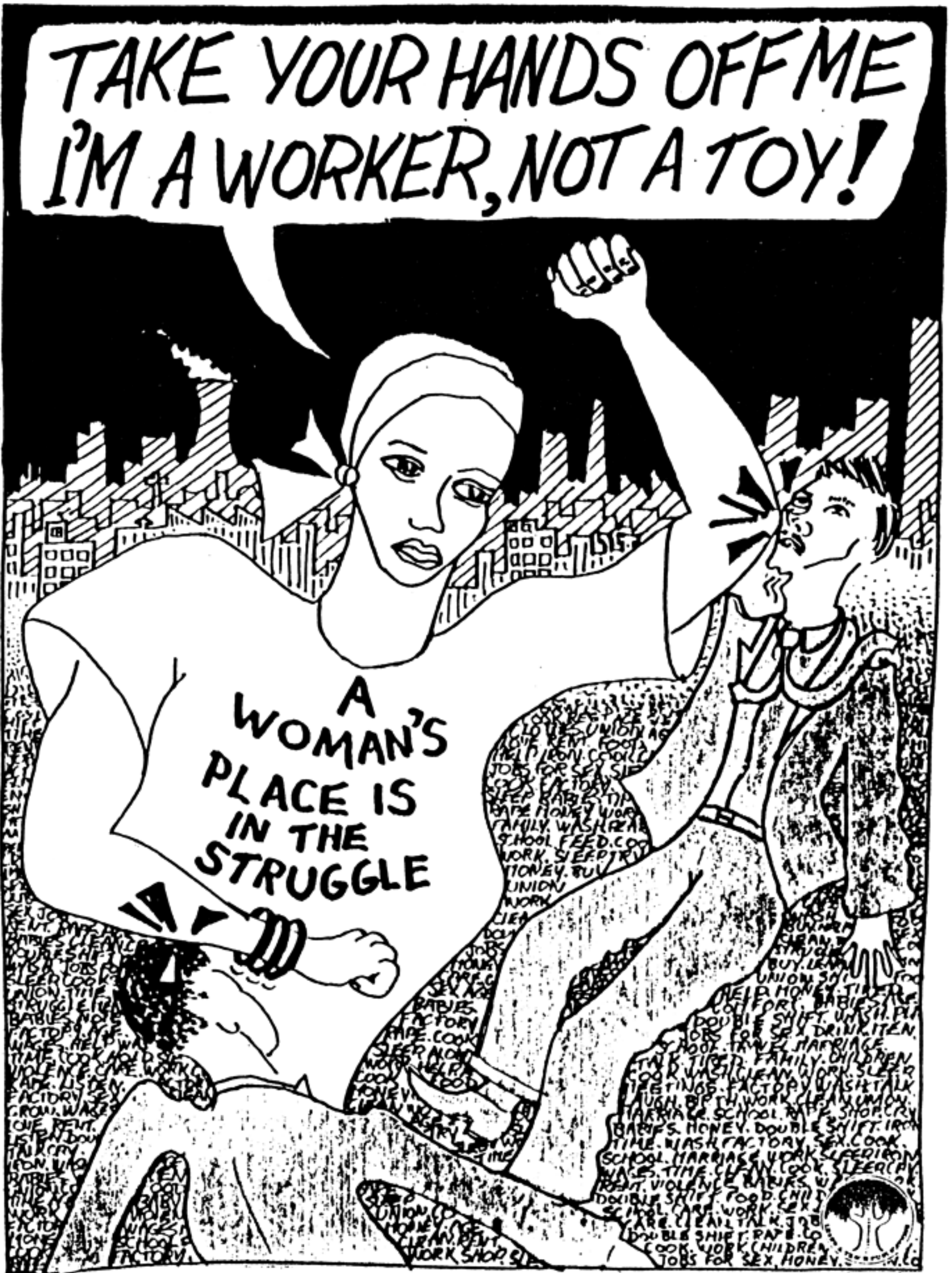
1. That a person's political credibility is judged by his/her personal conduct and activities, amongst other things.
2. That male comrades in our organisation often get involved in relationships with newly recruited women members of our affiliates, and that these relationships are often characterised by an imbalance of power because of the greater political experience and organisational seniority of the male comrade.
3. That when these unequal relationships collapse, the women often drop out of the organisation. In other cases divisions start to develop in the organisation because of the broken relationship.
4. That the problem described above is one reason for the lack of consistent participation by women comrades in our structures.

Noting further:

That many incidents of sexual harassment of women comrades by male comrades in the organisation have occurred.

Therefore resolves:

1. That tighter sexual discipline is called for in our organisation.
2. That in discussing a code of conduct for our federation we need to focus attention on such sexual discipline. ☆





The Labour Relations Act: a major step backwards?

an assessment by the Community Resources and Information Centre



The Labour Relations Act: death to reasonable labour relations.

The LRA amendments of 1988 were widely seen as an attack on the labour movement. They have been in operation for a year. How have they affected industrial relations? CRIC staff and Leal Bethlehem interviewed workers, unionists, labour lawyers and management to find out.

The interviews focussed on:

- how the amendments are used by employers
- the effects of the amendments on workers, shop-floor organisation and industrial relations in the factory
- union strategies to resist and scrap the act

The anticipated effects of the amendments in some circles were:

- decline in worker militancy
- unions retreat into legalism
- lower levels of strike action



- lower wage increases

To date these predictions have proved wrong. Organisers from all unions say that there has been no decline in militancy, and that if anything the amendments have angered and politicised their membership. The ongoing national campaigns against the LRA are proof of this.

Various experiences are showing workers the uselessness of legal channels. In fact, there has been a marked increase in the number of illegal strikes as opposed to legal strikes (SARS monitor, *WIP* 59 and 60), and an increase in the length of strikes.

Strike statistics in general for the first six months of 1988 and 1989 reveal an increase in worker action. During the first six months of 1988 SARS monitored 88 strikes involving 44 825 workers, as opposed to 91 strikes involving 75 580 workers in the first six months of 1989 (SARS monitor, *WIP* 60). This amounts to an increase of 70%.

After the industrial court ruled against strikes on dismissals (see *Dunlop* case, p 42), unionists predicted

that this would have serious consequences. They were right: there has been a marked increase in the number of strikes against disciplinary action, dismissals and retrenchments (interviews, and SARS monitor, *WIP* 59).

Wage increases have also been unaffected by the restrictive clauses of the LRAA. According to Labour Research Services increases between January and July 1988 were on average 22.9% and 22.5% in the same months during 1989. This is a negligible difference and the average wage increase is still 7% above inflation.

The past year has show that the LRAA also sows the seeds of its own undoing. By undermining the principles outlined by Wichahn the amendments threaten the basis on which black workers were drawn into the system of collective bargaining in the first place.

One year later countless cases clearly illustrate why there continues to be such massive opposition to the act, and why employers have refused to back down on their support for it.

The LRAA is being used to do four things:

- 1 limit the ability of unions to use industrial action in disputes;
- 2 strengthen management's hand in dismissals and retrenchments, and re-establish management prerogative in setting employment practices;
- 3 weaken the collective bargaining position of non-racial industrial unions, while bolstering minority unions and racially exclusive unions;
- 4 involve unions in a legal mine-field that threatens grassroots militancy.

The right to strike

In our divided society few people outside the black working class understand how fundamental the right to withdraw labour is. Under constant pressure from employers trying to maximise profit workers rely on their collective strength to protect their jobs, wages and working conditions. In fact, their livelihood depends on the right to strike where other channels break down.

Before the 1988 amendments workers had some space- though limited- to exercise their muscle, because the industrial court gave some protection to legal strikers (the SARMCOL and 1987 miners strikes were notable exceptions indicating the future direction of the industrial court). If negotiations were exhausted and relatively simple procedures were followed to take legal strike action, the chances were that management would not dismiss workers. The two parties would be locked in a real power struggle with the potential of either being hurt. This usually meant that negotiations were taken seriously and effort put into resolving grievances and disputes. Workers reserved illegal wildcat action to deal with urgent problems and stubborn managements.

All this changed when numerous anti-strike clauses were included in the amendments.

1. Certain strikes are by definition illegal and unfair and can lead to damages claims.

All wild-cat strikes are illegal and unfair and are almost guaranteed to be broken by industrial or supreme court interdicts, irrespective of whether the action was provoked by management.

Between April and August 1989 more than 25 interdicts were granted to prevent NUMSA members from continuing strikes. In the chemical industry both CWIU and the NACTU affiliate SACWU have been hit with numerous interdicts, as have most of the COSATU affiliates with their history of militant shop-floor action.

The new and most publicised clause relating to illegal strikes is Section 79, which makes it easier for employer to sue a union for damages when members embark on wild-cat action. No union has yet been forced to pay damages. But the threat "hangs like a sword of Damocles over the unions", according to a labour lawyer. Employers are too embarrassed to go the whole hog with a damages claim: it would mean bad publicity here and internationally and most certainly a

strong boycott reaction. Some employers have gone as far as to call for the clause to be scrapped.

TGWU information officer, Kally Forrest remarked after the Ullman case was settled: "Given workers' resistance, the clause isn't really in the interests of the bosses. It causes instability and conflict. Section 79 is death to reasonable labour relations."

However there has been no shortage of threats. Clover Dairies sued FAWU for R650 000 for the damages caused in an illegal strike which did not even exceed an agreed cooling-off period. The company dismissed 600 workers. It was only prepared to settle the damages claim if the union agreed to a cash-settlement and dropped its case for reinstatement.

SAB, Kwela Meat Supply, Ullman Brothers and Pyramid Distributors are

amongst other companies that have sued unions and later settled out of court in exchange for an undertaking from the union. This in an extremely dangerous process. Unionists agree that it has tended to compromise their organisation. Grievances giving rise to strikes remain unsolved, and management now thinks it deserves "gratitude" for not bankrupting the

STARVATION
WAGES -
WORKERS
NEED THE
RIGHT TO
STRIKE

union.

The nett result is that unions have to distance themselves from a dispute as soon as there is a hint that it may result in illegal action such as a sudden go-slow. This undermines workers' right to representation, and creates a climate of tension where grievances are simmering below the surface.

Organisers agree that the constant threat undermines the organisational base of the union: "Part of your job as an organiser is now to play police man over shop stewards and members. You police them to see that all procedures are followed and you have to warn them against wildcat action."

2. The court may decide that a strike is an "unfair labour practice".

In the old act a legal strike or lock-out could not be interdicted as an unfair labour practice. An unfair labour practice was defined as an action, other than a strike or lock-out, that unfairly affected the well-being of either party or could lead to industrial unrest. Now the industrial court has the power to decide that a strike or lock-out is unfair and interdict it immediately. While illegal strikes are still the most likely and frequent target of court interdicts, progressive unions have found this new provision to be the most serious of all the amendments.

The court now has greater scope to stifle industrial action even if legal procedures are followed. Given also the background of most industrial

court judges, it is likely that the court's discretion to stop industrial action will be used against workers. The basic underlying assumption is that only employers are really "hurt" by industrial action. It is only profit that deserves to be protected by the court, at the expense of the working class.

On the other side of the coin the industrial court has become even less sympathetic than before to workers' appeals for urgent relief against unfair labour practices committed by management. The reasons are two-fold. The act is more prescriptive about what an unfair labour practice is, which narrows the discretion of the court. Secondly, the anti-strike provisions in the act take pressure off the court to step in and settle disputes on an urgent basis.

CWIU had two recent experiences where the court did not treat workers' grievances as urgent. In the first case the union tried to interdict Mobil from disinvesting without prior negotiation. The court said it was not urgent and deferred the hearing. When on the other hand the company later applied to prevent a strike on the issue, the court was prepared to grant an urgent interdict. In fact this application was heard even before the union's prior application could be heard.

Recently CWIU tried to interdict NATCOS, a company that unilaterally increased pension fund deductions from workers wages. The union argued that the lack of consultation and the hurt inflicted made this action equivalent to an illegal strike. The court saw no urgency for worker's

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grievances to be addressed and refused to give a remedy. It ordered the union to apply for a conciliation board in order to get to the industrial court under section 43.

Strikes over dismissals are "unfair" use of economic power:

Dunlop

A leading NUMSA shop steward was dismissed by BTR Dunlop during 1988. Following the industrial court decision in support of the mass dismissal at BTR Sarmcol, Dunlop workers decided rather to opt for private arbitration. Arbitration is also a cheaper and quicker way of resolving disputes. Negotiations around the demand for reinstatement or arbitration broke down with the company refusing either option.

When the union planned for a legal strike the company immediately went to court to block the action before it even started. The industrial court used its new powers to interdict any unfair strikes on an urgent basis. It ruled that NUMSA's threatened strike action was an unfair use of economic power because the industrial court could decide on the fairness of the dismissal.

The court stated that this meant there was no need for workers to take action. This ruling was very contentious because the main aim of the strike was to secure *private* arbitration rather than to *bypass* arbitration. If workers exercised their muscle the court was guaranteed to support another mass dismissal.

Through its ruling the court effectively outlawed a legal strike. What this ruling means is that workers have

to give up the right to challenge dismissals through action. Workers cannot use their collective action to protect each other, but must accept industrial court rulings on all dismissals.

Ironically, the number of strikes around dismissal cases declined radically in the early 1980's when the industrial courts became sympathetic to dismissed workers, and management knew their reasons had to be sound. If the court's attitude on unfair dismissals changes so radically and legal strikers are not protected, there can only be two consequences: more arbitrary dismissals and victimisation of worker leaders on the one hand, and more wildcat strikes in response. All unions agree that the number of strikes over dismissals have increased. (See also SARS monitor). This is proof of workers' determination to protect one another even when the state outlaws their action.

The state can impose a stalemate in annual wage negotiations:

Southern Suns and OK Bazaars

The amendments enabled the state to intervene directly in the dispute between HARWU and Southern Suns in a dispute over the recognition of 1 May and 16 June as paid public holidays. The parties followed legal channels but could not reach consensus; by October 1988 were able and ready to engage each other in industrial action.

Fearing strike action during the holiday season the company took the first step and locked out 3 000 workers in Johannesburg Southern Suns. The union obtained an interdict revers-

ing the lock-out, but in return the court prevented the union from calling a strike on any issue until a subsequent court case in 1989 to clarify the dispute over work on public holidays (See *Labour Bulletin* 13.8).

The result of court action was that a legal precedent was set and workers were back at work. But the dispute still remained. The bargaining hand of the union was weakened while the company had a very profitable Christmas.

In the course of our interviews, problems with the HARWU application were raised by unionists and labour lawyers. Asking the court to rule a legal lock-out "unfair" implies accepting the LRAA on the same terms as management and the state. It used the state to restrain industrial action by the employer after full collective bargaining when for years the union movement has struggled for strike protection at such times.

It may have been preferable for workers to sit out the lock-out without giving the state a chance to interfere in collective economic action. But it is equally important to note that from the start the union's options were seriously limited. The court would have used its new powers to stop any industrial action initiated by the union. This case indicates the need for more co-ordination of the legal strategies used by progressive trade unions.

Similar actions were taken against CCAWUSA members, as a result of the LRAA's stricter strike ballot procedures. OK bazaars delayed strike action in July to protect their winter

sale. The company argued that the ballot of workers was invalid, and that a strike would be unfair. CCAWUSA was ordered to repeat the ballot, which delayed the strike action and weakened their bargaining position. They were also not given the opportunity to illustrate that double standards were being applied: the strike was partly provoked by the fact that the company settled and implemented wage increases for NUDAW members who represent less than 10% of OK's employees.

The possibilities for management are endless

The Dunlop, OK and Southern Sun cases have clearly shown that the industrial court has been given the leeway to decide that a legal strike is unfair to the company and thereby rule it effectively illegal: the court can interdict an unfair strike and force workers back to work without hearing their argument. The court will not protect workers dismissed in a strike which it declared "unfair".

The possibilities for management are endless, as the following examples show. In all the following cases the companies obtained interdicts to prevent industrial action.

- All illegal, sympathy and repeat strikes (striking on the same issue twice within 12 months) are by definition unfair, even when procedures of the LRAA have been followed, and negotiations exhausted.
- Clover Dairies argued that a legal

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strike of FAWU members demanding one national standard recognition agreement would be unfair and in breach of an agreement which committed Clover to "negotiate and implement recognition agreements to cover all Clover Dairies

tion to the amendments, it argued in court that CWIU's strike against disinvestment without negotiation was "unfair".

- Barlow Rand and Premier (Mamas Pies) threatened or proceeded against legal strike action on the



Mobil challenged CWIU's right to strike against 'disinvestment without negotiation'.

Photo: Chris Ledochowski/Afrapix

plants and depots". The company interprets this to mean mutual commitment to plant-based agreements.

Until a future industrial court case decides which party's interpretation of the agreement is correct, the union may not pressurise the company to come to a national forum. This effectively forces the union into plant agreements in order to service members in over 20 plants scattered around the country.

- Although Mobil declared its opposi-

basis that the demands for bargaining units and bargaining forums to be redefined was unfair.

- Plascon locked workers out during a wage dispute and obtained an interdict preventing SACWU members from picketing. Bursting with confidence management dismissed the workers when they still did not accept the wage offer.

Whether or not workers have followed the legal channels, the practice has been for management to rush to

court at the first opportunity and to obtain an urgent interdict without attempting to solve the problem. Most of these orders are also *ex parte*, which means that the union was not informed of the case or given the opportunity to be present at the hearing.

With the order at hand the company can then sue the union for damages if they defy, and the workers are in danger of being in contempt of court. Workers are only given the option of presenting their case to the court months later. In most cases workers are forced to call off their action and the underlying problems remain unresolved.

While these are technically interim orders, their effect is permanent. Company lawyers are able indefinitely to prevent workers from striking. In the Dunlop case, for example, where the *demand* was interdicted as an unfair labour practice, pending a later court hearing, any strike on the demand would automatically be an unfair labour practice.

Which way will multi-nationals go?

A number of other arguments used by employers have not been tested. Shell has consistently argued that a go-slow is unfair to the company, as its practice is to make use of scab-labour rather than to dismiss; they argue that a go-slow rules out this strategy and is therefore unfair to the company.

The parties are at present in dispute over a recent go-slow. The company deducted money from workers' wages

and the union is demanding the full wages. The company will only pay if the union agrees not to engage in go-slows, while the union will only agree if the company allows pickets during strikes to discourage scabbing.

Although the company has to date been reluctant to use the LRAA against CWIU, it was one of the companies that said, when challenged by the union, "we have to abide by the laws of the land". The union is not convinced that Shell would not use the court to prevent go-slows or pickets in the future.

Unions are reluctant to use the amendments in the same way as management, and have, for example, not rushed to have legal lock-outs declared "unfair". In fact, as in earlier years, unions only use urgent interdicts in cases of gross unfairness and where negotiations are impossible.

NUMSA for example has only used the provision twice. In the one instance, TOMCO Electrical dismissed workers for joining the union, and in the other All-Lite Steel Products dismissed workers on strike against the company's sudden re-location to Bophuthatswana to evade the Industrial Council. Both applications were successful.

But the case of CWIU vs Natcos illustrates that there may be many unfair labour practices against workers which the court will not regard as urgent. SAB workers had a similar experience when the industrial court ruled that the company was not obliged to back-date increases after protracted negotiations. An increase

which covers a twelve-month period has always been regarded as a right and normal practice unless otherwise agreed; but the court has given management the prerogative to decide. Rulings such as these will certainly increase workers' hostility to legal process.

Boycotts and stayaways

A further direct attack on workers' economic and political power is the restriction on calls for boycotts or stayaways. These can now be interdicted as unfair labour practices, which effectively outlaws the call. An example of what a crushing blow this can be was the 1986 campaign for the re-instatement of Clover workers in Pietermaritzburg. During the boycott of Clover products all officials of the union and support committees were severely constrained by emergency regulations, and community support could not be sustained.

Strengthening management prerogative

Over the past decade organised labour has challenged the notion that management has sole prerogative to decide on employment practices, codes of dismissal and retrenchment. This has been achieved by exercising pressure from strong shop-floor struc-

tures, by incorporating principles of fairness in procedural agreements and by using the industrial court to set general standards for industry.

In the 1970's and early 1980's the majority of strikes were against unfair dismissals, victimisation and retrenchments. This changed as most employers began to accept, albeit reluctantly, that they needed solid reasons and fair procedures before they could take away workers' livelihood.

All this has changed, and the LRAA clauses put the right to job security squarely back where it was in the pre-Wiehahn era of industrial relations (See *Labour Bulletin* 13.7).

In short:

- a company does not need to negotiate about the need for retrenchments or alternatives to save jobs;
- selection criteria in retrenchment need no longer be objective i.e. last-in-first-out, but can also include management's decisions on the ability of a worker, disciplinary records, etc;
- workers involved in collective action no longer need fair and equal treatment; if a company wants to dismiss or rehire selectively using the same criteria as for retrenchment, the court will now regard this as fair;
- disciplinary/dismissal action against a worker no longer needs to be procedurally fair as long as management believes it has a good enough reason;
- Workers in their first 6 months service are on compulsory probation, and can be dismissed without rea-

son;

The long awaited court case in which FAWU challenged the dismissal of workers at the Barlow-owned C.G.Smith Noodsberg sugar mill has thrown procedural fairness out the window. As usual, in 1987 FAWU members at the mill observed 16 June. They mandated a group of workers, amongst them shop stewards, to go from the adjoining hostel to the factory gates to observe whether the company was hiring scabs. The company alleges that they were given substantial evidence by secret witnesses of intimidation. No proper enquiries were held and the workers were dismissed.

The court said that it believed C.G.Smith to be a reasonable employer, and that the company must have had substantial information on which to base its decision. In judgement the presiding officer said that the company must have been under a lot of pressure at the time, and that "the proper test is not what I think is *now*, but the position of the company at the time."

There could just as well have been no provision for arbitration in the Act. This judgement basically says that management again has sole prerogative in matters of discipline. With this type of ruling in the court records, unions are asking themselves whether management has any incentive to manage fairly or to respect statutory procedures which are intended to regulate industrial relations.

A FAWU organiser said of the judgement: "Now management can do

what they like. They can dismiss people, even set them up, just to get rid of them. The LRAA is now truly an instrument of repression. Why should we even bother to follow legal channels? ... the whole factory wanted to strike and we held them back. Maybe that was our first mistake. Then again if our jobs mean so little we definitely have no right to strike. It is a vicious circle."

New attack on union bargaining power: bolstering minority unions

The most serious attacks on workers' bargaining power are clearly the restrictions on the right to strike. Other clauses which undermine workers' bargaining power must however not be underestimated. These are the clauses that protect minority and racist unions, and the new conciliation procedures which undermine the process of settling disputes as well as access to legal strikes.

In practice some employers have begun to recognise the benefits of bargaining in one forum with one body



Stellenbosch workers and students march against the LRA

Photo: Labour and Economic News

representing all workers. A number of industrial court decisions supported this by ruling that preferential treatment of non union-members is unfair. For progressive unions principles were involved, including the belief that apartheid-created divisions in the working class need to be broken down. Some of the more skilled workers have even begun to understand that the huge gap between their working conditions and those of the majority of workers need first to be closed before there can be general progress.

The clauses that allow for the racial registration of minority unions and guarantee bargaining rights to minority unions, are serious attempts to undermine the collective bargaining strength that the trade union movement has built: they open the way for minority unions which have no signifi-

cant base, and thereby fragment the power of the organised working class.

The first minority union to force the issue is the ex-TUCSA Natal Baking Industrial Union which has been fighting for its survival since FAWU emerged in the early 1980's. The union basically represents some of the Indian drivers of bakery vans, and has resisted joining FAWU despite numerous efforts.

NBIU recently succeeded in using the LRAA to force Bakers Bread and FAWU to recognise that NBIU will represent its members amongst the driver salesmen, who are 90 out of a work-force of about 700. On the ground NBIU does not even represent all drivers. The spirit between drivers, van assistants and despatch workers (all FAWU members) has been strong. In 1985 they joined forces in the two-week Durban bread strike.

Only the interference of the NBIU bureaucracy has dampened that spirit from time to time.

The effect of this ruling is not clear: FAWU is surprised and irritated that the court could make such a senseless ruling. Management is also finding it inconvenient. One of the first joint meetings after the ruling had to be cancelled: only the general secretary attended from NBIU, and the meeting could not attend without the one shop steward who is supposed to represent his constituency.

Problem of fragmentation

The fragmentation is more than just an inconvenience. There is bound to be more racial tension on the shop-floor which will escalate at critical moments. The majority unions are usually the only parties to shoulder responsibility for dealing with this.

NEHAWU is facing a similar problem. Wits University Administration and NEHAWU have been locked in battle for years over the recognition of a minority union, BUWA (Black University Workers Association). As soon as the amendments were passed management insisted on the rights of any minority union being safeguarded in the recognition agreement.

This provision will facilitate anti-union practices and increase the scope for employers to fight majority unions through preferential treatment of individuals or smaller groups of workers. Reactionary companies like Clover Dairies, who were amongst the few to admit to us that "the LRAA is a good

thing" are past-masters at this in their FAWU-bashing. In practically every negotiation, from recognition to wage bargaining, the company has used a policy of divide and rule. Examples are insisting that drivers and technicians make up separate bargaining units, giving smaller increases to members, implementing non-members wage increases prior to settling with FAWU.

Dangers of legalism?

Any workable labour legislation should provide:

1. Channels for conciliation whereby the two disputing parties can achieve agreement if not consensus, eg. on wage levels
2. Arbitration procedures such as the industrial court which makes a speedy decision when the parties cannot reach agreement
3. Standards of fairness and neutrality which inspires the confidence of both parties.
4. Protection of industrial action when bargaining is exhausted

The one advance on the old Act, the fact that the minister of manpower can no longer refuse to appoint a conciliation board was a ray of hope for unions, until the implications of other clauses were understood. The LRAA has discouraged workers from using conciliation procedures, or in fact its arbitration procedures, because of its

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complex structure and its bias towards capital.

When a dispute arises, workers assess whether conciliation is likely to work or whether the company is taking a hard line. In the latter case the options are arbitration (eg. about the right to work voluntary overtime when the employer is imposing overtime), or industrial action. Whether the intention is to attempt serious conciliation or merely to arrive at a point where workers have access to the industrial court or a legal strike, in both cases the union has to follow conciliation procedures.

LRAA an 'obstacle course'

In the old Act this was a relatively simple procedure, which union organisers themselves could initiate. The LRAA, however, is nothing short of an obstacle course. The process is bedevilled by technicalities, time limits, numerous documents that have to be submitted in the correct order at the right place and time, with the required authorisation from the secretary and president of the union (who are not stationed at fax-machines!).

If anything is out of place or one day late, the application is invalid. According to Humphrey Ndaba of SACWU, they have had a number of irritating experiences. The LRAA says that a dispute has to be referred within 90 days for a conciliation board to be appointed and for industrial action to be legal.

In one case their application was dismissed because it was late: they

took 90 days to be three months whereas May had 31 days. In a dispute with Eurospray, Trading and Plant Components over unfair retrenchment the union applied for a Conciliation Board only to find that the company fell within the jurisdiction of an Industrial Council. The new referral was rejected because it was late and the retrenchments could not be challenged.

Union organisers agree they would need full-time legal officers and lawyers to ensure the correct process. As these resources are not available, organisers are stretched beyond limit, and caught in a legal mine-field. This is not only the feeling of organisers but even of lawyers. At a recent labour law conference a leading labour lawyer said in exasperation: "The LRA provisions are impossible. The Act is mindboggling in its complexity. We have to find another way. We cannot live under a regime like this."

Threat to unity

As the law stands there are numerous areas in which technicalities can be used to have a strike declared illegal, which then opens the way for interdicts and damages claims. The result is that structures of the union have to police each other. Organisers and shopstewards agree that this can weaken the militancy of grassroots organisation. It can separate the leadership from the union membership if the union does not have a clear counter-strategy.

On the other hand the employers,

with lawyers and funds at hand, are having a field day. SACTWU's experience in the Western Cape reflects the general feeling among unionists: "the bosses have become obsessed with the trappings of litigation. They jump at every opportunity to take legal action, even if the problem could be easily resolved."

Appeal procedures favour capital

FAWU intends to appeal against the Noodsberg decision, but are only too aware that these procedures were designed to suit management who have time and resources at their disposal.

The appeal court has been established to give parties automatic right of appeal against decisions of the industrial court. This should provide a quicker route of appealing against bad decisions in the event of mass dismissals. However, the length of cases, and the difficulty in getting interim re-instatement orders, puts workers in a very bad situation. NUMSA is experiencing a clear example of this.

Med International, a Vereeniging based company, dismissed 47 workers who queried the company director's assault of their shop-steward chairperson in mid-1988. NUMSA won their re-instatement with back-pay, which the company refused to implement, pending appeal. NUMSA argued for an interim order, which the court only granted in respect of back-pay and not the jobs.

The case has been pending in the

Labour Appeal Court since December. If the Appeal Court reverses the decision of the industrial court, NUMSA will again have to appeal, and it may take 4 years to finally reverse the unfair dismissal.

The time delay strengthens the company argument that workers should not be reinstated because scabs have been long employed. The court is more likely to rule for back-pay in these cases. This in turn will set a bad precedent for unions using the court to win re-instatement. With less and less hope of finding speedy legal redress, the right to strike is undermined. On the other hand unions will find it much harder to convince workers to follow legal channels.

Resistance to the act

Resistance to the LRAA has taken many forms. At shop-floor level workers have not allowed their struggle to be dampened. A CWIU organiser commented: "the new procedures are laborious, and do not aim to settle disputes. But if the organiser cannot get the legal process going fast enough, workers go out anyway."

SACWU and NUM organisers make similar comments. Workers at four Beier plants downed tools demanding the dismissal of one worker whom the company was protecting. At a silicon mine in Pietersburg NUM organisers felt that wage negotiations

should be settled. Management had warned that the negotiations would be very tough. Organisers advised workers of the possible consequences but they insisted on a better offer and were prepared to strike. In the end they received a 36% increase, which was one of the best settlements in the industry.

The democratic trade union movement and COSATU in particular has put a lot of energy and resources into monitoring developments and devising strategies to make the act unworkable. Strategies of individual affiliates against individual companies complement those of the federation. There has however been uneven participation of unions.

Union strategies basically involved:

- using bargaining forums to improve recognition procedures in areas such as dismissals and re-trenchment procedures and strike rules.
- pressurising individual employers to contract out of the act
- pressurising employers to waive the right to claim damages in illegal strikes.

Contracting out

For most of the unions this has meant stepping up previous campaigns to improve private agreements rather than a completely new strategy. In some companies for example Metal Box, the use of private arbitration and private strike rules has long since been established. Metal Box workers have never been on a legal strike.

The only companies to contract out explicitly as result of the LRAA are Kellogs and Pepsi with FAWU and Mercedes with NUMSA. They have negotiated so-called "second generation" recognition agreements. These agreements provide for private arbitration rather than use of the industrial court and acknowledge the right to strike without dismissals and the right to picket.

The other German companies that were signatories to the IG Metall Code (VW, BMW, Siemens, Bosch and Hella) have wanted too many *quid pro quos* from NUMSA for agreement to be reached. Both FAWU and NUMSA insist that these agreements have not distracted their members from the general campaign to scrap the amendments.

NUMSA is one of the unions that has had the structures and resources to fight tooth and nail within their own sector. Their strategy has engaged employers to improve on statutory procedures, and defied them when they threaten to use the repressive law.

In its dealings with big companies NUMSA has insisted as a matter of policy that all disputes of rights (i.e. disputes over individual dismissals) should automatically be referred to independent arbitration and not to the industrial court. The union also insists that companies must waive the right to sue the union, officials or members for loss of production during an illegal strike.

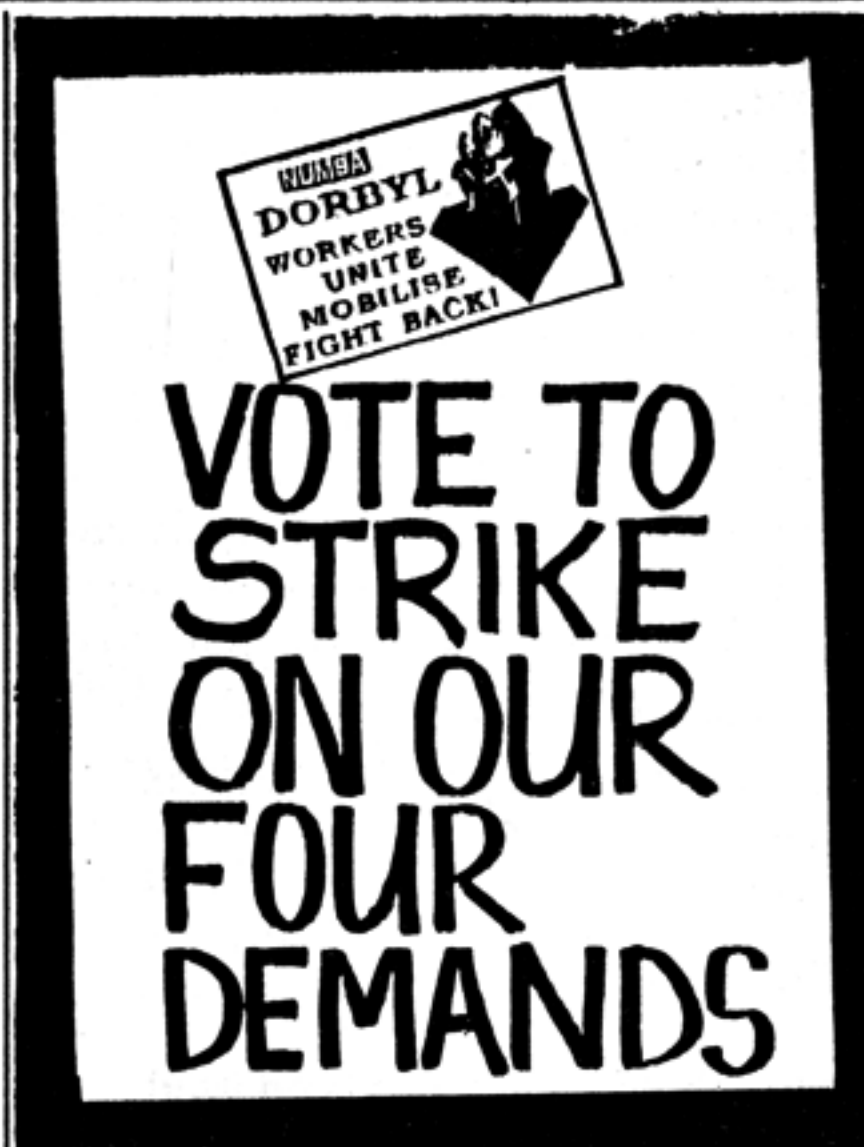
One of the most significant victories was won at Dorbyl. Dorbyl is a fairly conservative company, one of

the biggest engineering companies in South Africa and a major employer in SEIFSA.

NUMSA started its struggle for private arbitration in disciplinary cases about two years ago. The main reason was that the minister was not appointing conciliation boards. Even when boards were appointed it took so long to get to court on individual dismissals that people became discouraged.

After the LRA amendments, and the Dunlop judgement in particular, it also became clear that the court would not tolerate strikes over dismissals. As result the union stepped up its campaign for private arbitration. The company would not agree to this or other demands for shopsteward training leave and long service allowance. The union declared a dispute, and in August 1989 balloted over 7 000 of their 10 000 members in 50 Dorbyl subsidiaries. At the last minute the company agreed to a private arbitration agreement.

NUMSA and Dorbyl have agreed to a panel of 9 arbitrators, including highly experienced arbitrators from traditionally pro-management and pro-union positions. If a worker's dismissal is disputed, the shop stewards must inform the company within one week and propose one of the arbitrator's names. If there is a dispute over the choice, IMSSA will appoint an arbitrator. Neither party brings lawyers to present or question evidence, although organisers might be called upon to assist. If either party is unhappy with the decision of the arbitrator, the dispute can be referred to



the industrial council in order to get to court.

This system has yet to be put to the test, but the hope is that it will be quick and simple. The Dorbyl agreement is significant because unlike Kellogs, Pepsi or Mercedes, Dorbyl is not a high-profile liberal multi-national. Dorbyl is relatively conservative, but a trendsetter in the engineering industry and, and is a major employer of 23 000 workers. A considerable dent has been made in the legitimacy of the industrial court. Further the union hopes that this trend will be followed in the industry as a whole.

Dorbyl national organiser, Bobby Marie, is confident that these strategies and agreements do not detract from the general anger about the LRAA and certainly do not let the companies off the hook. Workers are

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aware that this is a small victory, and a strategy that is only open to a small section of the working class. In the words of Marie, "This was not seen as a comprehensive strategy against the LRAA. More than anything else the campaign aimed to strengthen our national shop steward structures in a company which refuses to bargain nationally. Dorbyl workers are stronger than before, and voted overwhelmingly in favour of action against the LRAA before the second Workers' Summit."

Standing back

Another strategy has been used with companies that will not waive the right to sue for damages in illegal strikes. Management usually calls the union officials in to settle a dispute when there is unexpected action, whether it be a strike, a go-slow, or an overtime ban.

However under the new Act a company can call in organisers only to cover itself, and run to the court for an interdict and a damages claim as soon as the officials seem unable to get workers back to work. Unions have recognised the dangers of the clause and responded swiftly.

Union officials say the employers cannot have their bread buttered on all sides: they cannot expect officials of the union to solve problems, and if they fail sue the union and implicate its officials. At a number of companies organisers have refused to come in to settle disputes and wildcat strikes. Shopstewards have adopted a

similar attitude.

This was particularly marked of the wave of strikes in the metal industry in April-May, most of which were against unilateral retrenchments. Features of these strikes were that they were very militant, mostly involving factory occupation and lasted longer than necessary because they could easily been solved. The strikes were only broken through court orders.

Very few companies have agreed to waive the right to sue. However, the union tactic of "standing back" has forced a wide recognition that the situation is unworkable. Even the editorial of the reactionary *Business Day* stressed that employers cannot deal with "an amorphous mass". Carsens of SEIFSA complained about the number of strikes where NUMSA refused to assist, and agreed that "the new liability clause goes against all principles of law. We're not mad about it." Bobby Godsell of SACCOLA believes that "there is broad consensus that it hasn't worked" and the National Manpower Commission has announced its intention to revise this amendment.

Federation campaigns

COSATU, NACTU and the unaffiliated unions have been involved in joint action to scrap the amendments before they became law. It has never been their intention to achieve a piecemeal rewriting of certain clauses. The mandate from their members came out clearly from the first Workers' Summit in March 1989 and were reit-

erated at the second summit on 26-27 August.

The demands that were forwarded to employers organisations, state departments in the public sector, the SAAU, and the Commission for Administration were as follows:

- the right to strike and call sympathy strikes
- the right to job security and fair retrenchment procedures
- the right of all workers, including farm and forestry workers, domestic and public sector workers as well as workers in the bantustans to be covered by one LRA
- the right of all workers to join the union of their choice
- the duty of employers to recognise and negotiate with representative unions
- the right of workers to have a say in formulating the LRA. To this end, the summit called on workers to start formulating their own LRA. (See outline of principles on the LRA on the following pages.)*

Previous editions of the *Labour Bulletin* have looked at the history of the campaign in its different components: the joint COSATU/NACTU demonstrations in industrial areas, the 6-8 June 1988 stayaway, the talks with SACCOLA and other employers, the joint structures and rallies aimed at co-ordination and mobilisation against the act.

A new upsurge of struggle against the bill is again in progress, dovetail-

ing with the MDM defiance against apartheid laws. The stayaway of 5-6 September was hailed as a massive success, and a national overtime ban and consumer boycott against the LRA is under way. To date the only response has been for SACCOLA to withdraw from talks with the unions. On 22 September they announced that the talks could not continue while the overtime ban and consumer action is aimed at them. The union delegation responded, "we have not refused to negotiate with you when your LRA was passed. We cannot put down our weapons while everyday you use your LRA weapon against us".

Weaknesses emerge

At the time of the June 1988 stayaway and the subsequent talks with SACCOLA there were strong criticisms within COSATU of the campaign. The weakness of the campaign, it was said, was that it consisted of one-off protest actions, and lacked a clear direction and programme for sustained action against the act. On the other hand it was felt that there was a need for greater unity in action between COSATU, NACTU and the unaffiliated unions.

The first Workers' Summit laid the basis for greater unity and planned for the mobilisation of members of all affiliates to intensify the campaign. The summit resolved to declare a dispute and host joint rallies leading up to a

* These were submitted by COSATU, NACTU and certain unaffiliated unions to SACCOLA, SAAU, state departments, ASSOCOM and other employers' organisations.

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ballot and a second summit where action would be decided.

The unity was however very tenuous as the national leadership of

NACTU was not present, clearly demonstrating their doubts about developments. Co-ordinating committees and joint rallies were irregular

Outline of basic principles on the LRA

1. Right of workers to form and belong to trade unions of their own choice

- unions should have the exclusive right to determine their own constitutions and policies (including their scope).
- employers must recognise and bargain with representative unions whether registered or not.
- where unions choose to register, such registration should be based only on criteria of membership control and democratic control over finances.

2. Farmworkers, domestic workers, forestry workers and all public sector workers, must be covered by the LRA (Amend section 2 of the LRA).

- the LRA should also apply throughout the country including the 'homeland areas'.
- (pt 4.6 of letter of 1 June 1989) - no employer will use the provisions of legislation of any homeland to refuse recognition to a union which has majority representation in its establishment, in that homeland.

3. Scrapping of all sections of labour legislation that undermine our right to job security.

- casual, temporary, seasonal and probationary status to be redefined in negotiations between the parties.
- removal of Restrictions Act to be scrapped - exemptions from machinery regulating conditions of employment only by consent of employees concerned, their unions and employers.
- women who have the right to return to work after pregnancy.
- (pt 4.3 of letter of 1 June) - no dismissal without a fair and valid reason and without following a fair procedure (to apply irrespective of length of service and there must be full compliance with these procedures).
- (pt 4.5 of letter of 1 June) - retrenchment should be negotiated with representative unions, or in their absence, with employees themselves, and will be according to the LIFO principle.
- disinvestments, relocations, sales and privatisations must involve proper notice and negotiation with representative unions, or in their absence, with employees themselves (contracting out, if agreed, should maintain condi-

and badly attended for similar reasons, according to COSATU conveners. Discussion on action was always postponed with the hope that

there would be greater co-operation from NACTU. This explains why a concrete programme of action was not widely discussed until COSATU's 3rd

tions of employment at least as favourable as the central enterprise).

- labour brokers and third party employment agencies should be abolished.
- no discrimination of any kind on basis of race, sex or creed (note section 1 of the LRA where this is subject to wage regulating measures).
- 4. Scrapping of all sections of labour legislation that undermine our endeavours to establish a democratic trade union movement free from racism and minority union rights.**
- registration should not recognise race as an industrial interest.
- employers must extend sole collective bargaining rights to unions with majority membership.
- the principle of proportional representation must apply to unions at NIC level.
- no minority racial unions should be recognised in any way.
- 5. The entrenchment of the right to strike, to engage in sympathy strikes and the right to picket.**
- all workers must have the right to strike after an agreed, fair and simple dispute procedure has been followed.
- there should be no dismissals if an agreed procedure has been followed.
- the following provisions in the LRA should be scrapped:
 - (a) Sec 1 (L) (m) - intermittent strikes;
 - (b) Sec 1 (L) (l) - sympathy strikes;
 - (c) Sec 1 (L) (n) - illegal strikes, boycotts;
 - (d) Sec 27(a) and 35(3)(d) - time limits;
 - (e) Sec 79(2) - liability
- all strikes should have the right to picket and to persuade workers not to work and to join a strike.
- 6. General**
- the codification of ulp's should be scrapped in favour of case law to determine ulp's;
- to union's wish to get employers views on joint appointments and removal to the Industrial Court;
- the current appeals procedure should be reviewed and substantially amended;
- the provisions of sec (17(11)(a) and sec 43 should be merged and appeals subjected to stringent time constraints. (Also sec 43(4)(b) should be scrapped in favour of evidence on papers.)



National Congress in July 1989.

COSATU came to the 2nd Summit with its Congress mandate to commence protest action on 1 September, followed by a 2-day stayaway linked to the racist elections and sustained action in the form of a national overtime ban. NACTU on the other hand proposed a week-long stayaway from 11 September, a proposal which COSATU felt was unrealistic, particularly one week after the elections when workers would definitely be tak-

ing action.

Debate was severely constrained by the presence of over 200 armed police who were closely monitoring the entire proceedings. Discussion took place in sectors and amongst office-bearers and it was almost impossible to reach broad consensus about the exact form of action. In addition NACTU's participation was marred by internal divisions, the exact cause of which remains unclear. Although the planned action was only a week later, delegates left the summit not knowing exactly what to report back. Agreement was reached however on an overtime ban and consumer boycott.

The campaign co-ordinating committee commented on the results.

Results of ballot against the LRAA

Union	Votes for action	Votes against action	Spoilt papers
PPWAWU	23 328	497	232
SAMWU	11 511	238	-
CWIU	13 553	413	140
SARHWU	19 314	27	46
TGWU	18 796	361	58
NEHAWU	3 338	-	-
NUM	78 213	783	122
NUMSA	130 438	2 284	1 003
OVGWU	7 114	18	39
CAWU	14 000	-	-
GAWU	38 320	-	-
(before merger with ACTWUSA)			
TOTAL	357 925	4 621	1 640

(these were the results submitted to the summit; all of these unions reported that these were not complete figures and that the respective head offices were still collecting results. OVGWU was the only unaffiliated union to produce results, and none of the NACTU unions produced results.)

Vote Against The LRA

THE Labour Relations Amendment Act takes away the basic rights of workers. COSATU and unions in all industries have decided to take action against this new law. In each factory, there will be a ballot taken so workers will decide on whether they will taken action or not. Only strong, united action by all workers will force this government to change this law. We urge all workers to vote against the LRA!

Balloting will begin in the Garment industry this week. Ask your shop steward for details.

Taking into account that the decision of the first summit was made by 40 unions representing about 1,5 million workers, these results were not as good as could be expected. The committee pointed to a number of possible reasons for this:

- employers, especially mine bosses, blocked the ballots;
- some unions were not organisationally ready for a national ballot;
- some unions did not give sufficient priority to the anti-LRAA campaign;
- workers' consciousness about the LRAA was not as high as it should be;
- co-ordination of the LRAA campaign was not strong enough within and between the different federations; for example, bigger unions could have helped smaller unions.

To sum up, the committee observed that the ballot was a test of the democratic union movement's organisational strength. While it indicated that a lot of work needs to be done,

the ballot did form an important part of the campaign to mobilise and register workers' anger about the LRAA.

Anti- LRAA campaign and the elections

The central points of difference in the following days was whether initial action should co-incide with the elections, and later, whether COSATU would lend support for a stay-away call on 12 September, Biko Day. The question of Biko Day never formed part of the summit discussions and in fact was only raised by NACTU in subsequent meetings about the 5 and 6 September. These differences were never entirely resolved, resulting in confusion on 5 September and insignificant action on 12 September (See LMG report in this edition).

COSATU leadership holds that it was fully mandated by the July congress, and has no doubts about the importance of linking the anti-LRAA campaign to the election of a minority regime which has consistently attacked the working class. On the other hand, the grounds for NACTU's objections to the 5th and 6th of September were not entirely clear.

Some people in NACTU have argued that the anti-LRAA campaign is a working class campaign that the elections are a non-issue, and should not be linked. However, their weak participation after the 1st summit, and the absence of any NACTU ballot results amongst the 357 925 submitted to the 2nd summit, do not suggest that the campaign has been taken seriously

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within their own structures.

The crucial question at this stage is not whether or not workers should link the LRAA to their inability to vote and influence laws, but whether they have been mobilised and whether they have the or-

ganised strength to sustain programmatic action against the Act.

It is generally agreed that the efforts toward unity are crucial and deserve energy and resources. One of the most hopeful resolutions of the 2nd summit called for urgent unity talks which should be the focus of a 3rd summit. The extent to which action can be sustained over the next few months will be an important test of how much still has to be done.

Organisers and workers from a number of unions have observed that the campaign is only now becoming a real struggle for workers. According to NUMSA's Tony Ruiters, "Last year we talked and talked, but it was really abstract to workers. This year workers have experienced the effects of the amendments. The more the bosses and the state use them and the

SMASH THE LRAA



UWC HALL

TUES, 22 AUG, 6.00 PM

VIVA COSATU

Stayaways have been strengthened by the involvement of the broader MDM in the campaign against the LRA

more we resist, the more the campaign means to workers".

Another organiser added to this view: "Yes, we believe the campaign should be linked to a defiance of all apartheid laws. If you are well organised and able to make the act un-

workable, the point is not whether to link it to this or that. Workers in sectors excluded from the act understand this, which is why, in spite of enormous problems they managed to ballot and are committed to action."

Long-term effects of the LRAA

The amendments strike a blow at the core of what are regarded as fundamental worker and trade union rights throughout the world. The union movement is aware that it is protecting the very existence of democratic trade unionism. This was

pointed out in the "Outline of principles on the LRA" presented to employers in June 1989 by COSATU, NACTU and the unaffiliated unions. Acceptance of these principles has formed the basis of negotiations from the beginning.

At present one can detect a hardening of attitudes on both sides. While management feels freer to dismiss and is less committed to fair practices and collective bargaining than to threats of legal action, workers have fought back at a number of levels.

Employers and the state are the enemy more than ever before. The industrial court has clearly retreated from its previous neutrality and there is very little incentive for workers to use the law. Workers state blandly that there is no point in complying with the provisions and have even suggested at times that their unions should de-register.

Union structures are in a difficult position. On the one hand there is determination to make the act unworkable and maintain grassroots militancy. On the other the union has to protect its membership and its resources against this total onslaught.

Statistics above indicate that the amendments have not broken the back of the union movement in the short term, but unionists are not over-confident. If resistance to the LRAA is not successful and employers and the state remain committed to the present provisions this could change in the long-term. If unions are forced to retreat into legalism and policing of their membership this would destroy

the internal democracy that has produced militant worker leadership over the last decade.

But the state has underestimated the level of experience and organisation within the labour movement. Resistance to the Act is not likely to stop. Daily workers are becoming more militant about the amendments and more determined to make the law unworkable. Creative responses maintain the basic level of organisation: the democratic trade union movement continues to grow and make significant advances. The extent to which the movement can maintain the upper hand in the long term depends on a range of factors. ☆

Fired IC head attacks LRAA

The president of the Industrial Court for the past four years, Mr Daan Ehlers, has been told that his contract was not renewed because of age. He turns 65 next year. He was known for the 'often enlightened' judgements made during his tenure.

In an interview with the *Sunday Star* (8/10/89), he lashed out at the 'hasty' pushing through of the amendments to the LRA. He said the aim of the Act and the Court was to strive towards labour peace and not confrontation.

The amendment and greater control of Manpower over the court has changed this. He said official interference with the Industrial Court's independence and year-long backlogs in cases, were promoting strikes and lock-outs as the courts became less of an option. ☆

Dockworkers struggle

This article is about the struggles of members of the Transport and General Workers' Union (TGWU) over the past five years to protect themselves from lead, the problems they encountered, and the successes they achieved.

They work as stevedores loading lead concentrate from train and into storage bins in a shed. When a cargo ship comes into port they load the lead onto tractor trailers and transport it to the holds.

The lead has been partly refined, and is dried out because it has to have a low moisture content or else there is a danger of the cargo ship capsizing at sea. So the lead is dry and dusty. There is lead dust everywhere at the workplace.

The stevedores were worried that the lead was harming their health, and approached management to solve the problem. Blood samples were taken from the stevedores and analysed by the laboratories of the mines which supply the lead.

The mine laboratories assured the stevedores that the amount of lead levels in their blood was acceptable, even though they were up to three times the normal amount. The stevedore management issued the workers with masks to protect them from the dust, but admitted that the masks are ineffective against the high levels of dust.

At this stage (July 1984) the union asked the Industrial Health Research Group to investigate the problem.

Investigating the problem

We met with the stevedores, then inspected the workplace while they were off-loading trains. The workplace was badly polluted with bad dust. To find out how bad it was, we did eight measurements of the lead in

The dangers of lead exposure have been known for hundreds of years. In 1786 Benjamin Franklin expressed concern that for over 60 years this 'useful truth' had not been 'generally received and practised on'. Over two hundred years later, this is still the case in South Africa.

We still don't have a regulation governing exposure to lead, despite the terrible conditions reported in the 1976 Erasmus Commission of Enquiry into Occupational Health. The Commission revealed that when 3745 lead workers in 60 different factories were tested, it was found that they had such high levels of lead in the blood that nearly half of them would be taken off work if Swedish standards were applied.

The levels of lead in air in the factories were up to 73 times

against lead poisoning

the air using samplers worn by workers. We found that all the levels were much higher than the limit of 150 micrograms of lead per cubic meter of air accepted in the USA. The levels we found ranged from twice to 69 times the US limit.

The next thing to find out was whether the lead was getting into the workers' bodies. There are many blood tests to test how much lead is being absorbed by the body. The most common test is the blood lead level.

as high as the maximum allowed in factories in the United States. In fact, the Commission said that 'exposure in the Republic is so high that, if the factories in which the investigations were carried out had been situated in the USA or Sweden, they would have had to close'. (Erasmus 1976). Sets of draft lead regulations have been published for comment, but these fall far short of the United States, Swedish and German legislation. After the first set of draft regulations was published, recommendations were made for improving them in order to give workers better protection. But there is not much sign of these recommendations being followed in the second draft. We have to wait for the final version before we can judge how effective they will be. ☆

Lead only stays in the blood for a short time, after which it is excreted from the body or stored in other parts of the body. So the



blood lead tests shows *recent* exposure to lead. Other tests are better at showing the exposure *over a longer time* and the total amount of lead stored in the body. We chose to do the zinc protoporphyrin (ZPP) level to look at this aspect. Both tests (blood lead level and ZPP) showed levels above the normal in the majority of workers.

Solving the problem

Solving the problem of lead exposure in this workplace was not an easy task. Our tests had shown that the workers were exposed to a real danger, and they needed protection. Together with the workers we discussed the usual ways to protect people from dust to see whether they could be used here, and how well they would work.

1. **Mechanisation.** Sometimes part of a job can be done by a machine in order to reduce the danger to workers.
2. **Substitution.** When we stop using a dangerous substance and use a safe substance instead, we call this substitution. Substitution would not work, because

the cargo itself is lead.

3. **Enclosure.** When a dangerous substance is handled by a few workers, or it only escapes from one source, then that area, process or machine can be enclosed to isolate the danger. The process could not be enclosed here. All the workers handle lead and it is found in every part of the workplace.
4. **Ventilation.** The best kind of ventilation is extraction ventilation, which sucks the dust into a hood right next to the source of dust. Extraction ventilation would not work here, because there are many sources of dust. The dust came from all over.
5. **Wetting the dust.** Wetting the dust means less dust. But wetting the dust was out of the question in this case as the lead has to be dry when it is loaded onto a ship, otherwise there is a danger of the ship capsizing.
6. **Personal protective equipment.** If the hazardous substance can be breathed in and it cannot be removed by ventilation, workers must be given effective protection against breathing the dust. This is not the best way to protect workers because there are problems with masks and respirators. They can be uncomfortable and cause skin problems and sweating. They can also leak and make it difficult to communicate with other workers and to see properly. As described above extraction

ventilation was not possible, so we discussed the different kinds of masks and respirators with the workers. They chose to try out airstream helmets. Airstream helmets blow a stream of fresh air over the face of the worker, so he/she does not breathe the dirty air. We tested the helmets to see how much dust got inside them while the stevedores were working. These tests showed that the helmets provided good protection. After they had tried them out, the workers decided to negotiate for them. We had a training session on how to use the helmets and three workers were trained to clean them and change the filters.

7. **Housekeeping.** A workplace which is contaminated by dust or chemicals from the work process must be cleaned regularly and carefully. Cleaning was a problem in this workplace, The workers used to clean up the lead which spilt on the floor with brooms and squeegees, but these made even more dust for the workers to breathe in. We recommended that they stop using brooms and squeegees and the union decided to negotiate for efficient vacuum cleaners to pick up the dust.
8. **Laundering.** Dangerous substances like lead dust can contaminate work clothes. Workers must not eat in dirty overalls and they must not take them home to be washed. The

stevedores decided to negotiate for a change of overalls before their lunch break.

9. **Washing facilities.** In workplaces where there are dangerous substances, it is especially important to have adequate washing facilities and time off for washing before tea and lunch breaks to prevent contamination of food. The stevedores decided to negotiate for an extra ten minutes a day to wash before breaks.
10. **Training.** Workers must know about any dangers of the substances they work with and ways to prevent damage to their health. They negotiated for time off for training.
11. **Maintenance and monitoring of problems.** After controls are introduced, they must be maintained and monitored, so that any problems are picked up quickly and sorted out. The stevedores decided to elect a safety representative to maintain the airstream helmets and keep a log of problems.
12. **Health monitoring.** Workers exposed to lead must be checked for health problems and must have blood tests done regularly to measure their exposure. The committee negotiated for six-monthly blood testing. They were dissatisfied with the service provided by the company doctor and negotiated for the tests to be done by a doctor of their choice. Two different

blood tests were used: the blood lead test (to show how much lead the workers get into their bodies over a few days) and the ZPP test (to show how much lead the workers store in their bodies after longer exposure).

Following up: did it work?

The union negotiated all these control measures successfully and they were all introduced within a year of the first survey. In the next 3½ years, the workers had five more blood tests to check whether they were being protected from the hazard of lead. We will now describe the results of these tests, and also what was happening in the workplace at the time.

The first problem we had in looking at the results was that there is a high turnover of stevedores. Although we took blood from 65 different workers during this period, only between 25 and 33 workers are employed there at any time. So we looked at the test results of the workers who had been there every time that tests were done. We found that there was a significant drop in the levels of blood lead and ZPP between the first test and the sixth test. But also we found that the levels went up suddenly in April 1987 before coming down again in September 1987. We think that this was because of problems in the workplace. **These were the problems:**

1. The airstream helmets began to give trouble. The workers complained that they were hot and uncomfortable to wear. It took a

few weeks for the suppliers to find out what caused the problem. They found a fault in the batteries for the fan that cleans the air flowing over the face. They fixed them, but by that time the workers were not happy about wearing the helmets. They only started to wear them again after they had another training session.

2. The amount of lead handled by the port doubled towards the end of 1986 and in 1987. This meant that the stevedores were exposed to more dust during this time.
3. A cargo of lead arrived that was too wet, so it was rejected by the ships. It was left to dry out on the floor of the shed for three months, so there was more dust and also the workers could not clean the floor during this time.
4. The washing machine broke down, and was only repaired months later, so the overalls had to be washed by hand. This meant that workers could not change their overalls twice a day and they had to eat in dirty clothes.

We think that these four events explain why the blood lead levels went up in April 1987. By the next time the bloods were taken, the helmets were working again and the lead was no longer stored on the shed floor. So the blood lead levels dropped again to a lower level. The ZPP levels dropped throughout the time of the study, except for a slight rise in April 1987, for the same reasons.

What can we learn from this study?

Firstly, we can see that not everyone agrees about what is unhealthy. There are also differences between countries in the blood lead levels that they consider safe. The draft regulation in this country would allow workers to have blood lead levels of 80 before they have to be taken away from working with lead. In the United States workers are taken off lead jobs when their blood levels reach 50.

Secondly, workers must be involved in the programme to control the dangers if the programme is going to work. The masks and respirators provided by management didn't work properly. Respirators must be tested in the workplace for efficiency and comfort before a final choice is made. **Thirdly**, health problems in the workplace often do not have just one simple solution. In this workplace, many different controls had to be introduced to solve the problem effectively.

Fourthly, negotiating controls is not the end of the problem. Even in this workplace, where the union negotiated a whole programme of control, there were problems later. It is important to have a system of monitoring and maintenance to make sure that the controls continue to work.

Lastly, it is important to have ongoing training to inform new workers and to remind old workers of their rights, the dangers of their work and the way those dangers can be controlled. ☆

Towards a wage policy in the mining industry

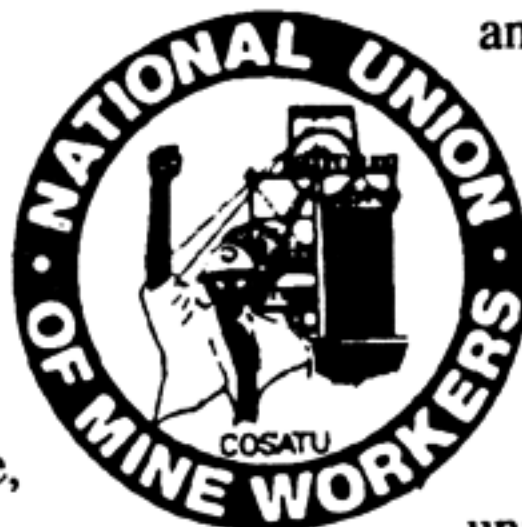
The National Union of Mineworkers has developed a wage policy to guide its bargaining strategy. The wage policy sets goals for the next three years. MARTIN NICOL, of the NUM Collective Bargaining Department explains the policy and the aim behind it.

Mineworkers as a group are amongst the most brutally exploited of Southern Africa's workers. Over the last hundred years their labour has produced enormous mineral wealth. The rest of the economy has grown from this base. More than 50 000 workers have died in rockfalls and accidents in the mines. Millions of workers and their families have been torn apart by the ravages of the migrant labour system.

The National Union of Mineworkers (NUM) was formed in 1982 and has scored many resounding victories for mineworkers in the six brief years of its existence. The right to strike, protection against unfair dis-

missal and discriminatory treatment, the end of racist assaults on workers and improved benefits have all reduced the heavy burden of oppression. The union has negotiated a provident fund which provides a resource for workers when they retire or leave their jobs. Income and job security is improved for injured workers. Most of all, NUM has given mineworkers a focus for building organisation and developing worker-controlled structures to shape their own lives.

But there is one area in which progress has been slow and inadequate. That area is wages. The basic aim of the union is to raise the wages of



all mineworkers, but especially the lower paid. The wage policy adopted at the sixth national congress of the NUM in April 1989 has given this aim a new direction.

What is a wage policy?

The union wage policy is a set of demands which give a concrete form to workers' aspirations. The wage policy seeks to establish clear and acceptable guidelines for determining different wages, so that there are no enormous gaps between wages. The wage levels must make sense, eg. a surface labourer must not get more than an underground worker.

Instead of just bargaining from year to year, the wage policy gives a clear indication of where we want to go over the next three years. Thus the wage policy will guide our negotiating strategy from year to year. It sets the objectives for a nationally agreed wage structure in the mining industry and provides a common platform for all mines and companies.

The first step is to apply the wage policy in the Chamber of Mines negotiations for gold and coal workers. This is the most highly centralised forum for collective bargaining in South Africa and agreements reached here directly affect the wages of some 500 000 workers. The wages of some 200 000 other mineworkers are indirectly affected by these negotiations.

The NUM wage policy will guide the union until the 1991 National Congress. The policy says, in part:

1. The mining industry must make

progress towards paying a living wage to all mineworkers by 1991 (that is in three years).

2. The union must negotiate a **national minimum wage** for all mineworkers at all mines.

3. All workers must receive a good wage increase even if they are already paid above the minimum in their grade.

4. The gaps between the job grades must be narrowed by raising up the wages of the lower grades.

5. Underground workers must be paid more than surface workers in each grade.

6. Wage demands must be set in money terms and not in percentages.

How did the NUM wage policy come about?

In 1988 there was a Conditions of Employment Workshop for worker leaders from the different regions of the union. This gathering took a critical look at the aims and achievements of the union in the area of conditions of employment and decided to promote the idea of a new wage policy. The discussions at the workshop were summarised and used as the basis for follow-up workshops in the regions.

The starting point of the discussions was the poverty wage policy of the mining houses. The mining houses are united in the Chamber of Mines which ensures that all wages are kept at a low level. But each mining house has its own 'wage philosophy' which leads to different basic wages in each of the various job grades. For

example, Anglo American has the highest minimum wage, but the highest grade 8 wage is set by Genmin. In 1988, the wage gap between workers doing the same job varied from R40 to R100 per month depending on which mining house employed them. At the workshops workers agreed the union should aim to close these gaps so that there is one basic wage for each job grade in the mining industry.

All the workshops rejected the past practice of demanding wage increases in percentage terms. The new wage policy, debated and agreed upon at the national congress, is based on rand amounts and a national minimum wage scale.

Down with percentages!

For many years the NUM has put forward its wage demands in percentage terms. In 1988, the demand was for 40% at all the mines.

What does 40% mean? Let's take an example. Last year, these were the minimum wages for grade 1 underground at Anglo, Gold Fields and Genmin gold mines:

<i>Gold Fields</i>	<i>R307</i>
<i>Genmin</i>	<i>R350</i>
<i>Anglo</i>	<i>R385</i>

A 40% increase means the following rand increases:

<i>Gold Fields</i>	<i>R123</i>
<i>Genmin</i>	<i>R140</i>
<i>Anglo</i>	<i>R154</i>

and these new minimums:

<i>Gold Fields</i>	<i>R430</i>
<i>Genmin</i>	<i>R490</i>
<i>Anglo</i>	<i>R539</i>

The same percentage increase means different rand increases although all the workers do the same work.

The same percentage increase means that the higher paid Anglo workers get a bigger increase than the lower paid Gold Fields and Genmin workers. This widens the wage gap between the mining houses. Before the increase above, the gap between Anglo and Gold Fields was R78 - after the increase it has widened to R109!

If this tradition of negotiating percentage increases continued, the wage gap would widen more every year. Already, the practice has created unacceptable anomalies in the wage structure of the mining industry. A worker's wage is not determined by the work he does, or where his mine is located - it depends on which of the mining houses administers the mine.

In any event, it became clear in the workshops that many workers find percentages confusing and misleading. They are not sure what a 40% increase means. They may think it is a 40 cents increase or a 40 rand increase. Often, they think it is a big amount and then are disappointed when they get only a few rands increase.

The new wage policy

The union decided to solve this problem by demanding wages in rand terms in 1989, based on a national minimum wage scale which sets the minimum wage for surface workers and underground workers in each of

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the eight job grades.

The national minimum wage scale was drawn up to take account of three factors:

1. The anomalies that exist now in the wage scales of the mining houses. The union proposal is for regular 'steps' between one grade and the next. This is the proper way of applying the Paterson job grading system that the mines claim to use. At present, the steps are not regular.
2. Inflation.
3. Movement towards a living wage.

For example, this year the union demanded a minimum wage of R600 per month for Grade 1 underground was R600 per month in all mines. This demand would mean that each mining house would have to pay a different increase. The lower paying mines have to give a bigger increase to catch up with the higher-paying mines.

The union demand was divided into three sums: a sum to lend the anomalies between the wages of different companies; a sum to keep pace

with inflation; and a living wage increase.

The increases for anomalies remove the present gaps between the mining houses and bring the minimum wages of all mining houses onto a unified 'wage curve' (ie the steps between each grade should be similar). The inflation increase is needed to preserve the buying power of the wage against inflation. The living wage increase is needed to move the wage towards a living wage.

The union demanded a living wage of R137 for grade one. For the higher grades, the union demanded a smaller living wage increase. This is because the union aimed to **narrow the wage differential** between the top and bottom of the wage scales.

Demanding the same national minimum wage scale means demanding different wage increases at the different mining houses so as to bring them all to the same level. The wage increases need to be different in both rand and percentage terms to achieve this goal.

The Chamber of Mines found this

NUM's National minimum wage scale

	1988 mini- mum	Anom- -alies	Plus demanded amounts:			MINIMUM DEMANDED
			Inflation	Living wage incr.	Total increase	
Anglo	R385	R16	R62	R137	R215	R600
Gold Fields	R307	R94	R62	R137	R293	R600
Genmin	R350	R51	R62	R137	R250	R600

very hard to understand.

The response of the Chamber

The Chamber refused to accept that it was reasonable or desirable for the industry to negotiate a national wage scale for all the mining houses. Initially they refused to negotiate in rand terms at all, offering a laughable 11% increase on minimum wages.

It took many hours of discussions before they agreed to make offers in rand terms - but then they could only agree to offer the same rand increases for each grade. This was some improvement, but it would mean that the gap between the mining house wage scales would stay the same. The union wants to narrow and eliminate the gap, and the union negotiators asked how the Chamber proposed to do this.

The Chamber was outraged that on top of the increase it offered, the union should ask for an increase to

correct the differences between the wages of the different mining houses. In essence, the individual mining houses want to keep their own wage scales and do not want to be dictated to by the Chamber of Mines on the wages they should pay. This is a battle that will be fought by the union in future years.

The negotiations were then complicated by a split in the mining houses. Anglo, Genmin, JCI and Rand Mines coal continued to offer the same rand increases for each grade. Gold Fields, Rand Mines gold and Lonrho shifted to offering percentage increases again.

The union could not allow the ideal of wage equality to threaten its main goal of improving the relative position of the lower-paid workers. So an amended split offer was eventually accepted by the union - which meant that workers on Anglo, Genmin, JCI gold and Rand Mines coal got higher increases than workers on Gold Fields, Rand Mines gold and Lonrho.

One of the main arguments of the Chamber is that fringe benefits, such as free food, transport, sports facilities and accommodation, should be included as part of the wage. The Chamber said this is worth R210 per month for each worker. The union disagrees. As mines are far from workers' homes, the mine has to provide food and accommodation. This is a cost of operating a business in a remote place and maintaining a migrants labour system, it is not a benefit for workers that can be added onto their cash wage. Workers still have to maintain a second household at their family homes, they cannot share the roof over their head or their food at the mine with their family. The union rejects the idea that "payments in kind" have anything to do with wages. They do not play a part in the wage policy.

The settlement

Wage negotiations took place at an unfavourable time for the union. The gold price fell significantly and with it the prospects for increased profits in the industry.

For grade 1 underground, the rand increases varied from R45 (16,1% at Gold Fields Coal) to R70 (18,2% Anglo Gold; 20,2% Genmin Gold).

The wage gap at grade 1 stayed the same between Anglo and Genmin instead of increasing, as it would have if the increase was in percentage terms. The gap is still R35. This is an important gain for the wage policy. Before the gap can narrow, it has to stop growing! But if one compares all the mining houses (not just Anglo and Genmin) the wage gap grew from R78 to R99 at the grade 1 level. The Gold Fields minimum still needs to rise by 28% to reach the Anglo level. There is no economic reason for Gold Fields to pay lower wages. In fact, Gold Fields mines are the most profitable of all.

The minimum underground wages for the three main mining houses in gold are now:

<i>Gold Fields</i>	<i>R356</i>
<i>Genmin</i>	<i>R420</i>
<i>Anglo</i>	<i>R455</i>

Overall, the wage increases in percentage terms varied from 12,8% (Genmin Coal Grade 8 surface) to 21,5% (Genmin Coal Grade 1 surface).

In the majority of cases, wage categories 1 to 4 (where 85% of workers are concentrated) showed percentage increases in excess of 15,5%, the official July 1989 inflation rate.

The 1989 wage negotiations have set a firm foundation for the new wage policy. The union will build on it in the negotiations up to 1991. One of the most important 'spin-offs' of developing the wage policy has been an increased awareness in the union of the different aspects of wages and how the union needs to develop a clear position on each of them. For example, how big should the differential be between underground and surface workers? Should it be a percentage of the basic wage (meaning more for higher paid workers) or the same rand amount for all - because all face the same dangers?

How much should mineworkers get paid?

The wage ladder (see next page) shows where black mineworkers fit into the industrial wage picture in South Africa. The wages indicated are minimum basic rates for general workers. The average wage shown is the average for general workers (Paterson A1 band) in the March 1989 P-E Corporate Services wage survey.

The wage level the NUM achieved in 1989 is below what was demanded, but the demand for a R600 minimum for underground workers is well within the range of wages currently paid in manufacturing industry.

As can be seen in the graph on page 74, mining unions worldwide have secured wages for their members that are better than in manufacturing industry. This is because people recognise that the dangerous, unpleasant

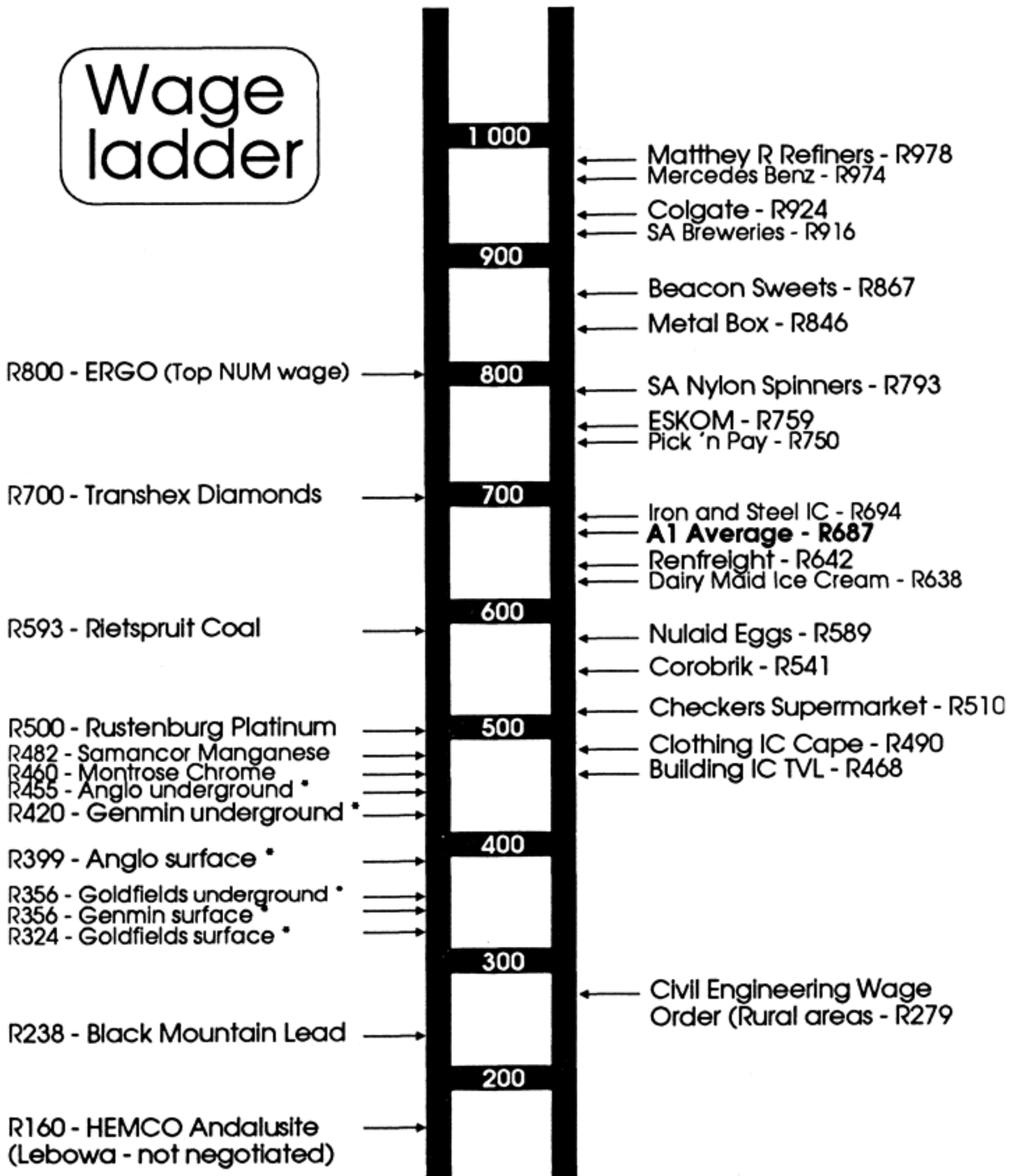
Wages in mining are low compared to other industries

Mining

Monthly wages (Rands)

Manufacturing

**Wage
ladder**



* Chamber of Mines Gold negotiated

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and strenuous nature of the work in mining deserves financial compensation. It is like danger pay.

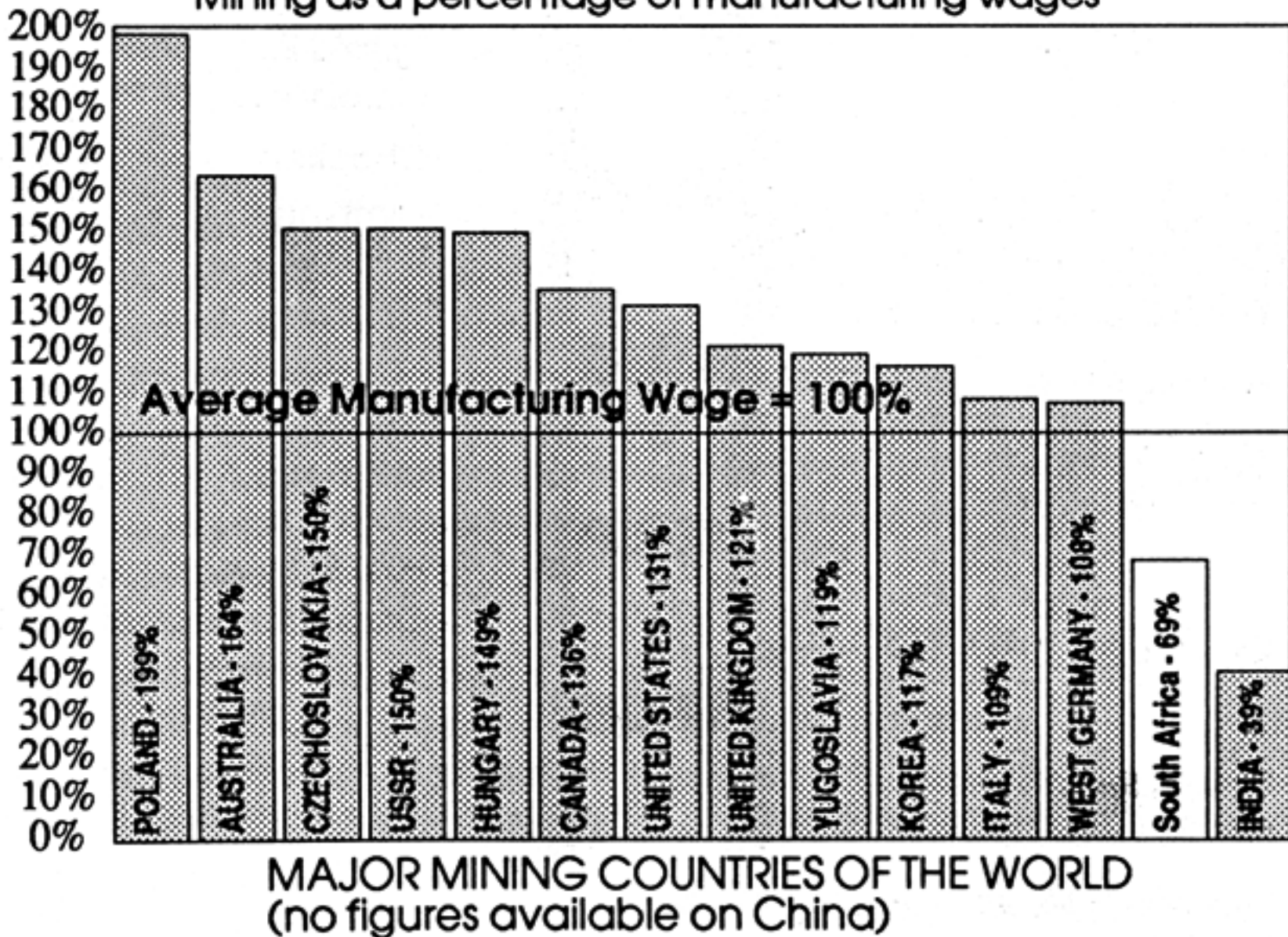
The white miners' unions in South Africa are no exception. The average wage for whites in mining is higher than in any other sector of the economy. But the average wage for black workers in mining is only about 80% of the average wage for black workers in manufacturing. If we follow the lead of the major mining countries of the world, a R600 minimum in mining is too low. According to the International Miners Charter: "Wage rates for underground workers should be better than wage rates in any other industries." This would suggest a goal

of R800 or R1000 as a minimum wage for mineworkers in South Africa.

Can the mining industry afford to pay such wages? Many mines can without difficulty. But the Chamber of Mines uses the excuse of "marginal mines" to keep all wages low. These marginal mines produce gold at a high cost - either because they are old or because there is very little gold in the rock. The mining houses use the centralised bargaining system of the Chamber of Mines to keep wages equally low on all mines, even the most profitable. This allows the "marginal mines" to stay in production - and it allows extra-large profits on the other mines.

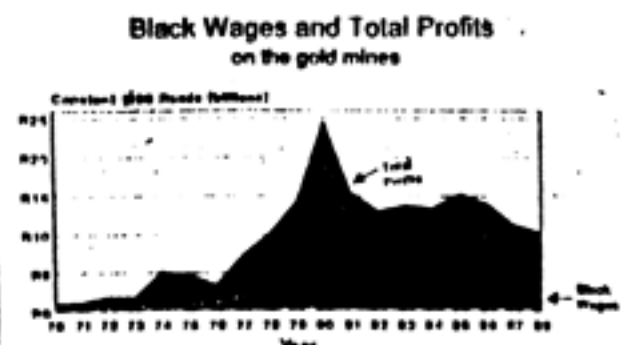
Miners are usually paid the best

Mining as a percentage of manufacturing wages



The mining industry as a whole remains vastly profitable. For the gold mines this is illustrated in the advertisement placed by NUM during the wage negotiations with the Chamber.

THE MINING INDUSTRY CAN PAY A LIVING WAGE



Last year alone, the gold mines made a total profit of R7,0 billion.

The cost of the NUM's wage demand for 1989 is only R1,3 billion.

Our wage demand is for a national minimum wage of R600 per month for underground workers.

For surface workers we want a minimum of R543 per month.

The miners produce the wealth of South Africa. We do a dangerous job. We deserve a living wage.

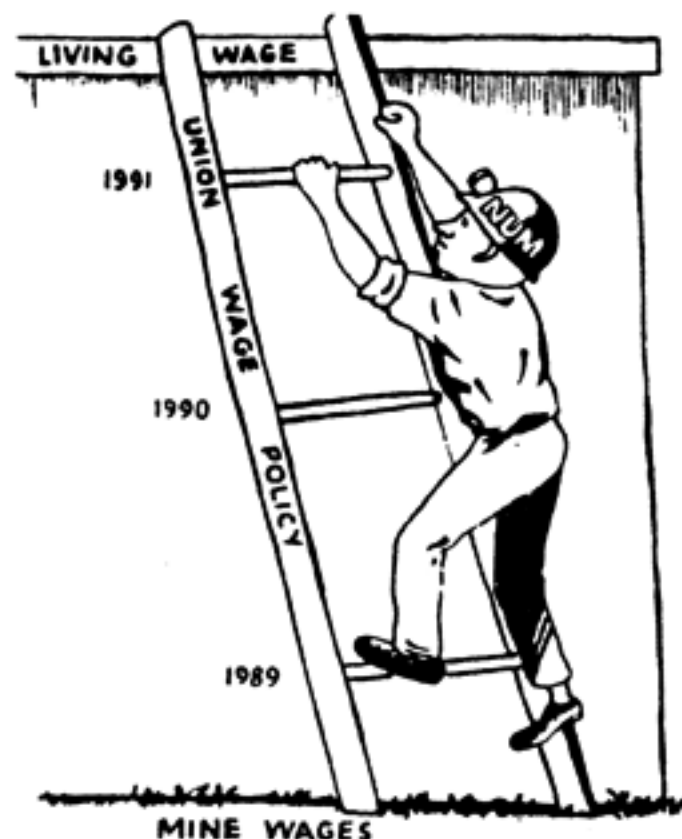
MINeworkers DEMAND A NATIONAL MINIMUM WAGE

The NUM wage policy specifies a national wage scale for all mines, rich and poor. NUM does not want "mine-level bargaining" to win decent wages only for the wealthy mines. The union believes in a system of cross subsidisation, whereby the wealthy mines support the marginal mines. For more than fifty years the tax laws have in fact subsidised the marginal mines. But in 1989, the government adopted the suggestion of the Chamber of Mines and the Marais Commission to decrease the profitability of mining marginal ore. Marginal mines now

pay more tax than before, and the wealthy mines pay less.

The union believes that its wage policy should be extended beyond the Chamber gold and coal mines to cover every mine worker. This will require that every mineworker must be paid for the job he performs, irrespective of where the mine is, the company that controls the mine or the mineral produced. If this principle is applied, and the Chamber's "lowest common denominator" wage structure is rejected, it will be necessary to change the tax system (subsidise the wage bill on marginal poorer mines) New laws on minimum wages would also be necessary.

But let's take it a step at a time. A R600 minimum for underground mine-workers, as specified in the wage policy, is an attainable goal. "The people shall share in the country's wealth" says the Freedom Charter. The new wage policy of the NUM charts some of the way for mineworkers to receive a fair share of the wealth they create. ☆



The struggle for industrial councils

The demand for the right to bargain in industrial councils, rather than at plant level, has become a major issue. Unions are struggling to create or strengthen industrial councils, while the state and many employers are seeking to undermine or destroy them. Marcus Toerien of the INDUSTRIAL AID SOCIETY analyses this battle.

Several unions, particularly COSATU affiliates, have taken seriously the task of transforming industrial councils and making them more responsive to the needs of their members.

Numsa

The success of NUMSA, COSATU's metal affiliate, is the best known. After six years of struggle, NUMSA has established itself as the majority union in the National Industrial Council for the Iron, Steel, Engineering and Metallurgical Industry (NICISEMI). The NICISEMI is currently under attack from some employers and the state. NUMSA

general secretary Moses Mayekiso told delegates to the union's 1989 congress that the state was determined to destroy the NICISEMI because NUMSA had succeeded in developing the industrial council into a powerful weapon of struggle. However, NUMSA's powerful position in the council has thwarted this attack. The council has held together despite the withdrawal of Barlow Rand subsidiaries from the employers' organisation, SEIFSA. Barlow Rand is the largest employer in the industry.

The state's attitude to the council became clear in 1988, when the Minister of Manpower refused to gazette the Main Agreement, ostensibly because he objected to the agreement on



June 16 and May Day. Only the threat of joint court action by the parties ensured the minister backed

down (he still gazetted it without the 'peoples' holidays' clause). NUMSA and the employers' organisation SEIFSA had also reached agreement that the wage increase would be back-dated, and the Minister refused to make this binding on non-parties.

In the auto manufacturing sector NUMSA has succeeded in committing employers to bargaining in a single forum. Union members had staged demonstrations and work-stoppages at auto manufacturing plants country-wide to pressurise members of the National Association of Automobile Manufacturers of South Africa (NAAMSA) to negotiate uniform wages and conditions for NUMSA's 46 000 members in the industry. NUMSA's strategy was to use its base in the P.E./Uitenhage auto manufacturing industrial council and draw in other employers. NUMSA aims at retaining the right to negotiate local issues at plant level - for example, the agreement between Mercedes and NUMSA committing the company to observe the 14-point IG Metall Code.

Whether this forum will eventually become a national industrial council remains to be seen. This may well have to be the case if both NUMSA and other employers wish to see Delta bound by the new wages and conditions. Delta is presently the only auto

manufacturer not covered by the agreement. NUMSA's Les Kettledas commented that the agreement reached in this forum eliminated differences in benefits packages, and laid the basis for more uniform employment conditions within the sector.

NUMSA has achieved similar success in the tyre manufacturing sector, also by extending the E.Cape industrial council nationally (see *Labour Bulletin* 14.3).

In the motor components and garage sector NUMSA has deadlocked with the employers organisations over wage demands. Negotiations take place in the National Industrial Council for the Motor Industry (NICMI). NUMSA inherited this sector largely from the old MICWU. Although it accounts for some 40 000 of NUMSA's membership it is relatively weakly organised compared to other sectors in the union. But NUMSA has built a national shop stewards' council in the industry as the first step on the road to transforming the council [see below for more recent developments].

PPWAWU

The Paper, Printing, Wood and Allied Workers' Union (PPWAWU) seems to have changed its attitude toward industrial councils. In 1984 PPWAWU joined the pulp and paper industrial council, but withdrew in 1985 because of its undemocratic nature. Although the union had majority membership in the industry, the council continued to be dominated by white craft unions such as the AEU



and the Boilermakers. As a result of the union's withdrawal, the council collapsed.

PPWAWU has recently tried to gain access to printing and furniture industrial councils. The union's application for membership of the National Industrial Council for the Printing and Newspaper Industry (NICPNI) met with no response. After this the employer body on the council, the South African Printing and Allied Industries Federation (SAPAIF) took a decision to withdraw from the industrial council. PPWAWU has declared a dispute with SAPAIF, claiming the employers' move is an attempt to prevent the union entering the council and representing its 5 000 members in the industry (out of a total workforce of 50 000).

Once again, the hand of Barlow Rand is visible through Nampak, the largest member of SAPAIF. Despite SAPAIF's denials, it is clear employers do not relish the prospect of a militant union entering the council, long the domain of the moribund South African Typographical Union (SATU) (see document on pp 87-91).

PPWAWU's push for industry-level bargaining has also suffered a setback in the furniture industry. Earlier this year the industrial court declined to rule in favour of the union's application to be admitted to two regional furniture industrial councils.

HARWU

In the hotel trade, HARWU suffered a setback recently with the collapse of the industrial council covering the Witwatersrand and Vereeniging areas. Employers followed a similar strategy to those in the printing industrial council - they withdrew from the employers' organisation. This follows the series of militant wage strikes staged by the union in the Karos and Southern Sun groups.

SACTWU

In the clothing industry, the demand for the establishment of a single national industrial council for the clothing industry, will gain momentum with the merger of GAWU and ACTWUSA into SACTWU.

The merger will also strengthen the new union's position in the national textile industrial council. ACTWUSA forced the council to agree to union participation in deciding on applications for exemption from the industry agreement. ACTWUSA has already secured a seat on the leather industrial council in a landmark ruling in the industrial court. This is especially important since the National Union of Leather Workers, the union party to the national leather industrial council,



will remain outside of SACTWU.

ACTWUSA had also succeeded in substantially reshaping the Cape cotton textile industrial council - covering some 5 000 workers - despite the withdrawal of Barlow Rand's Berg River Textiles from the employer organisation. The union was able to secure an effective closed-shop. The agreement ensures that, in the event of a dispute, the union will be able to draw all its members in the industry into industrial action, not only those at the affected company. This agreement, however, has not been gazetted by the minister.

TGWU

In the security and contract cleaning industries the initial employer enthusiasm for establishing industrial councils appears to have been dampened. High labour turnover in these industries has also hampered the efforts of the Transport & General Workers' Union to stabilise membership and prove that it is representative.



In the Witwatersrand goods transport council TGWU's efforts to extend the agreement to the rest of the industry are being blocked by the other union parties who fear their influence would be diminished in a national council. Current merger talks between TGWU and the Zakhani Transport & Allied Workers' Union and the Transport and

Allied Workers Union may strengthen TGWU's hand.

MEWUSA

The merger of NACTU's EAWTUSA and BEEWU into MEWUSA will strengthen the union's presence in the three regional councils in the electrical contracting industry. As this is a relatively small sector, the union hopes to consolidate a single national council for the industry.



Workers demand increased regulation

The intensified struggle by unions to strengthen or establish industrial councils is a response to two factors :

1 Deregulation

Both employers and the state are pushing for deregulation of large sectors of the economy. Deregulation is the removal of legislation which guarantees workers basic minimum wages, benefits and working conditions. This has been done mainly through industrial councils and, where no industrial councils exist, determinations of the Wage Board.

Employers and the state argue that by deregulating they can create more jobs and free the economy from restrictive practices. But unions suspect that what they really hope to do is lower costs by paying lower wages. Deregulation will enable employers to

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pay different wages in different parts of the country, and to pay lower wages in smaller or more weakly organised factories [see article by Alec Erwin in *Labour Bulletin*, 14.1].

Where several industrial councils exist in the same industry, bosses have used this to pay different wage rates to workers in different areas performing the same jobs. There are no less than 11 separate councils in the building industry. The clothing industry has separate councils for the W.Cape, Natal, OFS/N.Cape, Transvaal, and E.Cape. In the goods transport industry the council is confined to the Witwatersrand while the rest of the industry has wages and conditions regulated by a Wage Determination. This makes it very difficult for unions to negotiate uniform wages and conditions for the whole industry, and divides workers in the same industry.

In response the unions are seeking to establish or entrench national industrial bargaining, and thus secure uniform regulation of wages and conditions nationally. NUMSA organiser Gavin Hartford describes his unions progress as a struggle over regulation: "While the bosses are trying to deregulate industry, we are effectively extending regulation."

2 Growth in the size of unions

The struggle for industrial councils is also a consequence of the consolidation of COSATU affiliates into thirteen industrial unions, and similar initiatives by some NACTU affiliates and independent unions. The series of mergers has given rise to large, viable and militant industrial unions. They

now have the capacity to move beyond their base in specific factories and companies, and engage the employers in the battle over conditions and wages in whole sectors and industries. In this way they can also win the allegiance of workers who are currently unorganised.

The demands come at a time of increased control and centralisation by large corporations. The consolidation of the unions in their respective industrial sectors and in the large corporations has been accompanied by greater pressure from members to establish uniform wages, conditions and benefits.

This task has assumed even more urgency because unions cannot afford to devote a large proportion of resources and personnel to negotiating agreements at hundreds of different plants.

Different roads to industrial councils

Militant unions have found their way into industrial councils in different ways. While some unions have inherited participation in industrial councils, others have sought participation as a conscious strategy to organise their sectors. In the years following the Wiehahn reforms a fierce debate raged amongst academics and unionists over registration and participation on industrial councils. The unions viewed councils with scepticism and feared co-option into the statutory collective bargaining system.

FOSATU affiliates in the auto,

pulp, transport, metal and textile industries had initiated the first cautious moves toward bargaining at industrial council level. Several CUSA affiliates had already been party to councils for many years. Consolidation and expansion increased with the formation of COSATU and the series of mergers between unions that followed.

Thus ACTWUSA (the result of the merger between NUTW, TWIU and NUCW) was able to consolidate its presence in the national textile, Cape cotton textile and Transvaal clothing councils. Similarly, NUMSA gained a strong foothold in the national motor council by absorbing MICWU.

Employer and state reluctance

At the same time however, employers perceive the demand for industry-level/national bargaining - coupled with the Living Wage Campaign - as an attack on profit margins. Unions have generally succeeded in improving wages and conditions where they have been able to mobilise their membership at different plants in the same company or at several companies in the same industry around common demands.

Where militant unions have entered industrial councils, or succeeded in establishing them, they have been able to tilt the balance of power in their favour. This is particularly so in the iron and steel industry where NUMSA has made considerable gains since MAWU first entered the council.

Differences in attitudes on the side

of employers remain, however. The giant Barlow Rand corporation has emerged as the leading employer ideologue in the fight against national bargaining and regulation. Barlow's hand is clearly evident in moves to destroy industrial councils in the metal, textile and printing industries.

However, it appears that not all of SEIFSA is united behind the Barlow Rand position. At the 1989 Labour Law Conference, SEIFSA executive director Brian Angus argued for the retention of the council as a forum in which to regulate wages and conditions. There are thus employers who will continue to want the protection from under-cutting that statutory regulation affords them.

The state too is uncomfortable at the prospect of militant wage strikes being led by powerful industrial unions. It now wants to discourage unions from using industrial councils to mobilise workers. In the process the state seems bent on undoing its own system of statutory collective bargaining created by the Industrial Conciliation Act and its successor, the LRA.

There thus appears to be a growing consensus between the state and many key employers on the need to counter any moves toward national industrial bargaining regulation. Moreover, they are seeking to undermine - if not destroy - those industrial councils where militant unions have emerged as the dominant trade union party or are seeking to enter councils. In the process they have developed a wide range of tactics.

Some recent instances of these tactics are:

Industrial Council	Union	Employer Organisation
Wits & Vereeniging Liquor & Catering Wits & Pta	<i>HARWU</i>	<i>Fedhasa, Tvl.</i>
Chemical Mnfg Nat. Iron & Steel (NICISEMI)	<i>SACWU</i> <i>NUMSA</i>	<i>Tvl.Chem.Mnfrs.Ass.</i> <i>Barlow Rand (SEIFSA)</i>
Nat. Printing & Newspaper (NICPNI)	<i>PPWAWU</i>	<i>Nampak-Barlow Rand (SAPAIF)</i>
Cape Cotton Textile	<i>ACTWUSA</i>	<i>Berg River Textiles [Barlow Rand (CPTMA)]</i>

Employer strategies

A major component of the employer assault on industrial councils is for key employers to withdraw from the employers' organisation which is party to a council. Alternatively the entire employers' organisation withdraws from the industrial council. The first is aimed at weakening the representivity of the employer party. This gives credibility to the Minister's refusal to extend agreements to non-parties. In the second case the effect is the complete collapse of the council and termination of the industry agreement.

The examples clearly show that employers are targetting those councils with militant trade union parties.

Employer organisations have also resorted to tabling their own demands at wage talks - with no realistic prospect of reaching agreement - instead of merely responding to those tabled

by unions. Aimed at extracting concessions from unions, these demands clear the way for employers to declare disputes and lock-out workers in the event of a deadlock.

Unions thus face great employer pressure to 'toe the line', or face threats to the future existence of the council. For example, during this year's negotiations in the metal industry SEIFSA demanded exemption for small employers from the wage agreement and concessions on overtime. It takes no fertile imagination to realise the implications for unions if their members are not sufficiently mobilised.

In anticipation of demands for industry-level bargaining in sectors which are not regulated by industrial councils, employers are allowing their national organisations to collapse and be deregistered. This is a tactic to preempt union demands for establishing an industrial council.

The LRA requires that trade unions and employers' organisations be registered with the Department of Manpower before an industrial council can be formed. Unions are thus faced with the tough task of first persuading employers to establish organisations with which they can bargain.

This tactic has been used in the grain milling and dairy sectors. National employers' organisations in these sectors have been deregistered, effectively blocking FAWU from pushing for industrial councils. The consequences of this move are already being felt in the grain milling industry, a traditionally low paying sector. Wages are determined by a Wage Board. The 1989 revision increased the lowest wage by only R16.60 since the 1987 determination, an annual increase of just R8.80!

In another tactic to escape the jurisdiction of industrial councils, employers are increasingly relocating to bantustans and decentralised areas, spurred on by the state's generous subsidies. The Natal clothing and textile industry is a case in point. Whole new industrial townships have been created in Kwazulu (Isithebe and Ezakheni) consisting mainly of clothing and textile factories.

State manoeuvres

The state is resisting wider forms of bargaining both through its policy of deregulation and more subtle methods used by the Department of Manpower to hamper the functioning of industrial councils.

The Minister, after years of gazetting agreements concluded between unrepresentative unions and paternalistic employers, now finds reason to question the wage agreement reached in the metal industry. Citing SEIFSA's unrepresentativeness following the withdrawal of Barlow Rand subsidiaries, the Minister refused to gazette the 1988 agreement. It was finally gazetted in June this year, seven days before it was due to expire!

It was the first time that NUMSA had signed the agreement since entering the NICISEMI in 1983. Workers can hardly be faulted for suspecting collusion between the Department and Barlow Rand. It seems the Minister's real concerns were that SEIFSA had accepted NUMSA's majority union status and recognised that no agreement could be reached in future without NUMSA's endorsement.

A further tactic has been to gazette agreements where union parties are still in dispute with employer organisations. The effect has been to declare pending strikes illegal. This happened during the 1987 metal wage negotiations, and recently in this year's wage talks in the motor industry.

NUMSA motor sector secretary Fred Sauls criticised the Minister's decision to gazette an amended wage agreement, claiming it was an attempt to thwart NUMSA members from taking strike action. The NICMI claimed to have balloted the parties and that the employer organisations (SAMIEA and SAVBRA) and minority unions (MIEUSA and MISA) had consented to the Minister's action.

The Manpower Department also delays the registration of unions, or delays approving applications for extensions of scope of the militant unions. The NUMSA constitution has been submitted to the Department more than a year ago and still awaits ministerial approval. The union has now concluded an agreement on stop order facilities with SEIFSA, but cannot make use of this because it is not yet registered.

At the same time the Minister continues to approve applications for registration and extensions of scope by minority unions for industries in which national industrial unions are already strongly organised. In recent months the Minister has registered the Kwazulu-based National Industrial and Commercial Workers' Union (NICWU) and the South African Integrated Workers' Union (SAIWU) - which organises on an anti-sanctions platform - for the metal industry. Both are general unions of doubtful representivity and organisational ability. It is unclear whether existing unions are exercising their right to object to such applications. If they are, the Minister seems to take little notice.

The government passed a law which further undermines national industrial bargaining. The Temporary Removal of Restrictions on Economic Activities Act empowers the State President to intervene in the economy on the side of the employers.

This law makes it possible for the State President to exempt by proclamation any company, area or industry from the provisions of any industrial

council agreement, wage determination or other labour legislation. It also allows the state to establish free trade zones in which there are no laws regulating minimum safety standards, wages or conditions. This has already happened in Kew, the industrial township near Sandton, with disastrous consequences for workers in the area.

Rethinking industrial councils

The current employer attitudes towards broader-based bargaining forums will make it more difficult in the future for militant unions to establish industry-wide forms of bargaining. The recent developments have however legitimated industrial councils as forums for mobilising unions' membership around common demands. Employers and unions have therefore both completely reversed their attitudes toward councils in the space of a few short years.

Some progressive unions party to councils have yet to assert themselves in these structures and transform them into organs of worker power. The NACTU-affiliated Building, Construction and Allied Workers' Union joined the council for the Witwatersrand building industry in February 1988 but withdrew in May 1989 because it was unable to move employers on wages.

The union also alleged that white artisan unions connived against it in the council. BCAWU has refused to sign the agreement as a signal to members that the agreement is regarded as

Borrowing from Thatcher

Local bosses and the state appear to have drawn heavily from Thatcher's attempt to deregulate industry and 'tame the unions' in Britain. This is not surprising given the strong links between South African and British capitalists. Thatcher and the Confederation of British Industry have launched an assault on the 26 wage councils (the UK equivalent of industrial councils) in an attempt to break the unions' ability to negotiate wages for entire industries.

The Tories have succeeded in destroying national wage and job security agreements between dockers and port managements despite a massive strike by union members. In 1984 already they successfully fought off the mineworkers, forcing regionalised bargaining upon them and causing a split in the once-powerful NUM.

But Thatcher has not had it all her own way. Rail workers were able to defend their union's national pay bargaining system against deregulation by staging a series of crippling one-day strikes for several weeks. Thatcher is also wary of British workers joining hands with European unions after 1992 to demand a system of pan-European collective bargaining.

falling far short of workers' demands. In the absence of a strategy to assert itself in the council however, such gestures will become increasingly meaningless.

The refusal of multinational corporations in the chemical sector to bargain in a single forum over disinvestment procedures highlights the problems posed by the absence of an industry bargaining mechanism. The council for the Witwatersrand and Pretoria (to which SACWU was party) collapsed at the end of 1984 while a much smaller council for the Cape still exists.

The industry is characterised by a high degree of unionisation almost evenly split between CWIU and SACWU. Although both unions are well-organised in multi-plant estab-

lishments and have concluded national agreements with most major employers (SASOL, AECL), it has been difficult to standardise the relatively higher wages and better benefits extracted from multinationals. Progress in persuading employers in the industry to join a CWIU-initiated provident fund has been slow.

PPWAWU's apparent failure to secure entry to the printing and furniture industrial councils raises some questions as to how unions can go about this in the future. In the furniture industry the position of the National Union of Furniture and Allied Workers - which organises mainly skilled coloured workers - has been a stumbling block.

NUFAW was formerly affiliated to the conservative TUCSA. Although it

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is now affiliated to NACTU, there remain suspicions about the union's willingness to co-operate with PPWAWU at industry level. NUFAW appears reluctant to jeopardise its closed shop but may find its membership increasingly attracted to PPWAWU's more militant style. In the absence of unity prospects in the near future, the unions will have to find ways of co-existing if the council is to become an effective forum for furthering worker demands.

In the SATS, legislation providing for the privatisation of the state corporation attempts to encourage the formation of an industrial council to replace the present Labour Council. SATS is aware that even if SARHWU were to be party to such an envisaged council, it would remain dominated by the white artisan and craft unions.

In addition SARHWU is involved in an intense struggle with BLATU for the allegiance of black workers. The union will have to consider carefully how it will approach the question of participation in the industrial council. Given that white workers remain a major constituency within SATS, SARHWU may do well to con-

sider a tactical alliance with BLATU to confront both SATS and the right-wing unions as a united front, whether they enter the industrial council or not.

Finally, industrial councils cannot solve all the problems of collective bargaining. There will continue to be important contradictions and tensions. For example, NUMSA will have to find ways of ensuring that members covered by in-house agreements (Isacor, Highveld Steel, ADE) are not alienated from the struggles of those members covered by the NICISEMI. Ways will have to be found to link struggles across sectors within unions so as to minimise 'sectoral chauvinism'. Unions will still have to retain the right to plant-level bargaining. There will also continue to be fears of co-option and bureaucratisation of unions which become party to industrial councils. The ultimate danger perhaps lie in fears that unions will be forced into US-style concession bargaining in order to keep industrial councils alive. Vigilant, democratic, participatory and militant industrial unionism is the only guarantee against this. ☆

Faith in the Future - NICISEMI staff form a union

Employees of the NICISEMI do not take talk of the uncertainty of the council's future too seriously. They have organised themselves into a trade union, called the NICISEMI Staff Association. The NICISEMI is the largest industrial council in the history of South Africa, and administers the industry agreement in five regional divisions.

The staff association is likely to oppose deregulation and the disbanding of the council as its members jobs are at stake.

Document: the bosses strategy

Below we print a confidential document produced by employers in the printing industry. The document - which was circulated among employers in the industry - shows clearly why the employers are opposed to national bargaining with militant unions, and outlines their strategy for destroying the National Industrial Council for the Printing Industry.

Why does PPWAWU want to join the NIC?

It is in their strategic interests to do so because:

1. It is easier to negotiate common conditions of employment.
2. They are able to paralyse larger companies legally if they declare disputes at industry level (getting around the sympathy strike prohibition in the LRA).
3. They nullify the closed shop that SATU has at the moment.
4. They have a high profile public forum which they can use to give themselves "credibility" i.e. attack SATU and employers alike and introduce demands such as -
 - a "living wage" (NUMSA are demanding a 68% increase this year).
 - alternative public holidays

- no deductions of tax by employers
 - paid maternity and paternity leave
 - the conversion of the pension fund to a provident fund
 - no retrenchments in the industry
 - that employers demand the release of all political detainees.
5. They will gain access to NIC funds.
 6. They will be able to get employers to deduct and remit union subscriptions through the NIC system.
 7. Once they gain entrance to the NIC they will be able to force the employers to continue negotiating at national level - based on precedent and supported by the Industrial Court (Pilkington Shatterprufe vs CWIU).
 8. They are able to influence all of the small employers that they currently cannot organise.
 9. They gain access to NIC information regarding employers, number of

employees, etc.

10. It is an essential step if they are to achieve their objective of "one union, one industry".

Why has the Industrial Council been successful in maintaining industrial peace in our industry?

1. The parties have known and respected each other for 70 years.

2. The industry's wellbeing supercedes partisan interests.

3. Having only one union has simplified negotiations - up until 1983 no exemptions from the closed shop were granted to other unions.

4. The Federation and NPU have represented the vast majority of employers in the industry.

5. The closed shop and the "no strike, no lockout" provisions brought peace until the new labour dispensation.

6. By and large there was only one negotiating forum - the Council. Chapelets were only vocal in the newspapers.

7. Employers were forward thinking and fairly generous in granting conditions such as the 40-hour week, and the 15% shift rate together with the benefit structure contributions.

8. Having national negotiations relieved employers of the responsibility of negotiating at plant level.

Benefit funds

If the NIC dissolves:

(a) The legal compulsion to contribute to the funds disappears.

(b) The pension fund must be liquidated (517(2))

- liquidator must purchase annuities for current pensioners
- the balance remaining after payment of the costs of liquidation can, at the discretion of the Industrial Registrar either be transferred to some other fund established for the benefit of employees in the industry or be apportioned on an equitable basis amongst members with not less than 15 years membership - this can be used to purchase annuities payable at normal retirement date (S18).

(c) The General Benefit Funds (Employee Benefit Fund, Medical Aid Fund and Training Schemes Fund) must also be liquidated [S16(2)]

- the liquidator must purchase annuities for current pensioners
- the balance remaining after payment of the costs of liquidation can, at the discretion of the Industrial Registrar, either be transferred to some other fund established for the benefit of employees in the industry or be apportioned on an equitable basis amongst members with not less than 15 years membership - this can be used to purchase annuities payable at normal retirement date (S18).

(c) The General Benefit Funds (Employee Benefit Fund, Medical Aid Fund and Training Schemes Fund) must also be liquidated [S16(2)]

- the liquidator shall, if the Industrial Registrar so directs, transfer the balance remaining after deducting the costs of liquidation to another fund

or funds established for the benefit of employees in the Industry or in the absence of such direction - (\$15)

(i) the unexpended balance of the Employee Benefit Fund shall be transferred to the Pension Fund (and death with as outlined above)

(ii) in the case of the Medical Aid Fund, 50% of the unexpended balance shall be paid to the Employers Organisations and 50% to the trade union

(iii) in the case of the Training Schemes Fund, the unexpended balance shall be paid to the employers organisations.

(d) The General Fund will be split three ways one third to the trade union, one third to the employers organisations and one third to the State.

(e) As at the 31/12/1988 the funds were as follows:

(i) Medical Aid Fund/Labourers Sick Pay Fund : R7 717 054

(ii) Training Schemes Fund:
R6 038 747

(iii) NIC and Labourers Pension Funds : R466 million (Book value)
R667 million (Market value)
Employee Benefit Fund/Housing:
R5 million

(iv) General Fund: R919 576

Alternatives to consider

A. Pension/ Provident Fund

1. The Federation adapts and revives the Fedprint Pension Scheme to allow employees of our mem-

bers access. Companies who chose this route could allow us to ask the Industrial Registrar to transfer their employees' actuarial reserves to the Fedprint Pension Scheme. Whilst the employee remains in the service of Federatin members his pension would be transferable.

2. Allow SATU to 'take over' the current Funds and continue with the administration - this means that if an employee leaves the SATU however, the employer contribution would remain in SATU's coffers.

3. Start a Federation Provident Fund or use the Old Mutual's 'Bridge Builder' to provide flexible benefits. We can expect unions to want trusteeship on any funds in which large numbers of their members participate.

B. Medical Aid

1. Allow the SATU to keep the employers half of the fund so the PIMAS continues in the same way as at present - except that SATU would be responsible for the collection of subscription - not the NIC. This generous concession could be used to obtain something in return from SATU if we so desire.

2. Take 50% of the Medical Aid Fund and put it into the Federation's Medical Aid Society whilst at the same

time opening membership to all employees in the Industry (i.e. go into 'competition' with PIMAS).

3. Allow SATU to have the whole Medical Aid Fund but still open membership of the



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Federation's Medical Aid Society to weekly-paid employees in the Industry.

C. Training Schemes Fund

1. Obtain SATU's support in approaching the Industrial Registrar to transfer this money into our own Education Fund (perhaps in return for the Medical Aid Concession).

What is the likelihood of PPWAWU's application succeeding?

Certain. Even if the Federation and SATU reject their application, they will be admitted by the Industrial Court (ACTWUSA vs NIC for the Leather Industry). Only the timing is in question.

What are the implications for the Federation if PPWAWU is admitted?

1. Certain large employers will leave the Federation - this means a loss of 40% of income and a very much less representative body.
2. Smaller employers will be subjected to PPWAWU.
3. Fierce competition will occur between the SATU and PPWAWU in a bid for membership. This will manifest itself in extremely unrealistic wage and other demands.
4. National disputes and therefore national strikes.
5. Unless the Federation is dissolved, we will be forced to negotiate nationally for ever - with or without an NIC.
6. A far greater amount of time than

even at present will be spent by Chambers on NIC matters -

PPWAWU will be represented on all NIC structures - including Joint Boards.

7. There is a possibility that PPWAWU and SATU sometime in the future could merge or that SATU could be 'hijacked' by PPWAWU.

What are the alternatives to PPWAWU's admission to the NIC?

1. **Change the NIC to exclude packaging from its scope** - however this will have the following implications:

(a) Identical technology will exist on either side of the dividing line but

working rules and conditions of employment will be different.

(b) PPWAWU has many members in non-packaging plants and this move will not do anything to deter them.

(c) We might open ourselves to allegations of "union bashing" and of committing an unfair labour practice.

(d) It may still result in the large packaging companies leaving the Federation.

(e) The Federation will be unrepresentative of broader printing interests.

2. **Attempt to prevent their admission** - however:

(a) As already stated, the Industrial Court has clearly decided that no party should be excluded from a Council, irrespective of its area of interest or scope of registration.

(b) Several large employers will leave the Federation anyway because of the strategic dangers posed by two-tier

negotiating.

3. Dismantle the Federation - however this would leave employers with no cohesion, no unified voice to suppliers and government, and would deprive them of the single organisation capable and willing to help them through the difficult times ahead.

4. Dissolve the NIC - this has the following implications:

(a) There is a possibility that the Industry could revert to chaos - but this is unlikely with a strong Federation providing a forum for communication and co-ordination and perhaps a Code of Ethics (similar in concept to the Standard Conditions) for members. This will not stop unethical conduct by some printers but it must be remembered that the NIC has by and large also failed to prevent this kind of conduct.

(b) NIC Benefit Funds will either be liquidated or transferred to new funds. This is an opportunity for the Federation to extend and improve the range of services it offers to members. (Of course there is no way of forcing all companies to participate.)

(c) PPWAWU's progress or organising our industry (particularly the smaller employers) will be slowed down - they do not have the manpower or the financial resources to organise the majority of small printers without joining the NIC.

(d) SATU will demand plant level recognition agreements - we can expect them to include existing working rules in these agreements and this is likely to entrench the 'status quo' in the industry (a further counter to (a) above).

(e) The Federation will in all likelihood have to change its objectives and its constitution to exclude the right of duty to negotiate with employees on behalf of its members. This will protect member companies from being forced back into national negotiations at some future date.

(f) The federation will extend its services to members to provide a comprehensive IR training and information service (Negotiation skills courses, Wage surveys by area, sector and size of company etc). The release from the current NIC workload will allow Chambers and the Federation the necessary time to improve services to members.

(g) Some employers might leave the Federation.

5. Use S.51(A) of the LRA on a regional basis to enter Recognition Agreements with SATU and then apply to the Minister of Manpower to promulgate these agreements - this is a possibility which has not been fully explored in South Africa yet. One thing is certain - the Federation and Chambers cannot and should not negotiate on behalf of members if this route is followed because we could then have regional Industrial Councils and face the same threat as we do currently. Employers can be assisted by Chambers, but they would have to elect their own negotiating team and spokesmen. In order to protect members (and the Federation) we would have to amend our Constitution to exclude the right or duty to negotiate with employees on behalf of our members. ☆

National stayaway against LRA and elections

The Labour Monitoring Group (LMG) reports on the September 5/6 stayaway

In a significant step towards worker unity, 500 delegates representing the two main union federations, COSATU and NACTU, as well as the independent unions, met in Johannesburg over the weekend of August 26 and 27. This - the Second Workers' Summit - called for a week of industrial action to protest against the Labour Relations Amendment Act (LRA) and the September 6 election.

The Workers Summit was called to evaluate progress in the campaign against the year-old LRA and decide on further action. Discussion was inhibited by the presence of over 200 heavily-armed police who video-taped the proceedings and maintained a strong presence inside the hall

throughout the summit. This degree of police intimidation is unprecedented in national union meetings. However, in spite of this provocative action, the delegates were able to conduct their business.

It was reported at the summit that over 300 000 workers had balloted in favour of industrial action against the LRA. The summit formulated a programme of sustained peaceful protest against the Act. The delegates also noted that the September elections represented continuing repression and that community organisations are prone to taking "political action" in response to repression. In the following week consultation took place between unions and community organisations.



*Elijah Barayi,
COSATU president
Photo Zieminski/Afrapix*



This resulted in COSATU calling for two days of "peace-

ful political action" on the 5th and the 6th of September. NACTU called for a stayaway on the 6th (election day) and also on the 12th of September (Biko day). As a result of conflicting calls for industrial action (and the form the action was to take) there was some confusion as to when the stayaways were to take place.

The stayaways were conceived by the Workers' Summit as part of a wider programme of action against the LRA. The actions are to include demonstrations, a month-long consumer boycott after the elections, sit-ins and overtime bans. This stayaway is the second called to express opposition to the amended LRA, the first took place on 5,6, and 7th June 1988.

The Labour Monitoring Group (LMG) conducted a nation-wide tele-



*NACTU president
James Mndaweni
Photo: Zieminski/Afrapix*



phonic survey to monitor the extent of the stayaways.

The sample was drawn from the Industrial Register of the Bureau for Market Research at UNISA. Our sample consisted of 25% of all firms with over 100 employees. The survey covered all sectors of the SA economy, including small towns. It is important to remember that we surveyed management, one of the protagonists in the stayaway, who, as much as the unions, have a vested interest ... the outcome of the survey.

Survey results

Pretoria-Witwatersrand-Vaal (PWV) - (manufacturing and commerce)

In the PWV the survey revealed that 39% of black workers observed the Tuesday day of action by staying

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away from work. On Wednesday 72% of black workers in the PWV area stayed away from work. The higher response on the second day is the result of a number of factors:

- Wednesday 6 September was election day and therefore the political aspect of the stayaway was clearer;
- there was no confusion about there being a stayaway on election day, unlike on the Tuesday;
- members of NACTU unions also participated in the Wednesday stayaway.

The survey showed that Indian workers, unlike African workers, did not observe the stayaway in significant numbers. Coloured workers' support for the stayaway was more higher than that of Indian workers, but remained well below that of African workers.

On Tuesday, larger and better organised companies experienced high stayaways while smaller and unorganised companies generally experienced low or negligible stayaways. However, on Wednesday, the stayaway spread to the smaller and less organised companies (particularly in so far as African workers were concerned).

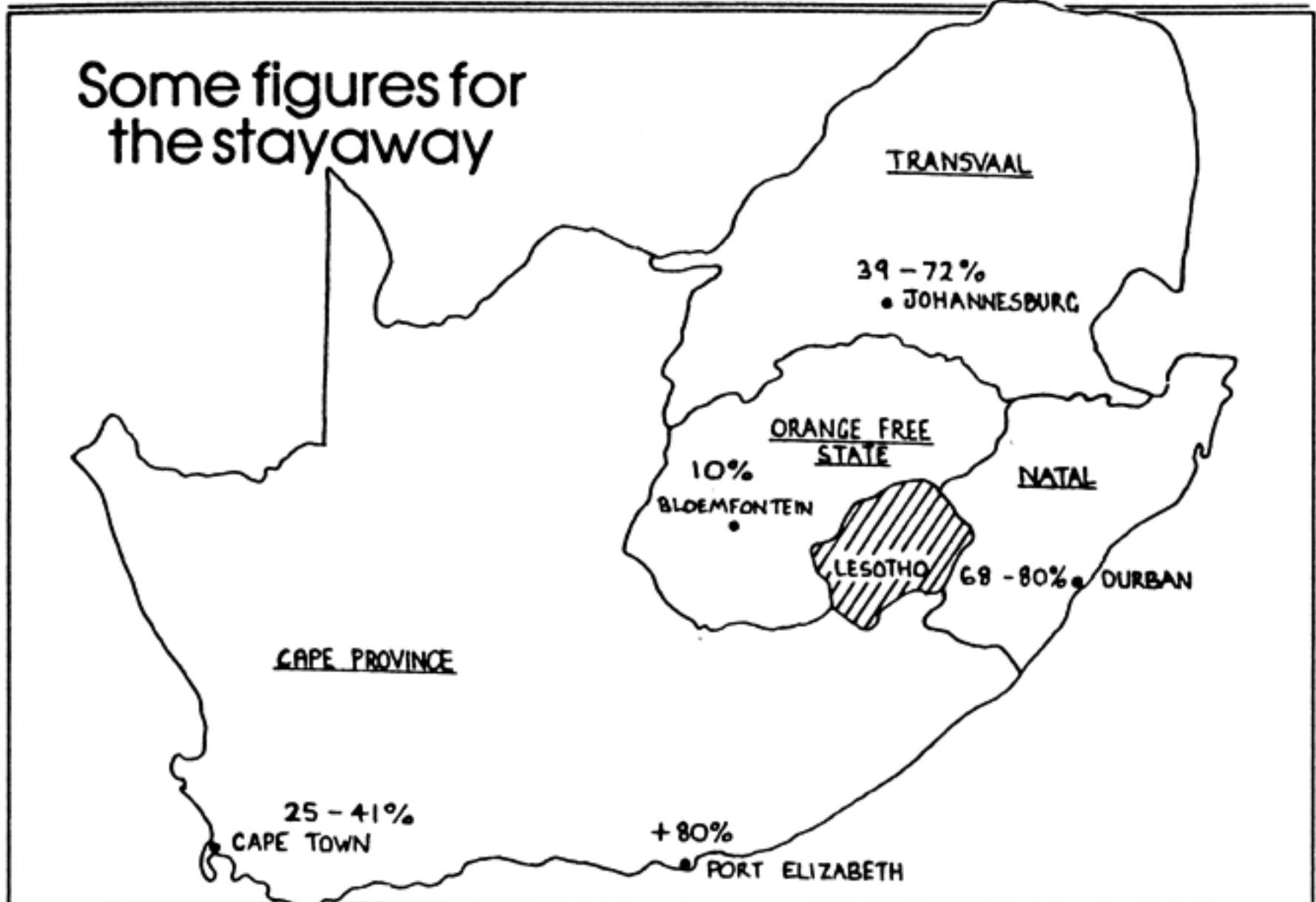
Furthermore on Wednesday, public transport was not readily available because Putco was not operating and SATS reported very low utilisation of train services. There were few taxis available on Tuesday or Wednesday. Some companies reported that workers came to work where private transport arrangements had been made in advance.

Other urban and rural areas

Negligible stayaways also occurred in commerce and industry in the outlying areas in the Transvaal and the Orange Free State (these include Pietersburg, Lichtenburg, Klerksdorp, Potchefstroom, Welkom, Bethlehem, and Harrismith). Although there was no widespread stayaway in Rustenburg a few companies were severely affected and in the Eastern Transvaal 19% of workers stayed away. On Wednesday, a 12% stayaway was reported in the Transvaal country districts while towns in the OFS experienced a stayaway of less than 10%

Mines

There are indications that a slightly higher proportion of miners responded to the stayaway than was the case in June 1988. We were unable to carry out our usual survey on the mines because of a lack of co-operation from mine managers. We were therefore forced to rely on the figures given by NUM and the Chamber of Mines. NUM's survey of their branch offices showed that 57 000 members at more than 28 mines stayed away on Tuesday and 100 000 members on Wednesday. The Chamber of Mines claimed a stayaway on the mines of approximately 6% (that is, about 30 000 workers) on both days. Collieries experienced a greater stayaway than gold mines. Chrome mineworkers also responded to the call and on some mines 70% stayed away. On



some diamond mines a small proportion of workers stayed away.

Management responses

Management seems to have adopted a general policy of no-work/no pay/no penalty. A small percentage of employers indicated that they will be taking a harder line on absent workers with a few threatening to issue written warnings or to fire absent workers. This seems to have happened in some cases. NUMSA reported that disciplinary action had been taken against about 300 workers in several small metal firms in Kemp-ton Park for participating in the stayaway (*Business Day* 8.9.89). Anglo American served workers and the NUM with a court interdict to compel workers to resume work at

President Brand, President Steyn and Kriel gold mines.

Western Cape

Not less than 25% of workers stayed away in Cape Town on 5th Sep-tember. In addition, SATS reported that their passenger rates were down by 40%. There was a significant in-crease in numbers on the 6th when 41% of black workers observed the stayaway and a number of firms closed down for the day.

Though the response in Cape Town is lower than in other urban areas, it was considerably higher than the stayaway in June 1988. The work-force comprises a considerable number of coloured workers who have tended to be less supportive of stayaways than coloured workers in

the Eastern Cape.

Eastern Cape

In keeping with past experience the Port Elizabeth/Uitenhage area seems to have the highest stayaway. The area seems to have experienced a stayaway of more than 80% on both Tuesday and Wednesday. In Uitenhage there was a strong African and coloured participation and in Port Elizabeth there was a strong African participation but coloured participation was patchy.

Durban

This area reported a 68% stayaway on Tuesday and a 80% stayaway on Wednesday in the greater Durban district. Again this percentage was the result of a survey of 25% of companies employing 100 or more people.

What is unusual about this figure is that it is substantially higher than that of the Transvaal. Interestingly a significant number of Indian workers stayed away on both days. Wednesday (election day) observation of the stayaway rose to 80 percent.

General comments

1) Sectors nationwide most affected by the stayaway:

Chemical

Textile and clothing

Metal, motor and engineering

Food and beverage (to a lesser extent)

The regions most affected by the stayaway were the main metropolitan areas of Durban, Pretoria/Witwatersrand/Vereeniging, and the Port Elizabeth/Uitenhage area.

2) Some unions negotiated agreements with employers to accommodate the stayaway. Responses by management included: day-long closures; agreements to make up lost time; granting of unpaid leave.

3) Surprisingly some employers seemed unaware that a stayaway had been called. However, most employers saw it as a form of protest action against the general election rather than the LRA. Some employers expressed resentment at being targeted for policies for which they did not feel responsible.

Implications:

During 1985 and 1986, stayaways took place frequently - 21 in 1985 and 33 in 1986. Most of these stayaways were regional or local rather than national. However, since 1987 they have been less frequent - only 7 in 1987 and 6 in 1988. But more importantly, most of these stayaways were nationwide.

The September stayaway conforms to the trend since 1987, ie. stayaways are happening less frequently but involve a much larger number of workers nationwide. Significantly, the stayaway seems now to be seen as part of a wider programme of sustained protest rather than as a one-off demonstration of collective power.

Unlike most previous stayaways,

the aim of this action was not primarily demonstrative, but was also designed to facilitate changes to the Labour Relations Amendment Act. Clearly the success of the stayaway will strengthen labour's hand in negotiations with Saccola over the Labour Relations Amendment Act. ☆

A closer look at the Eastern Cape

by INDUSTRIAL RELATIONS UNIT (IRU), UPE

Most Uitenhage factories ground to a halt on 5 and 6 September 1989 when 89% of workers stayed away from work in protest against the LRAA and African exclusion from parliamentary elections.

In Port Elizabeth, 86% of African workers did not report for work on Tuesday or Wednesday. Coloured support was patchy: 27% on 5 September and 28% on 6 September.

These were some of the findings of a telephonic survey of 49 companies (38 in Port Elizabeth and 11 in Uitenhage) employing 33 915 workers, conducted by the IRU. Figures from the 38 companies which could provide an African/coloured breakdown of absenteeism yielded the following table:

	% Stayaway on 5 September	% Stayaway on 6 September
Port Elizabeth Africans	86%	86%
Port Elizabeth coloureds	27%	28%
Uitenhage Africans	97%	97%
Uitenhage coloureds	81%	82%

When these statistics are combined with those supplied by employers who do not record African and coloured absenteeism rates separately, the following picture emerges:

	% Stayaway on 5 September	% Stayaway on 6 September
Port Elizabeth Africans and coloureds	62%	63%
Uitenhage Africans and coloureds	89%	89%

The findings reinforce a pattern evident in previous stayaway surveys conducted by the Unit: an African stayaway in excess of 80%, strong coloured support in Uitenhage, and relatively weak coloured participation in Port Elizabeth.

Toy-toying against the LRA

Three of the companies in the sample recorded normal absenteeism levels on 5 and 6 September. Two of these currently employ mainly casual workers as a result of industrial action, while the third, which is Port Elizabeth-based, employs only a handful of Africans.

WORKERS AND POLITICS

Fifteen (31%) of the organisations in the sample experienced worker protests, either on September 1, anniversary of the promulgation of amendments to the LRA, or on September 4, eve of the stayaway. Most protests took the form of demonstrations, in which workers sang, toyi-toyed and carried placards denouncing the Act, occasionally marching on company premises. Most protests involved losses of production time from 30 mins to 6½ hours. Two sit-ins and one go-slow were also reported.

Management at one factory closed the plant when work was not resumed after a lunch-time demonstration march followed by a meeting. Workers at two other Uitenhage companies were persuaded to leave the premises early instead of staging protests.

A Port Elizabeth manufacturer reported that workers who did not participate in a half-hour protest stoppage were assaulted. Management has instituted disciplinary proceedings. According to respondents, there were no other incidents of violence associated with the protests or the stayaway.

Employer spokesmen were also asked whether they had any evidence of intimidation related to the stayaway; 10 (22%) said they did. They alleged that "workers had been intimidated by fellow workers, sometimes shop stewards, or by unidentified township elements."

Of the companies which experienced protests, 63% said they had received advance notice of such action from workers or the union con-

cerned, while 80% of companies affected by the stayaway had received prior confirmation that workers would absent themselves. 85% of firms canvassed adopted a policy of no work - no pay - no discipline. Penalties imposed by the other 15% are outlined below. Workers who did not report for work at a Uitenhage company will all receive first written warnings, regardless of their absence records.

Bonuses affected

Three Port Elizabeth companies will adjust or withhold attendance bonuses. One of these urged workers to apply for leave in advance to escape this penalty, and most of those who stayed away did. Another of these three companies links its financial assistance with an employee housing scheme to attendance, so workers face penalties on this score as well.

An additional four companies intend disciplining workers who were absent without leave. Penalties will depend on each individual's absence record. A spokesman for one of these companies said each of the more than 300 workers absent on the two days would be interviewed. The nature of any penalty would depend on the circumstances of each absence. The company would be lenient with African employees who stayed away because they feared intimidation or violence, he said, but coloured workers who lived in areas which did not experience a significant stay-at-home might be disciplined.

Respondents were asked what they

understood to be reasons for the stay-away, and 91% cited the elections, the LRAA or both. Several said they believed the protest was targetted primarily at disrupting the elections and giving expression to rejection of the tricameral parliament. They added that their perception was that the stayaway was pegged on repudiation of the LRAA to lend it legitimacy, given restrictions on political activity imposed on COSATU last year.

Additional notes

- One of the companies in the sample laid off nearly 90% of its workforce on the eve of the stayaway because of a "downturn in the market". It expected to take these workers on again within about 10 days.
- A Uitenhage employer reported a "white backlash - 10 of our hourly-paid whites stayed away on the 6 September."
- A PE company, notified of the stayaway at lunchtime on Septem-

ber 4, closed its plant immediately.

12 September 1989: anniversary of Biko's death

The eleventh hour decision by regional executive members of COSATU not to commemorate Biko Day with protest action resulted in normal attendance levels at Port Elizabeth and Uitenhage companies on 12 September 1989.

In a telephonic survey of 52 companies employing 36 193 workers, only one reported an abnormal absenteeism rate - between 10 and 15% higher than average. Employer spokesmen said workers were reluctant to sacrifice another day's pay so soon after the stayaway of 5 and 6 September, and added that there was a growing realisation that employers were approaching a tolerance threshold with regard to stayaways. According to the local press, the decision to call off any planned protest action was also prompted by differences within the union movement. ☆

Aftermath of the stayaway

It seems only 300 workers were fired nationally because of the stayaway. However, bosses used other methods of 'disciplining' their employees:

The issuing of warnings

In many industries, final warnings were issued to workers, sometimes in writing. It seems that the majority of workers warned were from NUMSA. Others were from TGWU, NUM, FAWU, SAMWU, CWIU

and CAWU.

Suspensions of lock-outs

In a number of companies, workers were suspended and told to come back the following Monday. Many Barlow companies seem to have locked their workers out until the Monday.

COSATU's response to these measures was to say that the protest was not by individuals but by the whole community; not by one organisation, but by groupings throughout the country.

Privatisation: selling off the public sector

In *Labour Bulletin* 14.3, the COMMUNITY RESOURCE AND INFORMATION CENTRE (CRIC), analysed the current trend towards privatisation and the implications this has for the working class. In this issue, they focus specifically on the potential privatisation of postal services, electricity supply and rail transport.



The post office

The Post Office has been a candidate for privatisation for some time. In March this year, Wim De Villiers, recently appointed to the white Cabinet as Minister for Privatisation, suggested that the management structure of the Post Office should be changed to run more like a business. De Villiers suggests two "profit-seeking, tax-paying business units", one of which would run all the telephones and telex

machines, and the other which would run the Post Office Bank and all postal services (*Financial Mail*, 10/3/89).

Part of this plan is to drop "cross-subsidisation". Cross-subsidisation means that the cost of some services are increased in order to pay for those services which are losing money. Ending cross-subsidisation and the introduction of "cost-related tariffs" for each type of service almost certainly means major price increases for most Post Office services. The *Financial Mail* believes "Telephone and postal users face huge tariff increases if government follows the recommendations of the Wim de Villiers report..."

It is calculated that it actually costs

about R10 000 to install one telephone line in the rural areas. In urban areas, it costs only R1 000. Everybody who gets a new phone, rural or urban, now pays only R150,00. If there is a "free market", will people in rural areas ever get phones? And if they do, what will private companies charge them?

For big business, the most controversial part of the de Villiers report is the recommendation that the government does privatise the Post office entirely. In fact, de Villiers suggests "supervisory boards" to run these new business units be set up. De Villiers seems to have made this suggestion so that government can have some control over prices after privatisation. Private manufacturers of telephone and communications equipment have condemned this idea saying: "The proposed supervisory board must not be a government instrument. That is what has been causing the financial mismanagement all along. We totally disagree with any price control and/or service control. The free market must determine price and service levels." (*Financial Mail*, 24/3/89)

Some parts of traditional Post Office work have already been privatised. For example, telephone answering machines and BELTEL terminals have been privatised.

The Post Office has also allowed the private sector to take over some of its functions such as the maintenance of extension line cabling and "peripheral equipment" on private automatic exchanges.

Services the private sector wishes to take over include the following:

- to be able to provide telephones for a long waiting list of potential subscribers;
- to speed up an optic cable-laying programme which is now one year behind schedule;
- to increase the freedom of choice in terms of telephones (such as cordless units) and other telecommunications equipment;
- to increase alternative privately-run communication networks beyond the boundaries of the Post Office premises; and
- the introduction of electronic mail and new technologies.

With the privatisation of certain Post Office services in Britain, many tariff increases occurred. As a result, the demand for these services decreased. This eventually cost thousands of postal workers their jobs (*Financial Mail*, 5/6/87). The privatisation of the Post Office in South Africa, will inevitably result in tariff increases and workers may be facing the same plight.

There are approximately 100 000 people employed by SAPO. Public sector jobs are now going to be opened to "competition and the disciplines of the market place". President Botha said Post Office personnel will "be properly cared for and need not worry about matters such as dismissals, salaries and pensions." (*Financial Mail*, 11/3/88) But the Post Office (like ESCOM and SATS) has become less inclined to subsidise employees as it moves towards privatisation. Pensions and other benefits may well be reduced in time.

PRIVATISATION

Despite public sector claims to the contrary, certain categories of Post Office workers are more vulnerable to dismissals and retrenchments than others. The majority of African and coloured workers employed by the Post Office are *not* in permanent positions. Stoffel Botha announced that only 5 243 of the 28 907 African workers were permanent employees (*Business Day*, 15/3/88). Coloured workers are also vulnerable - only 3 767 of the 12 309 coloured employees are in 'permanent positions'. For white and Indian employees the situation is reversed. Only 90% of white and Indian workers are in 'permanent' positions.

Even though the government is saying that Post Office workers will not have their jobs affected, it may be referring only to those in permanent positions. The majority of African and coloured workers may be vulnerable to retrenchment.



ESCOM

ESCOM, one of the largest companies in South Africa, is also going to be privatised in the next few years. While Iscor and the Post Office are big, ESCOM dwarfs everything else by comparison. According to the 1987 company report, ESCOM's fixed assets stood at R26 970 million, and it spends an incredible R3 750 million on improving and maintaining its equipment. A further R4 207 million was earmarked for capital expenditure

in 1988.

ESCOM supplies 94% of all South Africa's electricity. Almost all of Swaziland, Lesotho, Mozambique and Botswana's electricity is provided by the company. The 1987 company report claims that ESCOM is a "world leader" in power-station and transmission technology. ESCOM estimates that industry and business use 56% of electricity consumed in South Africa, the mines 26%, households 14% and the railway system 4%.

All this wonderful service does not come cheaply. The Rand value of electricity sales has been going up regularly by 21,2% per year over the last five years. But the actual amount of electricity sold has only gone up by 5,0%. So ESCOM has been increasing its prices ahead of inflation over the past few years and consequently making a lot of money.

ESCOM is a prime example of a state run company. It is governed by two acts of Parliament: The Electricity Act and the ESCOM Act. Despite this, the company management strongly asserts that it is not a "state-owned corporation", but an "independent, self-financing undertaking". It has no shareholders and is funded entirely through loans and retained earnings.

ESCOM has embarked on a massive process of restructuring and is actively gearing itself up for privatisation. It has established study groups to investigate the various aspects of privatisation. Most of the restructuring of ESCOM has taken place in the name of "efficiency" and "profession-

alism". In the 1987 Annual Report, John Maree says: "ESCOM is a business in transition... the organisation's top management committed itself to changing ESCOM from a bureaucracy to a professionally managed business undertaking."

The only reason for this is the prospect of privatisation. Maree noted that a restructuring of the corporation would take "years" to complete. However, the first phase was earmarked for 1987. This involved: "initiatives in the areas of decentralisation, tighter financial control, better customer service, staff reduction, improved planning, open communication, equal opportunities and performance management."

Decentralisation means dividing up the corporation's huge assets into "strategic business units" (SBU's). Already ESCOM has been divided into at least 50 such units which "almost operate as independent businesses". However, it seems most of the power stations and distribution facilities are being treated as "independent" units. So too are the corporation's property interests, which are important to its housing programme.

ESCOM is also "mothballing" some of its older power stations. This is an attempt to solve the corporation's huge problem of over-production. In the 1987 company report, management says: "Spare capacity has given ESCOM the opportunity to phase out the older power stations which are less efficient and more expensive to run." Management has also indicated its intention to

delay the construction of new power stations by a few years so as to avoid further over-production.

Workers have already felt the effects of preparing ESCOM for privatisation. Since ESCOM's restructuring started under in 1985, nearly 10 000 jobs have been lost. This is despite the fact that workers' productivity has been increasing all the time. Between 1986 and 1987, electricity sales per worker measured in rand terms, increased by 29,0%, following a 37% increase the previous year!

Yet instead of workers being rewarded, they have suffered huge retrenchments and job losses. The 1987 Annual ESCOM Report shows that the company cleared a profit of R702 million in the course of the year. The Labour Research Service (LRS) have calculated that this is a profit of R80 000 per hour! LRS have also estimated that if ESCOM paid workers each a R500 increase per month across the board, this would cost the company an additional R342 million on its wage bill, leaving it with a tidy R360 million profit. Be it for housing schemes, or simply paying a living wage, there can be little doubt about ESCOM's ability to pay!

But that is not the route ESCOM intends to go. The intended mothballing of 13 power stations, announced in September 1988, but clearly planned from well before, was explained away by ESCOM's management as a necessary measure in line with "economic realities". *Financial Mail* asked: "Why all the fuss? It's a market related move. Its been a private sector

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rallying call for years that inefficiency and overstaffing in the public sector is costing the country billions of rands. Privatise or reduce staff - preferably both - and we'll all be better off..."

The simple reason for the "fuss" is that this move means the loss of thousands of jobs. Since Maree took over in 1985, ESCOM's workforce has been reduced by more than 14%. If the latest cuts are carried out, ESCOM's payroll will have dropped from 66 000 to about 52 000 in that period. ESCOM and the *Financial Mail* think that the cut-backs are "unavoidable": "If it can operate more efficiently with fewer people and fewer power stations, it must do so. The alternative is to continue subsidising 13 500 unnecessary workers and a handful of uneconomic stations."

The unions faced with these retrenchments - NUMSA and NUM - have pointed out that, while ESCOM complains about oversupply of electricity, most South Africans have no electricity at all. They argue that, instead of closing down power stations and retrenching workers, ESCOM should bring electricity to the townships and the rural areas, so that all can enjoy the benefits of a modern economy. But this of course would not be profitable, and a privatised ESCOM would not condone paying for such a service.

Electricity creation and supply is crucial to development in South Africa. About this, there is little debate.

But development should be about the creation of jobs - not their destruction. Development should also be

based on electricity becoming more accessible, not more expensive. The restructuring and eventual privatisation of ESCOM is therefore undermining development in South Africa, rather than advancing it.



After privatising Iscor this year, the government's next privatisation priority looks to be the South African Transport Service (SATS). Like Iscor, some parts of SATS make very high profits and the private sector is keen to get their hands on these money making enterprises.

But the state is faced with many problems in selling SATS. For example, SATS transports a large number of workers to and from work every day. The apartheid system has increased the costs of this transport by forcing workers to live in townships far away from work. SATS does not make a profit from this service: in 1988 alone, the railway sector of SATS lost R778 million.

The private sector would not be prepared to subsidise this money-losing sector of SATS. On the other hand, workers would not accept increased prices of tickets. Thus the privatisation of SATS must be done very carefully as transport is a hot political issue in South Africa. How is the privatisation of SATS going to work? SATS is made up of a railway system, the harbours, a pipelines network

(which transports petrol), airways, and a transport fleet of trucks. Each of these sectors presents challenges for the government.

A strategic monopoly

The first point to note is how big SATS is. It is the second largest state corporation after ESCOM. It is the eighth biggest company in South Africa based on the value of its total assets. These assets - buildings, aircraft, trains etc - are worth over R20 billion, making SATS easily the most developed transport network in Africa. Its size gives it great power in the Southern African region. All neighbouring countries have to rely on South Africa's transport networks, which allows the government to pressurise them politically.

SATS also occupies a very important position in the economy of South Africa itself. It monopolises most areas of the transport industry in South Africa (with the exception of road transport), and controls six of the fifteen largest harbours which serve Southern Africa (Richards Bay, Durban, Saldanha Bay, Port Elizabeth, Cape Town and East London). SATS plays a crucial role in the economy, with almost every product or raw material going through its hands at some stage.

Hiding the profit: SATS is a money spinner

Because of this immense monopoly SATS actually makes a lot of profit -

even though their financial reports show that they are losing money. For example, their 1988 report showed an overall loss of R64,4 million. But SATS uses a special accounting system and the figures hide the true situation. If SATS used the same accounting methods as normal commercial firms, then it would have shown a profit of R849m in 1988. This makes it one of the most profitable companies in South Africa, and makes it clear why big business are so keen to get their hands on it.

Cross-subsidisation

So even though SATS may be making a loss on passenger transport (and even this is not clear), these losses are being subsidized by the other sections of SATS which make large profits. This process is called "cross-subsidisation". Cross-subsidisation is due to be stopped very soon in preparation for privatisation. The government has stated that each section of SATS will have to be profitable. This will probably mean that rail fares will go up or that the government will have to pay a direct subsidy to the passenger transport service, like it currently does to Putco for bus services.

The government does appear to be keen to privatise urban passenger transport services at the moment. Main line services, like those between big cities may be sold off, but trains carrying workers daily from townships and bantustans to work are, at this stage, too politically sensitive to sell.

Huge debts

Another point which may slow-down the privatisation of SATS is the very large debt that it has built up over the years. This had climbed to R10,1 billion by the end of March 1988. Forty-seven percent of this debt was in the form of foreign loans, so SATS, by itself has contributed significantly to South Africa's debt crisis. Now that the government is trying to sell the company, who is going to pay back all this money?

Privatising SATS

The process of preparing SATS for privatisation has been called "corporatisation". In other public sector corporations the process has been called "rationalisation" or "commercialisation". Some of the measures that SATS has taken to prepare for privatisation are:

- The division of SATS in 1988 into five separate "business concerns" and a number of "business units": Railways, Harbours, Airways, Pipelines and Road Transport are the five business concerns, while maintenance workshops and SATS catering are two examples of business units.
- By 1 April 1990 SATS will be divided into two separate companies. One company will handle rail commuter services, while the other will handle mainline trains, airways, harbours, road transport and pipelines. It is this second company that is likely to be privatised.

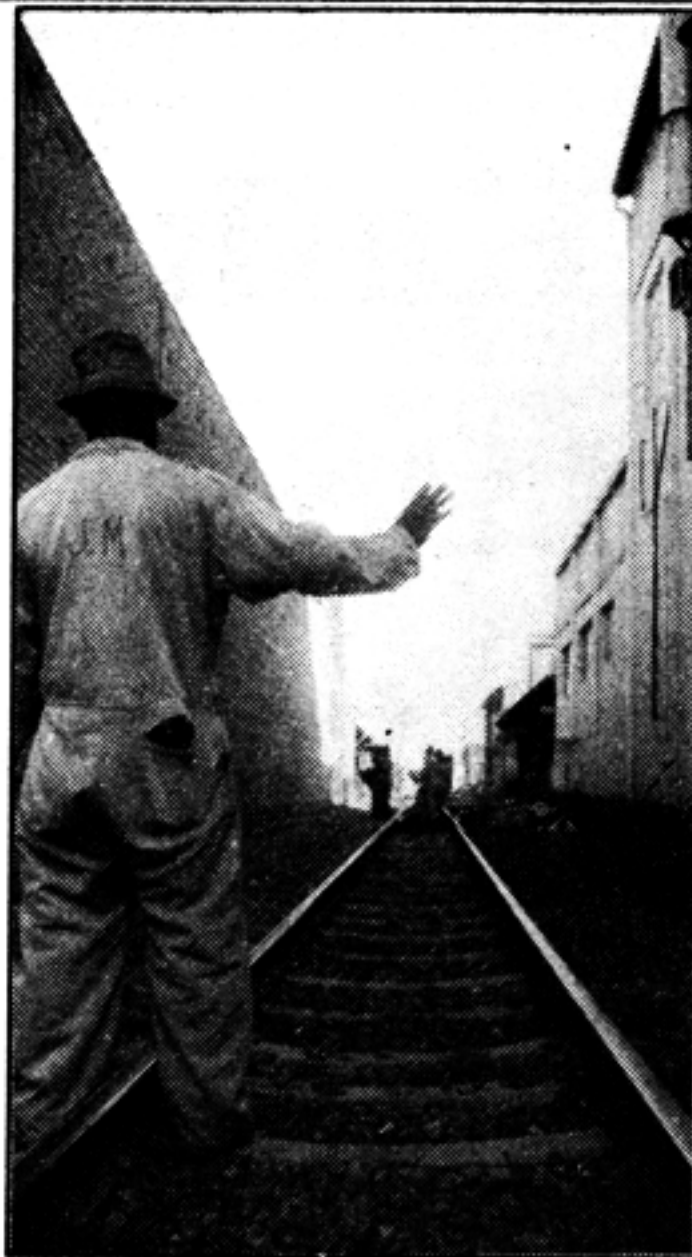
- The State President has announced that SATS will in future pay company tax.
- SATS has curtailed some "uneconomic" services. For example, dozens of branch lines have been closed, while mainline (Intercity) trains have been reduced by 58%. (Financial Times, 30/11/88 and Business Day, 13/2/89).
- Some assets have already been sold. For example, all SATS assets in Swaziland have been sold. "Air space", the valuable areas above railway tracks might be leased to companies who will put buildings over the tracks. These sales of asset will streamline SATS, and make it more attractive for business.
- Cross-subsidisation of services is being eliminated in a four year programme that began in 1986 and will end next year.
- SATS is looking to the new Regional Service Councils (RSCs) for subsidies for their commuter transport services. This will allow SATS to keep up the expensive business of accommodating the results of apartheid planning which forces workers to live far from their work.
- SATS has indicated that some services will be privatised before SATS itself is privatised. This means that services such as catering might be privatised in the very near future.
- In the field of labour relations SATS last year set up its own "Labour Council" which is to be chaired by Professor Nic Wiehahn. It is the Labour Council that will

decide on recognising unions, negotiating wages and dealing with grievances. Wiehahn has argued the Council will become an Industrial Council in the transport industry as soon as privatisation of this sector becomes a reality.

The new legislation which is going to allow for all these privatisation moves suggests that the tightly controlled Labour Council will only change into an ordinary "Industrial Council" about two years after privatisation takes place. This means some SATS workers might find themselves working for private companies, but still subject to the "Labour Council" now being set up.

Privatisation and SATS workers

Thus it is full steam ahead for the privatisation of SATS. At the moment benefits for workers are hard to see, and the population as a whole is likely to be faced with higher prices for many basic goods and services. Workers have already seen the number of jobs at SATS plummet as it gets ready



What's at the end of the line of privatisation - for workers at SATS, ESCOM and the post office?

Photo: Paul Weinberg/Afrapix

for privatisation. Since 1982, 83 051 jobs have been lost at SATS.

The number of employees decreased from 202 770 in March '87 to 192 556 in March '88. This is a reduction of 5% in the number of workers, or 10 204 employees in the last financial year alone.

But the 1987/1988 SATS report denies that this has to do with privatisation. The report says the reduction in staff has taken place through "the natural outflow of personnel" e.g. retirement. If this is true, a number of jobs in SATS have been "frozen". This

means that these jobs no longer exist. Is it just a coincidence that the freezing of jobs seems to be taking place in all the state corporations which have been marked for privatisation?

Thus many parts of SATS will be sold to big business in the next five years, with the possible exception of urban commuter train transport. All South Africans need clear answers as to what this is going to mean for our standards of living, and who is really going to benefit from this privatisation. As with all other privatisations, the only winners appear to be big business and the government. ☆

Willie Kalk: 1900-1989 Tribute to an early socialist

In our preoccupation with present-day struggles, it is easy to forget the crucial role played by the early socialists in building the foundations of a democratic labour movement. These men and women often paid a high price for their beliefs. The victory of the Nationalist Party in 1948 drove many of them either into obscurity or into exile. Except for an occasional reference in a history book, many died relatively unknown. Willie Kalk was such a man. LULI CALLINICOS wrote this tribute.

Willie Kalk's involvement with the labour movement dates back to the early 1920s. From that time, his commitment to the workers' struggle never waned. He followed with great interest the re-emergence of mass-based industrial trade unions in the 1970s.

More recently, Willie Kalk began to involve himself more actively in the labour movement. When the Workers Library was launched about a

year ago, Willie was there to join.

Before he fell ill, Willie attended some of the Library's workshops, engaging workers in discussions. On one occasion, Willie gave a critique of Perestroika, arguing that it endangered socialism as it downplayed class struggle. He displayed a remarkable energy and sharpness of mind. He could remember details about the nature of existing socialist countries, and kept the audience fascinated with his

experiences in the labour movement and his analysis of contemporary South Africa, Namibia and other countries. What was striking was the rapport he established with the young workers in the audience, some of whom were planning to invite Willie to speak at their locals.

Willie Kalk believed strongly in worker leadership and direction in both the workplace and the community. He often wanted to know what guidance COSATU was giving, and whether they had made a statement when any major issue, such as the rent boycott, or the education crisis, came to a head.

Willie Kalk's interest in the workers' struggle can be traced back to the early political education he received from his father, a basket-maker, and a socialist, who had immigrated from Germany.

Willie clearly remembered the debates and discussions that went on most nights in his parents' kitchen. To avoid being sent off to bed, the little boy would hide under the table, and listen.

Willie's formal education came to an abrupt end when South Africa declared war on Germany in World War I. His father was interned, and Johannesburg's German School was forced to close down.

Willie started his working life at the age of 15 as an errand boy. At eighteen, he was apprenticed to a firm which repaired and maintained motor car parts. Two years later, he started a job as a cabinet-maker.

In the meantime, the Russian Rev-

olution had taken place, and, like millions of workers throughout the world, Willie was wildly excited. He was at the mass meeting held to celebrate the event.

In 1921, along with Eddie Roux, his lifelong friend, Willie became a founder-member of the Communist Youth League and an active member of the Communist Party of South African (CPSA). In 1922 he supported the miners' strike, witnessing a confrontation between the police and militant white workers when he hid in a ditch at Ellis Park.

"On no occasion," he recalled in later years, "did anyone suggest that blacks should be brought in on the strike. If black and white workers had acted in solidarity, they could have smashed this place to smithereens".

Back at work after the strike, the boss introduced piecework. The workers were paid 25 shillings, (R2,50) for example, for making a gent's wardrobe. One day in 1923, Willie suspected that the boss was wage-cutting - the boss told Willie not to tell the other workers how much he was paying Willie.

Willie spoke to the other workers. The Allied Furniture Workers Society had collapsed during the 1922 strike, so they decided to start a new union.

Willie wrote to Bill Andrews, Secretary of the Trades and Labour Council, and arranged for a meeting of furniture workers. Although Willie had no experience of trade union work, he was elected secretary of the new union, the Furniture Workers Industrial Union.

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As an unpaid organiser, Kalk would ride his bicycle from factory to factory during every lunch hour, recruiting workers and holding meetings. Although the AFWS before 1922 had been a whites-only union, Willie Kalk insisted that in the new union there should be no colour bar.

This was written into the constitution. The union grew rapidly, and within a few months there were several hundred members.

In 1929, the CPSA sent Willie to the Soviet Union. There, together with other workers from all over the world, he studied history, economics, philosophy and politics. It was this training, Kalk believed, which gave him the basis for being an effective trade union secretary in later years. During the vacations he worked in factories, travelling extensively in the Soviet Union.

It was an exciting time to be in the "brave new world" of the Soviet Union, and this was a high point in Kalk's life. These three years remained an inspiration to him until his death.

Willie Kalk remained a lifelong loyal supporter of Stalin and the Soviet Union. This often led him into arguments and to allegations that he was dogmatic. In conversations, however, he was critical of the excesses of the CPSA in the 1930s, especially of its decision to expel certain members.

When Willie returned to South Africa in 1931, he was unanimously

re-elected onto the Executive of the FWIU. In 1932 he was appointed Secretary of the Transvaal Leather and Allied Trades Industrial Union (TLA-TIU). He retained this position for 21 years, until he was banned.

Willie Kalk was among a small group of early white socialists who pioneered radical, non-racial industrial unionism. They emphasised the common class exploitation of workers by the bosses. The principle of worker solidarity was constantly emphasised.

Willie Kalk remembered one example when a woman worker was dismissed for absenteeism. The men went on strike, but the women in the factory did not, because they disliked this worker. Willie called a meeting:

"I said there is an important principle involved. A worker got ill, when she reported back she was dismissed. Anyone of you could get fired. You are overlooking the principles of solidarity."*

The strike succeeded, and the workers had learnt a basic principle of class struggle - unity. The 1930s saw a number of strikes and solidarity strikes, pickets and the removal of scabs.

For Willie Kalk, worker education was a key aspect of the union. "We looked upon trade unions as schools for socialism," he said years later.

"As a consequence of being on shop committees, people gain experience in organisation. . . When I established factory committees, I em-

* All quotations from Willie Kalk are taken from a series of interviews I conducted with him in May and August of 1983.



Willie Kalk (centre) with fellow trade unionists, Eddie Roux (left) and Solly Sachs (right).

Photo: Courtesy of the Kalk family

phasised the need to know what is happening in the factory - what were the profits? I said to the workers: one day you will control the factory”.

In union membership and union negotiations, Willie Kalk consistently ignored the racial limitations imposed by the Industrial Conciliation Act. The TLATIU insisted on the rate for the job, regardless of colour, and conducted all its negotiations and strikes for all members, whether black or white.

Unlike Solly Sachs of the Garment Workers Union, Kalk was, remarkably, able to persuade all the members, black and white, to belong to one union: there was no concept in the Leather Union of racially parallel

unions, or “Number 1 and Number 2 Branches”.

At union meetings, Willie would link the exploitation of workers in South Africa with racial oppression. From the mid-1930s, as more and more ‘coloured’ workers joined the industry, many became shop stewards.

“Your struggle,” Willie would say to them, “is a two-fold one. You struggle for better wages, but also because you are not free. But it is important to build up the union, because your power lies in this factory and in the other factories. If you paralysed the industry, the strike would eventually become political.”

Willie Kalk promoted rank-and-file participation and held regular report-

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back meetings at the factory gates to keep members informed of all negotiations and agreements with the bosses. Kalk was particularly concerned with workers and workplace issues, believing that these were the key to social change.

During all this time, Willie Kalk continued his political activities. Although he believed in the primacy of the power of labour, Willie did not separate the worker from the community.

He held regular meetings on the City Hall steps in the 1930s until they were banned during the war. He also gave talks in the townships concerning trade unions, working-class struggles and international affairs.

But as a trade unionist, Kalk was also concerned with bread-and-butter issues, and was known for producing real gains for the members. Like most organisers of poor, new unions, Willie had to learn many skills. He had to be organiser, bookkeeper, health monitor, educationist and researcher. On one occasion, for example, Willie noticed the severe pollution caused by a Silverton tannery pouring chemicals into a stream. From the employers, Willie demanded - and got - the river cleaned up.

Guided by Kalk, the TLATIU was also the first union to negotiate national provident and sick funds.

Willie Kalk was particularly remembered for his careful scholarship in presenting memoranda to the Industrial Council or the employers. He

sometimes would spend days and weeks in Pretoria, collecting statistics and information on profit margins. Armed with this knowledge, he was able to calculate "within a tickey (2½ cents) per shoe" what the bosses could afford to pay their workers; and the union could then settle on an agreement.

Willie Kalk was also active in the leftwing of the SA Trades and Labour Council, which during the 1940s pushed for the Council of the Non-European Trade Unions (CNETU) to be included. It was the only way forward, they argued, for working-class unity.

Unfortunately, they did not succeed in this effort. But during the black miners' strike in 1946, the Witwatersrand and Vereeniging branches of the TLC did support the strikers.

As an effective trade unionist, Willie Kalk was able to bring even the many Afrikaner nationalist union members along with him. In spite of the fact that he was a known member of the CPSA, Kalk was consistently re-elected Secretary.

With the triumph of the apartheid state in 1948, the stage was set for the destruction of non-racial trade unionism. "Approximately half the Afrikaner nation is today ensnared in the powerful machinery of the trade unions", declared a Nationalist Congress in 1952. "An enormous task awaits to rescue the Afrikaner nation from the claws of this un-national power".*

* Alex Hepple: *"Trade Unions in travail"* pp 26-7

But it became clear by 1953, that Kalk and other progressive trade unionists could not be unseated from their positions through democratic means and they were banned. The Nationalist Party had at last got rid of the leading radicals in the trade union movement.

Job reservation was strengthened, and the apartheid state moved closer to its ideal of control over black workers. As Ben Schoeman, Minister of Labour declared, "In the interests of the State, in the interests of employers and employees, self-government in industry and collective bargaining should be eliminated from our economic life".*

After Willie Kalk's removal, the TLATIU moved steadily to the right, and did not join SACTU when that federation was formed in 1955. So ended the tradition of non-racial trade unionism in the leather industry.

With his life's work destroyed, and cut off from all his comrades, Kalk was deeply affected. He took on a series of temporary jobs, eventually settling into a job as an insurance clerk. But the Nationalist government did not forget Willie Kalk.

During the State of Emergency in 1960, following the tragedy of Sharpeville, Kalk was one of the thousands who were held in detention.

But there were more blows to come. In 1965, along with colleagues Eddie Roux and Jack Simons, Kalk's wife Margaret was banned, and was

forced to leave her lecturing post at Wits University. The couple then left the country. They chose to remain in Africa, and Margaret accepted a post as Professor of Biology at the University of Malawi. Willie got a job as a supervisor at a large sawmill, and used the opportunity to train Malawians to run the factory themselves.

After Margaret retired in 1975, the Kalks returned to South Africa. However, Willie Kalk was still a listed communist, and had to work as a bank clerk. By now he was in his seventies and concealed his age to get employment. He continued to work until he was 85.

Throughout all this time, Willie Kalk displayed a remarkable energy and sharpness of mind. He remained true to his orthodox communism, which at times made him seem old-fashioned. Yet his devotion to democratic and shop-floor union practices, to worker education and to the working-class struggle, as well as his firm grasp of the intimate connection between exploitation and oppression, ensured that Willie was in tune with modern progressive union thinking.

Willie Kalk died on Sunday morning, August 27, 1989. In remembering him, we pay homage to all those men and women who have suffered in the cause of the worker struggle in South Africa. The pioneering work done by Willie Kalk must not be forgotten - today's progressive trade unionists are his unconscious heirs. ☆

* Jon Lewis: *Industrialisation and Trade Union Organisation in South Africa, 1924-55.* CUP 1984 p 70.

Perestroika: greatest test yet

In July coal miners in the Soviet Union staged the country's biggest industrial action since the Russian Revolution, giving President Gorbachev's reforms their most serious challenge yet. MIKE TAYLOR comments in *International Labour Reports (ILR)*.

This July a quarter of a million coal miners - one-fifth of the industry's workforce - went on strike in pits thousands of miles apart. Unrest flared up on 10 July at Medchurenensk, Siberia. By 14 July, half the 300 000 miners in the Kuzbass coalfields in Siberia, the country's most important coal producing region, had downed tools, followed by miners in over 100 pits in Donbass in the Ukraine, Karaganda in Kazakhstan, and in Vorkuta (see map). Up to 10 million tons of coal were lost.

Among the miner's main demands were more independence from Moscow in decision-making, drastic cuts in government bureaucracy, and better wages and living conditions. Workers on some coalfields even went further to issue overtly political demands.

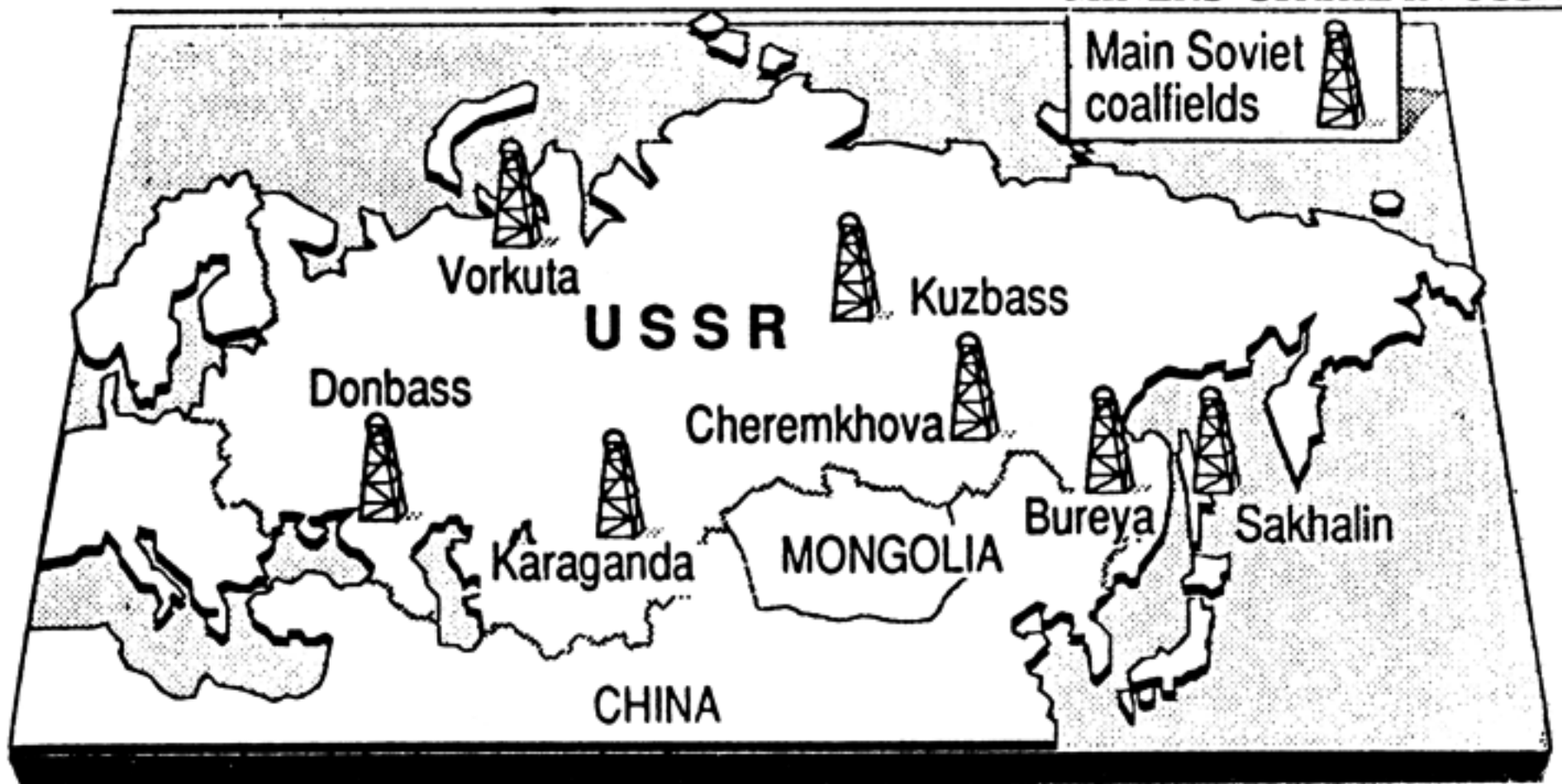
"Scream of despair"

At a debate in the Supreme Soviet, President Gorbachev heard a delegate from Keremovo, Siberia, describe the strikes as a "scream of despair" at the failure of the Communist Party and official trade unions to protect workers' rights. The miners' demands exposed the appalling conditions in the Soviet coalfields, including a dire health and safety record, overcrowded hostels, schools and hospitals, a severe lack of shops and amenities, food shortages, and pollution so bad that in some towns, cars must use their headlights during the day.

On the Moscow TV news 'Vremya', one miner declared, "We live for our pits. They're our home, but all we have produced has been taken by the Ministry, and they've given us back nothing, ab-



MINERS' STRIKE IN USSR



solutely nothing". Another declared that if "Soviet power" was to survive, there must be early and genuine elections to local and regional councils.

Council elections are in fact scheduled for this autumn, but some radical Soviet politicians fear that they will be "fixed". A worker from the Keremevo strike committee pledged to "fight the bureaucratic apparatus that sits on our neck - the people who don't work and yet live better than anyone else".

The Communist Party media gave remarkably sympathetic coverage to the strike with on-the-spot reports and a full airing of the miners' grievances. The Party newspaper *Sovietskaya Rossiya* remarked, "Until now perestroika was a revolution from above. Now it is getting powerful support from underneath".

For their part, the miners signalled their support for Gorbachev's reforms when they stopped an attempt by the underground Democratic Union, which advocates multi-party democ-

racy, to capitalise on the strike.

"We won't move"

On 17 July, President Gorbachev dispatched a high-level team to Siberia, including Coal Minister Nicolai Schchadov and Chairman of the official All Union Central Committee of Trade Unions (AUCCTU) Stepan Shalayev. Miners camped out at the Kuzbass strike headquarters shouted, "We won't move from here until Prime Minister Ryzhkov and Gorbachev arrive".

However, after a warning from the President that the strike could endanger his reform programme and cripple the economy, 15 out of 19 strike committees in Kuzbass recommended an end to the strike on 19 July. The government promised pay increases which will cost Kuzbass 70 million roubles (70 million pounds), pledging also to get thousands of tons of meat, sugar and consumer goods worth 10 billion roubles into shops.

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Yet as the Siberian miners streamed back to work, more miners joined the strike across the Ukraine, prompting Gorbachev to make a personal appeal on television on 23 July. He pledged a sweeping agenda of political and economic reforms, and said that any agreement with the miners should immediately be ratified by the new Soviet Parliament. He said there would

have to be urgent action to draft laws on property ownership, land, taxation and trade union.

Coal miners have traditionally been the bedrock of support for the Communist party, and provide the nation's power feedstock as well as generating crucial foreign exchange - hence the Soviet leaders' readiness to accede to virtually all their demands. ☆

Demands reflect grim conditions

The demands of strikers in the Donetsk Basin in the Ukraine, released by the Ukrainian Central Information Service, are broadly similar to those of miners in the Kuznetsk Basin and other regions. They include:

Self-management

- regional economic self-management for Donbass

Wages

- increases of 20% for evening shifts and 40% for night shifts
- time used in travelling to coal face to be included in paid working hours
- removal of upper wage levels
- increases of up to 60% for women miners in hazardous operations

Terms and conditions

- annual leave of 45 days per year
- compensation of 50% of average wage to disabled miners
- retirement after 20 years continuous work
- miners to be provided with apart-

ments after 10 years

- ban on punitive transfers
- maternity leave of three years at woman's full average wage
- holiday pay and financial aid for medical treatment
- full pay for workers temporarily laid-off
- better quality, and increased supplies of food
- tax exemption for retired miners
- no work on Sundays

Health and safety

- recognition of silicosis, anthrax, tuberculosis, rheumatism, cancer of the skin, lungs, and thyroid, and ear, nose and throat complaints as work-related diseases

Union rights

- 50% reduction of union staff
- official miners' union to fund the strike
- no reprisals for the strike
- guarantees to be published in national press that strike can continue until all demands are met ➡

continued from previous page

Co-operatives

- ban on establishment of co-operatives and disbandment of existing medical and food co-operatives, believed to be a cover for private businesses reselling state goods at high prices

Miners in several coalfields added overtly political demands to their lists:

- **Pechora, near Vorkuta**
 - abrogation of the article in the Soviet constitution which guarantees the leading role of the Communist Party (considered to be an extreme demand, which President Gorbachev does not support)
 - "power to the Soviets" i.e. workers' councils to be more than rubber stamps
 - direct elections with one person, one vote; election of deputies by 'mass organisations' to be cancelled
 - election of the President and leaders of local and regional councils by direct and secret ballot, not by the legislature
- **Chervonohrad, Ukraine**
 - the dismissal of leading local officials including the first Secretary of the Communist Party in the Ukraine, the chief of police, and the head of the KGB
 - the establishment of an independent trade union under the name 'Solidarity'
- **Karaganda, Kazakhstan**
 - an end to nuclear bomb testing at the Semipalatinsk testing ground ☆

The role of unions under socialism

Can existing trade unions lead the working class movement and are they viable in the new political conditions? This is the question people in the Soviet Union are asking themselves after the dramatic events connected with the recent miners' strike. *Moscow News* interviews Stepan Shalayev, chairman of the AUCCTU, and Teimuraz Avaliani, Chairman of the Strike Committee from Kemerovo.

MN: *The AUCCTU Chairman came to the Kuzbas as a member of a governmental commission. The miners' demands were addressed to him, too. Would it not have been more logical for the miners to invite him over to their side and for him to make these demands rather than receive and consider them?*

Shalayev: Just look how a journalist's inaccuracy can wrongly influence public opinion. Someone called the commission "governmental", and this word started appearing in the papers.

But it was a joint commission of the CPSU Central Committee, the USSR Council of Ministers and the All-Union Central Council of Trade Unions. How could it be governmental if it was not headed by a government member but by Nikolai Slyunkov, Member of the Politburo? I hope you realise the difference. We must think more carefully about how such small misunderstandings can sometimes lead to major conflicts.

I asked to be included on the commission straight away. We contacted local trade union people right at the beginning of the strike and we knew how complex the situation was. I arrived as the AUCCTU Chairman to consider the working people's demands. At the first meeting in Kemerovo I told miners that I'd come to defend their interests, as a member of this commission.

Avallani: I think everything is quite clear here, unfortunately. In our country the AUCCTU is an organ of state powers. The trade unions deal with pensions, sick pay and work conditions not independently, but in close liaison with state departments. Therefore, the AUCCTU is for us miners another high echelon of power giving out orders. That's why we didn't invite Comrade Shalayev to our side, but made demands on him as on other representatives of power. Both my comrades and I believe he's also responsible for the socio-economic situation that took shape in the Kuzbas.

But we're also to blame for our

trade union having lost the ability to fight. We have tolerated for too long a role that doesn't belong to it, that of instrument of the command-administrative system, and forgiven our trade union people for their compliance and lack of principle. So, when the situation became critical, they just hid behind our backs.

MN: *Why were the Soviet trade unions unable to lead the working class movement of miners in defence of their rights and of the principles of perestroika?*

Shalayev: One of the main rules of our work is that labour conflicts should be considered in time, before they lead to stoppages. In the Kuzbas social and economic problems had been very much ignored. The miners had to go to extremes. And some of us didn't know how to react. I can't justify this, but I understand. However, we have a legal procedure for settling individual labour conflicts which determines a trade union committee's rights - the administration is obliged to fulfil its decisions. This makes it possible to protect the interests of working people. Last year we considered half a million labour conflicts and only in one percent of cases decided in favour of the administration.

There is no such procedure for collective labour disputes. But then, neither is there any clarity regarding who should consider disputes and adopt decisions, and within what period of time (allowing for complaints against them). So it's hard to under-

stand what you should be demanding from whom. That's why we've been insisting on such a law since June 1988. The AUCCTU prepared a draft and submitted to the USSR Supreme Society Presidium in April. If the document had been adopted in time, we could have shoved it in front of the lazy administrators in time, and avoided strikes.

Avallani: The roots go very deep. The trade unions have obediently repeated the activities of our economic

managers for decades. Have we ever had trade union committees at our enterprises? No, we had management departments checking fulfilment of production programmes by the trade unions. And let's face it - an economic manager picks trade union committee chairman just as he picks heads of departments.

They were subordinate forever, how could they demand anything? So we had to take things into our own hands and make demands which were purely of a trade union nature. Even



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when making political demands we mentioned economic demands, trying to turn things towards man's interests. All this could very well have been done by the trade union leaders, only - it couldn't. The trade unions have for too long been a haven for weak Party and economic personnel who don't know how to work. What leadership can you talk about when these people have been led all their lives?

MN: *Both the draft law on the rights of trade unions prepared at the AUCCTU and the draft law on work collectives, signed also by the AUCC-TU Chairman, envisage too many procedures and agreements before a strike is recognised as legal. The impression is created that, when preparing these documents, the trade unions think: somebody else will be organising strikes and protecting the interests of the strikers but not us. Is this impression correct?*

Shalayev: No. When preparing the draft we were drawing on our international experience. We referred to ILO recommendations, and the conventions our country has signed. We envisaged various ways of settling labour conflicts. A strike is an emergency measure, but what comes before this emergency? Labour commissions and arbitration. We are not interested in complicating things, like, for example, in Britain, where to announce a strike nearly all trade union members should vote for it by post. The draft also speaks of the right of trade union committees to announce

strikes only in cases when the administration either doesn't abide by procedure, or doesn't honour agreement.

Avallani: Here, too trade unions lag behind and are guided by old yardsticks. They were again hoping for some small, insignificant conflicts, as if consciously not putting into action the mechanism of quick and effective settlement. And I don't see them as having power to influence political questions. Both the coal industry and agriculture are today subsidised by the state. That means we're parasites, doesn't it? But grain and coal are profitable. Maybe the price policy is wrong - when a ton of coal is equal in price to be a bottle of vodka? How are we to struggle against this policy? What ways out do the drafts of the AUCCTU offer us? Practically none. So, we strike again?

MN: *A situation is taking shape where trade unions are becoming closely linked with the administration, while a spontaneous working class movement is growing. When will the trade unions be able to go over to the other side and how?*

Shalayev: Yes, our local trade union leaders are often criticised for being too dependent on the administration., How do we avoid this? First of all, by electing trade union leaders on an alternative basis - directly at the meeting. When they have a choice, people prefer to vote for the most principled person who won't sell himself for behind-the-scenes privileges, or

give in to pressure. The second trend is to elect more workers. This is the most independent category of people, with the strongest links with the masses, and unlike engineers, they do not fear for their careers. We're implementing these principles and chairmen are becoming more independent.

Avaliani: Trade unions can hardly figure prominently in the working class movement in the present conditions of pure subjectivity and no independent decision making. I know that some change is planned in the functions of trade union organisations. But the principle remains the same - to agree and draw out the decision-making process for as long as possible. And we already know the scenario. On December, 18, the workers of the Shevyakovo mine put forward their proposals and these were sent to the Trade Union Central Committee, from there to the regional TU committee, then to the association, and finally back to the mine.

No, a cosmetic overhaul won't do. We must start setting up a fundamentally new type of trade union. Maybe alternative trade unions.

MN: *Have new strikes been forecast - the time, the place? In the event of a large-scale labour dispute, how will the AUCCTU, primary organisations and strike committees act? Will strikes be used as a tool in the struggle for the interests of working people in the future, too?*

Shalayev: We know there is social

tension at a whole number of metallurgical enterprises and at railways. This alarms us very much. We've already put out recommendations as to how trade union activists should behave in conflicts. We must consider the situation at all levels - trade union committees should make demands on the administration, regional TU committees on the regional leadership. TU Central Committees on the ministries. If agreement is not reached at any section of this chain and the workers would still resort to a strike, the TU committees must lead the strikers.

But I stress once again: the main task is not to let emergencies develop, but to settle questions in time. We now have to learn to lead in hard conditions. And real leadership always means responsibility.

Avaliani: It's hard to make forecasts yet. If some of our demands are satisfied, this could cause social tensions in other industries or regions. If the government doesn't change economic policy very soon, strikes are inevitable.

At the same time it must be realised that we are not adventurers, or enemies of the state. Strikes mustn't be held because of absurd demands. Or, to be more precise: people should not be led to such a state. We know what a strike means. The situation can get out of control at any moment, and it is very hard to imagine what the consequences could be.

We've also realised what a mighty weapon it is. We don't intend to abuse it, nor do we intend to let it go. ☆

A response to Stan Reid's article on inflation

The LABOUR and ECONOMIC RESEARCH COMMITTEE (LERC), respond briefly to Stan Reid's article in Labour Bulletin 14.3. In it he critiques a previous article on inflation by Stephen Gelb, written when he was a member of LERC.

While it would be appropriate to reply to what Stan Reid wrote, we suggest that the previous LERC member who was the author of the original article, respond on the content of Reid's article.

However the following points must be noted:

- Firstly, we must put on record that the work done at LERC has been useful to the labour movement. In a nutshell, we are the last organisation to seek collusion with the bosses as insinuated by Reid. LERC does not hold the absolute truth about the issues that face the country and yet that does not preclude the organisation from taking part in discussions that confront the labour movement. Reid writes as if unions are easily swayed by the information they get from the service organisations and are not accountable to their own constituency.
- Secondly, it is interesting to note who the "we" is that Reid refers to when he writes: "The development of our unions ... We will lose our strength and independence if we follow LERC's suggestion to par-

ticipate with business..." With due respect, LERC has never heard of Reid, can he please introduce himself and his union.

Lastly, perhaps what comes out of Reid's article is the responsibility and accountability that service organisations have towards the labour movement. Indeed this issue is now being seriously addressed by the various service organisations including LERC. ☆

Letters to the Bulletin

The importance of political education

As Africans we are always looking forward to a democratic South Africa free of exploitation and victimisation. Having achieved this goal, the working class will have to be clear in order to participate fully in the running of our country. It is therefore important for the working class to be educated politically (political awareness).

The *Labour Bulletin* has started doing this already through interviews making it easy for the working class to know the feeling of their leaders as well as our leaders to voice the feeling of the working class. We are sure that so many people are aware of the ANC Constitutional Guidelines and the reasons why it is so important to know them. We are now aware of the negotiations which are about to come and what should the trade unions as well as the mass democratic movements do to prepare for such a possibility.

It is for this reasons that we encourage the growth of the *Bulletin*, thanking also the editors of the *Bulletin* for this fantastic job they have committed themselves to. Not only does the *Bulletin* educate us about the struggles in South Africa but also about the struggles as far as Namibia, Peru, America, China, etc. As com-



rades under PPWAWU, we are looking forward to one of our leaders being interviewed. "Let all people who love their country say as we say". Phambili nge *S. A. Labour Bulletin*.

From Comrade Vincent F Mlombo
Kwa-Bokweni

Contributors

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We will try to publish all letters that we receive. We reserve the right to edit letters if necessary.

Book Review

by BARBARA KLUGMAN

NUMSA Women Organise!

The introduction to this book says, "This book was written by women members of NUMSA. It looks at the problems women have - at work and at home - and at their determined struggle to solve the problems." It is a very important book for two very different reasons.

Firstly, the fact that NUMSA has written this book tells us that women have particular problems which need to be addressed - there is no argument in the union about whether there is a need to focus on women's issues within general workers' issues. The book describes how the union has learnt about the many different kinds of discrimination that women workers experience, and how the union has taken up these issues and won major victories.

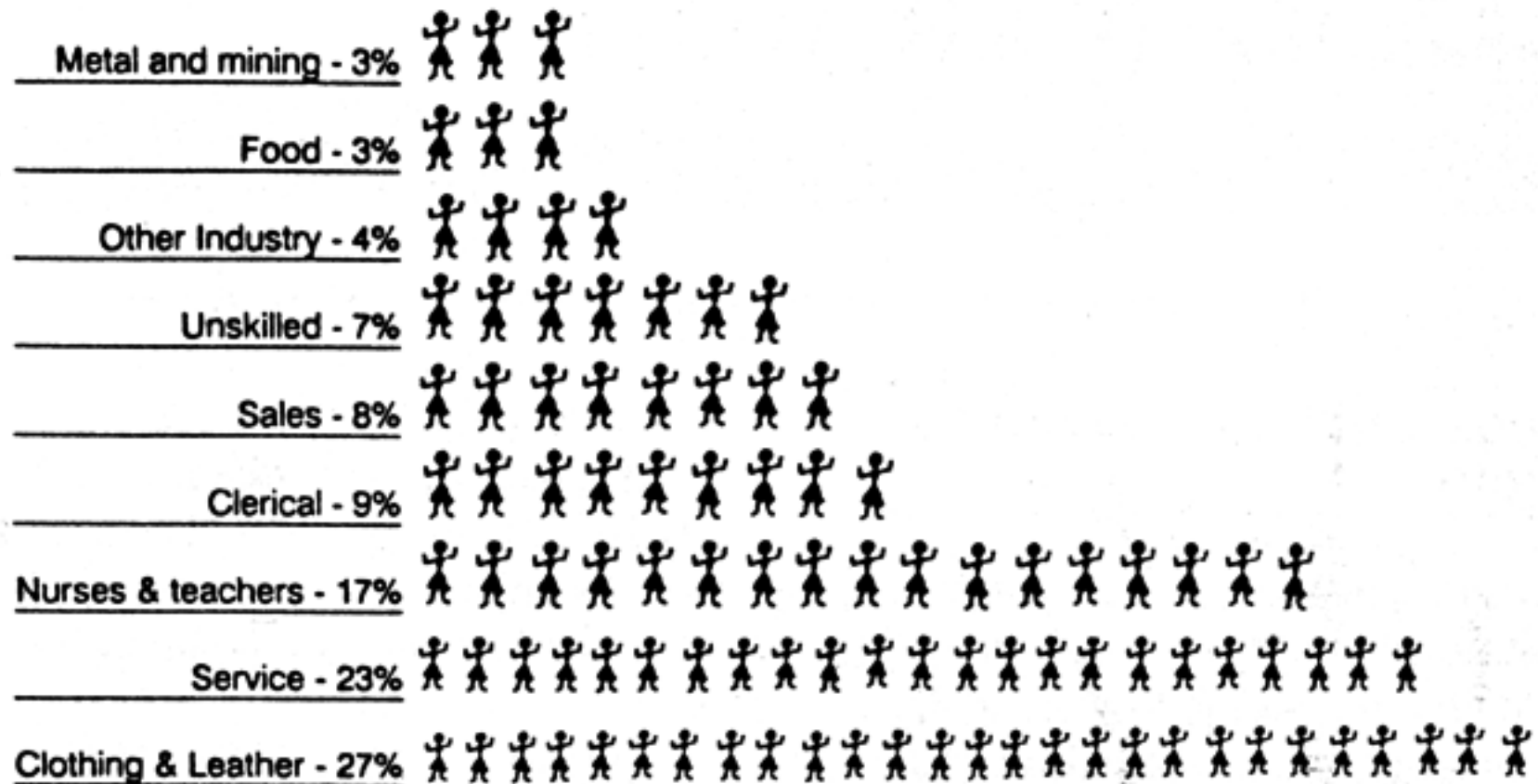
Some of the issues covered in the

book, such as maternity rights, are by now accepted as 'union' issues in all COSATU unions. But other issues are only beginning to be put on union agendas. For example, *NUMSA Women Organise!* discusses the union's campaign for equal pay for work of equal value. It spells out all the subtle ways in which women's work is undervalued, and offers examples of how the union has challenged this in different factories.

The book also shows how women are excluded from vocational job training. One way the NUMSA is challenging this problem is by arguing that training institutions should not be accredited if they don't have facilities (change rooms, toilets, etc.) for women. It is sections like these which will be very useful and challenging to other unions, just as CCAWUSA's focus on maternity rights in the early eighties offered inspiration to other unions. Finally the book will serve to inspire the members of NUMSA, and the women particularly.

The second reason why this book is

Where women work



Each figure represents 1% of employed black women in South Africa.

One of the graphs which is in the book

important is that the preparation and the gathering of information were done by union members, not by 'outside experts' were only brought in to edit the information and put it into the book. So *NUMSA Women Organise!* is a very good example of collective research. It has been published at a time when there is lots of debate about whether it is possible for organisations to do their own research.

One of the women who was centrally involved in the book, a NUMSA administrator, described how shopstewards took questionnaires to their factories, asked women to complete them, and then returned them to a central base. In addition, general women's meetings in most regions were held to discuss the experiences of the women in NUMSA, and to talk

about what the book should say. Reports of these meetings were brought to national meetings at which the final framework for the book was agreed. the NUMSA National Women Workers' Committee then co-ordinated with The 'experts'. This process of calling meetings, and discussing women's issues helped to build the women's structures in NUMSA, exciting women's interest, and gaining their participation the union.

Although there are times when participatory research is not appropriate, this experience in NUMSA offers a valuable example of the way in which the process of doing research can build organisation - even before the information has been analysed and new organisational tasks have been identified! ☆

Labour action

RENÉE ROUX reviews labour action between August and October

Legal strikers get court protection

Exactly two years after they were dismissed in a legal wage strike, 865 SASOL and NATREF workers have been reinstated by the industrial court. On 2 October, the industrial court made a significant ruling reinstating SACWU members at the same conditions and rate of pay as before, and with six months back-pay. The union has estimated the cost of back-pay to the company at approximately R2 million.

SASOL is known for its archaic industrial relations and the judge pointed out that this was true of its handling of the legal strike which started on 1 October 1987. Trouble started even before the strike commenced, with the company trying to disrupt a strike ballot in which 2 437 voted in favour of action and 600 voted against action; workers were threatened with dismissal and shop stewards dismissed for allegedly instigating the strike.

Once the strike started, vigilante groups of non-striking workers attacked strikers, killing some and injuring many others; about 100 wor-

kers were detained for periods up to 3 months (See *Labour Bulletin* 13.1). COSATU affiliate CWIU had a number of similar experiences during strikes in 1987 and 1988 and recently on the SASOL mines.

General Secretary of SACWU, Humphrey Ndaba, says "we hope the company will abide by the decision of the court and close this horrible chapter of our labour history in South Africa. Throughout the labour history of the chemical industry in South Africa, it has never happened that so many people have died in a legitimate wage dispute."

The court ruling will not give these comrades back their lives. Neither will those who sustained permanent injuries return to normal living.

The significance of this ruling for both SACWU and CWIU at SASOL are obvious. The hope is that the company will wake up from what the judge termed its "Rip van Winkle system of industrial relations." On the other hand the judgement is a ray of hope for the democratic trade union movement as a whole.

Firstly, the judgement said that the strike demanding an increase of R300 a month while the company was only

prepared to offer R100, was legitimate and fair. This throws into doubt the validity of other recent judgements against legal strikes (See article on the LRAA). Recently the court supported the dismissal of 87 FBWU members during a wage strike at Hercules Cold Storage. The court ruled that while the strike was legal, it was unfair because the wage demands were excessive. The court ruled that the dismissals were therefore fair and legitimate. The ruling against SASOL and NATREF will serve as a warning to employers who feel over-confident about their right to fire legal strikers.

Secondly, the ruling is significant because it re-instated workers with back-pay after two years. Lengthy court procedures and appeal procedures have counted against workers in previous cases by reducing the chance of re-instatement. For the thousands of mineworkers, SARMCOL workers and many others who await industrial or appeal court hearings, this ruling is a positive sign.

SATS uses racist practices to retrench

The 1987 SATS strike was sparked off by unfair disciplinary action against a member of SARWHU. After the strike, the company claimed to be liberalising when it included African workers under the same disciplinary code as white, coloured and Asian workers. On 1 September 1989, the company introduced a "revised disciplinary procedure", which it claimed was negotiated with "the recognised

trade unions on the Labour Council". The company said that the new "procedure" stressed fairness, corrective rather than punitive action, and quicker results, while giving more responsibility for discipline to line management.

Preparing the parastatal for privatisation has put some pressure on the company to at least publicly be bringing its industrial relations into line with the private sector. What is not seen is how the disciplinary procedures are being used to victimise and retrench black workers, the majority of whom are members of SARWHU. SATS still refuses to recognise SARWHU and it therefore had no say in drawing up the procedure.

In an interview with the *Financial Mail* of 28 October 1988, Eli Louw was asked how SATS will prepare for privatisation, and in particular what it would do about excess labour. His response was: "We have reduced our workforce from 280 000 to 182 000... We will cut out bad workers because competition will force us to do so".

Presently SARWHU is having to face a number of dismissals around the country which clearly form part of this strategy. The fact that line management is given more power in this context only increases the chances of white employees acting arbitrarily to protect their own jobs in the long run.

One typical example was the dismissal of Ismael Mbira on the 28th September at City Deep. He was dismissed without a hearing, and nearly 5 months after the alleged offence.

On 17 May 1989 Ismael Mbira was

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sharpening his tools on a grinder as usual. A white clerk, who has no supervisory powers over Mbira, told him to stop using the grinder. Mbira refused and was instructed by the clerk to sign a disciplinary report. When Mbira again refused, the clerk assaulted him. When Mbira defended himself, SATS police removed him for "attacking a white man". Mbira was suspended and told to leave the yard to avoid arrest. It was only when workers in Mbira's workshop downed tools that he was allowed to continue working.

The clerk laid a charge. After twice failing to appear in court, he explained that he had not wanted to lay charges, but was pushed by his fellow white employees.

All this time Mbira continued to work. On 28 September he was fired for the alleged assault without any inquiry. This time it took a five-day strike to even get access to senior management while a number of ultimatums and dismissal threats were handed down. Mbira was finally suspended on full pay pending an appeal hearing. Shop stewards who are not formally recognised now have to appeal against action taken without an initial hearing.

Transport and paper workers defy restrictions on solidarity action

In spite of LRA amendments, which effectively outlaw sympathy strikes, there has been significant organised solidarity action in the past months.

800 TGWU members in 17 Cargo Carrier depots were dismissed on Monday 9 October. Cargo drivers across the country are on a legal strike demanding the reinstatement of 282 workers dismissed from the Van der Bijl Park depot in August.

Van der Bijl workers were on strike demanding that a racist and anti-union manager be disciplined. The dispute started when a foreman assaulted a worker. The worker responded and was dismissed while no action was taken against the foreman. Workers downed tools on 3 August demanding the dismissal of the responsible manager. The foreman was suddenly suspended but workers did not feel that this solved the problem. They were dismissed on the same day.

TGWU tried to intervene but the company would not budge. On 22 August all depots stopped work for 3 hours but the position remained the same. An industrial council dispute meeting on 28 August deadlocked within minutes. At the beginning of October all the depots voted in favour of national strike action. The strike started on Wednesday 4 October and as soon as the 48 hour cooling off period expired workers were given an ultimatum. On the weekend workers decided to continue their strike to reinstate their comrades. On Monday 9 October they were all dismissed.

At the time of going to press it was not clear whether or not the company was serious. The drivers are highly skilled and hard to replace, driving primarily special sealed containers of petroleum and other chemicals.

Nampak workers' victory

PPWAWU members had speedy results from their solidarity action. PPWAWU is organised in 9 plants of NAMPAK Corrugated division. The union wants to shorten dispute procedures and start annual wage negotiations earlier than the October date specified in a number of agreements. Typical of Barlow Rand subsidiaries, the company insists on plant bargaining, and the union at least wanted to standardise dates and procedures in the respective plant agreements. The company has been particularly resistant to change at Transvaal Box in Industria which has a history of militancy.

Industria workers downed tools on Monday 21 August after banning overtime during the previous week, and by Wednesday they were all dismissed. PPWAWU declared a dispute with NAMPAK head office in respect of the nine corrugated plants affected by the action and gave the company until Friday 25 August to settle.

At the same time workers started organising their solidarity action. Dismissed workers elected committees to take on different duties such as media and contact. The contact committee kept close contact with other plants in the division, with other Nampak divisions and with members of other unions who were handling Nampak products.

Solidarity action started on the day workers were dismissed, with Waddeville workers stopping for three hours. Actions in over 14 Nampak

plants around the country varied from meeting with management to demonstrations, overtime bans and stoppages. FAWU-organised United Tobacco Company in Industria refused to use boxes from Transvaal Box.

Initially the company tried to divide workers. The demand for earlier negotiation and shorter dispute procedures was met at Rosslyn, Waddeville and Pietermaritzburg. This did not stop solidarity with the dismissed Industria workers, and organisers say there would have been a national strike if the company had not settled. By 2 September the company was prepared to take everyone back except two workers who it alleges were involved in the killing of a scab.

Workers finally started work on 11 September. Although Industria management did not meet the workers' demands, the union believes that the strike did have positive results. The demand has been met in other plants and Nampak workers are organisationally stronger. Wage negotiations commenced earlier in most plants, and at present 6 of the 9 corrugated plants are already in dispute over wages.

Defiance on the mines while the Chamber celebrates 100 years of exploitation.

1989 marks the centenary of the Chamber of mines. While the Chamber squanders thousands of rands on TV and newspaper ads glorifying its role in the economy, black mineworkers commemorate 100 years of exploitation and millions of lost lives.

LABOUR ACTION

NUMs' NEC statement on the centenary notes that there have been skirmishes between mineowners and workers almost every year since 1889. When NUM marches in Johannesburg on 28 October they will be reminding the "Egoli-ites" of the unglamorous side of the mining industry.

It is no coincidence that mineworkers have been at the forefront of actions since the COSATU July congress resolved to mobilise a defiance campaign against unjust and discriminatory laws. It is also no coincidence that a mineworker, Comrade Jeffrey Njuza was the first victim of the defiance campaign. On 2 September a white supervisor shot and killed him because he used a "whites only" teacup and a "whites only" chair in the Rustenburg Refineries canteen.

NUM says that Rustenburg Refineries, a JCI subsidiary, is a typical example of a racist mining company. Hundreds of thousands of mineworkers are putting their lives on the line when they challenge mineowners to come into the 20th century.

Some of the other protest actions on the mines were:

- On 30 July mineworkers tried to sit in parks reserved for whites in Rustenburg. Mine security, police and white miners assaulted workers, paraded them and threatened them with dismissals.
- At Lyttleton Dolomite Mines workers used tea facilities reserved for whites. A worker was assaulted for refusing to call a white miner "baas."
- Workers trying to board "whites

only" buses near Secunda were attacked by white miners.

- At Rand Leases workers used change houses and forced white miners to use the queue underground.
- When workers used canteen and toilet facilities at Impala Refinery, a number were attacked by white workers who carried pick-handles when going to the toilet.
- At Grootvlei workers started sharing the cage used by white workers.
- At RM3 two workers were charged for using the white change house, but the company was unable to state what "offence" had been committed under the disciplinary code.
- In Kimberley mineworkers boarded buses to tell FW de Klerk what they think of him and his apartheid policies.
- At Orkney a worker who used "white" facilities was very badly assaulted by mine security and police and dumped unconscious on a farm. Portraying the stark reality of what the Chamber of Mines means to millions of workers, the president of NUM, James Motlatsi, himself a dismissed mineworker, has this to say about the chamber: "The house of KRUPP hired Hitler and through the SS kept cheap labour in concentration camps and sent all those who opposed him to the gas chamber. In SA, the chamber has hired FW de Klerk, Vlok and Malan, and through mine security and the migrant labour system they keep cheap labour in the mine compounds and, of course, all those who oppose them are sent to the gas chambers in Pretoria." ☆

Legal Notes

Legal Notes is written by the Centre for Applied Legal Studies (CALs)

Lock-outs: the bosses weapon against workers

Part five of a workers' guide to the Labour Relations Act

More and more employers use lock-outs in disputes. In this issue, we look at what lock-outs are and why they are becoming such a common feature of South African industrial relations.

What is a lock-out?

A lock-out is an action by an employer aimed at forcing workers to agree to a particular demand. In the most common type of lock-out, an employer prevents its workforce from working in order to force them to accept the final offer on wages and other conditions of employment. The lock-out prevents the workers from earning wages and the employer hopes that the economic loss the workers suffer will force them to drop their own demands and return to work on the employer's conditions.

As we have discussed previously, workers do not have to stop work entirely in order to be on strike. A go-slow or overtime ban may be a

strike for the purposes of the Labour Relations Act. In the same way, a lock-out may be partial. An employer may attempt to force workers to accept particular conditions by means other than preventing them from working. An employer may effect a lock-out by reducing the number of hours that employees work or by acting in breach of their contracts of employment. An employer may do so by reducing wages or depriving them of some of the benefits they are entitled to in terms of their contract. However 'partial' lock-outs are extremely rare. Employers realise that a partial lock-out will probably provoke a full-scale strike. In the rest of this article, we concentrate on the full lock-out in which the workforce is

prevented from working until they have agreed to a particular demand made by the employer.

The purpose of a lock-out

A lock-out must have a purpose. The refusal to allow employees to work, will not be a lock-out if no demand is attached. If workers arrive at work one day and find that the gates are locked and they cannot get to their work-stations it is not automatically a lock-out. It only becomes a lock-out once the employer makes a demand. (ie. that workers can return to work once they agree to a particular condition). Lock-outs are used to get workers to agree to the employer's final negotiating position. A lock out may also be used to introduce changes in conditions of employment. Many recent lock-outs have been aimed at forcing workers to accept new shift systems or overtime arrangements.

The legality of lock-outs

A lock-out may be legal or illegal. A lock-out will only be legal if it is staged after compliance with the provisions in the Labour Relations Act (LRA). The dispute giving rise to the lock-out must be referred to either an industrial council or a conciliation board, and the time periods specified in the LRA must elapse (or the parties' failure to settle the dispute must have been reported to the Director-General). These time periods are discussed in previous notes on strikes (see *Labour Bulletin* 13.8).

An employer can lock-out legally at the same stage that a trade union can strike legally. However, it is easier for an employer to begin a lock-out than it is for workers to strike. This is because workers must vote in favour of strike action in a ballot held after the time periods for settling the dispute have expired. An individual employer does not have to ballot before introducing a lock-out. But where an employers' association such as SEIFSA or the Chamber of Mines calls for a lock-out, the individual members of the association must ballot before they can lock workers out.

Illegal lock-outs

The legality of a lock-out has important consequences. Both the Supreme Court and the Industrial Court can interdict an employer from locking out employees illegally. In addition, an employer who locks out employees illegally will have to pay his employees if they have tendered to work during the lock-out (ie. they have told the employer that they will return to work as soon as he lifts the lock-out). Often locked out employees are also on strike and will not return to work until their own demands are met. In this case, they are not entitled to wages during an illegal lock-out.

It does not matter which party declared a dispute or referred it to a conciliation board or industrial council. An employer may lock-out where the dispute was referred by the trade union and the union can call a strike where the employer referred the dis-

pute. A lock-out is legal if it is on the same issues that were referred to conciliation. If the employer introduces a new issue, the lock-out becomes illegal.

The lock-out as an unfair labour practice

Like the strike, the lock-out can now be an unfair labour practice. Under the LRA the Industrial Court can interdict a lawful lock-out if it believes the lock-out is unreasonable or unfair. Repeat lock-outs or sympathy lock-outs are also unfair on the same basis as repeat and sympathy strikes.

Interdicting legal lock-outs on grounds of unfairness is risky and can restrict the ability of employees to strike. This danger is illustrated by cases in the hotel industry last year. A trade union and a major hotel group were in dispute. Despite full conciliation and negotiation, no settlement could be reached. The hotel group, fearing the workers would strike during the holiday season, locked them out in an attempt to resolve the dispute before the holiday season when the hotels would be at their most vulnerable. The lock-out was legal but the union said it was unfair and asked the Industrial Court to interdict it. The Industrial Court agreed that the lock-out was unfair but added that it would be unfair for the union to strike over the issue while the company could not lock-out. It therefore gave an order stopping the hotels from locking their employees out and stopping the union from calling a strike until

March the following year when the matter would again be argued in court. The upshot was that the company got what it wanted - a trouble free Christmas. The union's court action ended up preventing its members from striking.

The story of a lock-out

In the typical lock-out, employees arrive at work one day to discover the gates of their factory are locked. They receive notices saying something like:

"You are now excluded from your workplace. The purpose of this exclusion is to induce you to accept the company's final wage offer. You will not be allowed to start work until you accept the company's final wage offer".

This situation may last for anything from a few days to a few months. The employer may choose to hire workers as substitutes for the workers who have been locked out. At some stage, most South African employers get impatient and increase the pressure on their employees by dismissing them as part of the lock-out. The employees will be informed that the purpose of their dismissal is to persuade them to accept the employer's final offer. Any worker who gives in to this pressure and wishes to accept the employers final offer will be entitled to recommence work. At a later stage, the employer could announce that he is now hiring permanent replacements for the workers who have been locked out. The locked out workers are informed that

they can apply for re-employment but that their jobs are no longer guaranteed because they may have been replaced by permanent replacements.

This is the crucial stage of a lock-out. As with a strike, the ability of the employer to recruit a new workforce is critical. Employers with mechanised factories employing highly skilled workers may have extreme difficulty in finding a new workforce. On the other hand, employers with chiefly unskilled work-forces are more easily able to do so. A lock-out is an exercise of power. The ability of the employer to find a new workforce, the employer's financial resources, and the workers' capacity to survive, influence the outcome.

To date, not many lock-out dismissals have ended up in cases in the Industrial Court, and it is difficult to anticipate how the court will deal with these. It is likely that the court will be reluctant to reinstate workers dismissed in lock-outs implemented lawfully after full negotiations. A crucial issue will be whether the court will feel employers are under an obligation to employ **temporary substitutes** during lock-outs. If the employer can show that temporary substitutes were not a feasible alternative and it had to hire a new permanent work-force to remain in business, the dismissed employees will be left without a remedy.

The Post-strike lock-out

Employees who are on strike may wish to return to work but without

abandoning their demands. A common employer response is to lock the employees out at this stage. The workers cannot return to work and persist with their demands. They have a choice: either they abandon their demands or they remain out. This tactic is used by employers to ensure that disputes do not linger on indefinitely.

Conclusion

The lock-out is regarded as a tactic of aggressive managements. Managements feel that lock-outs enable them to take control of the dispute with their workers. A lock-out brings the dispute to a head, preventing a trade union from running a dispute over a period of time through the threat of escalating industrial action. The employer may find the go-slow and overtime bans so disruptive to production that it will choose to bring issues to a head by locking employees out.

But this tactic has its disadvantages. The implementation of a lock-out unifies workers. While they may have been undecided whether or not to strike, once a lock-out is implemented they have no choice. This effect has been shown in a number of the long lock-outs in South Africa. They have not led to worker capitulation, but to further negotiations where management, faced with a refusal to return to work, has increased its offer. The lock-out, like the strike, is a double-edged sword. It is here to stay and trade unions will have to work out their responses. ☆

Economic Notes

Economic Notes is written by Labour Research Service (LRS), Cape Town

Unions keep up the pressure on wages

The first half of 1989 has seen an economic slowdown, increased costs of living and anti-union activity by the bosses and state. But unions have succeeded in maintaining wage increases of over 20% for labourers.

Of 181 wage settlements in the first half of 1989, the average annual increase for labourers was 22,5% reports the Actual Wage Rates Database (AWARD).

Most agreements were settled above the May inflation rate of 14,9%. In fact, only 16 of the 181 settlements were lower than this inflation rate.

Wage increases

At 23,9% the average increase negotiated by CAWU was higher than any other union, but not by much. PPWAWU came a close second with an average increase of 23,5%.

The best increase in the first half of 1989 went to labourers at Machine Moving International, organised by TGWU. They won an increase of 89,7% on their wage of one year ago. However, Machine Moving International still pays only R123,75 per week.

The auto manufacturing industry takes three out of the top five places in the league table of labourers' wages. All of these wages are negotiated by NUMSA. Toyota again tops the list with R232,65 per week.

The average wage for the 192 labourers' wages settled in the first half of 1989, and on AWARD, is R141,86

Top five league table of wage increases

Company	Increase	New wage	Union
1 Machine Moving Int.	89,7%	R123,75	TGWU
2 Southern Sun Hotels	68,6%	R136,15	HARWU
3 Sappi(Enstra)	58,3%	R202,20	PPWAWU
4 Kanhym (Jhb)	54,9%	R127,00	FAWU
5 Cargo Carriers (rural)	51,5%	R72,06	TGWU

Top five league table of labourers' wages

Company	Weekly wage	Union	Previous position
1 Toyota	R232,65	NUMSA	1
2 Cadbury	R230,00	FAWU	8
3 VW(IC)	R224,70	NUMSA	8
4 Mercedes	R224,68	NUMSA	2
5 Kellogs	R223,00	FAWU	n/a

per week. Workers in the metal and engineering industries are still paid the highest wages. This is shown by the average wages achieved by the unions.

NUMSA's average wage of R178 per week for labourers is R51 higher than the TGWU average of R127 per week. NUM's average wage is not representative, because the union negotiates mainly in the second half of the year.

Companies notched up huge profit increases in the past year. Best of all was the construction sector, where profits before tax went up 68%.

The average labourer's wage increases in the major industries are well behind these profit increases. The table shows the average labourers' wage increase per sector. Many wor-

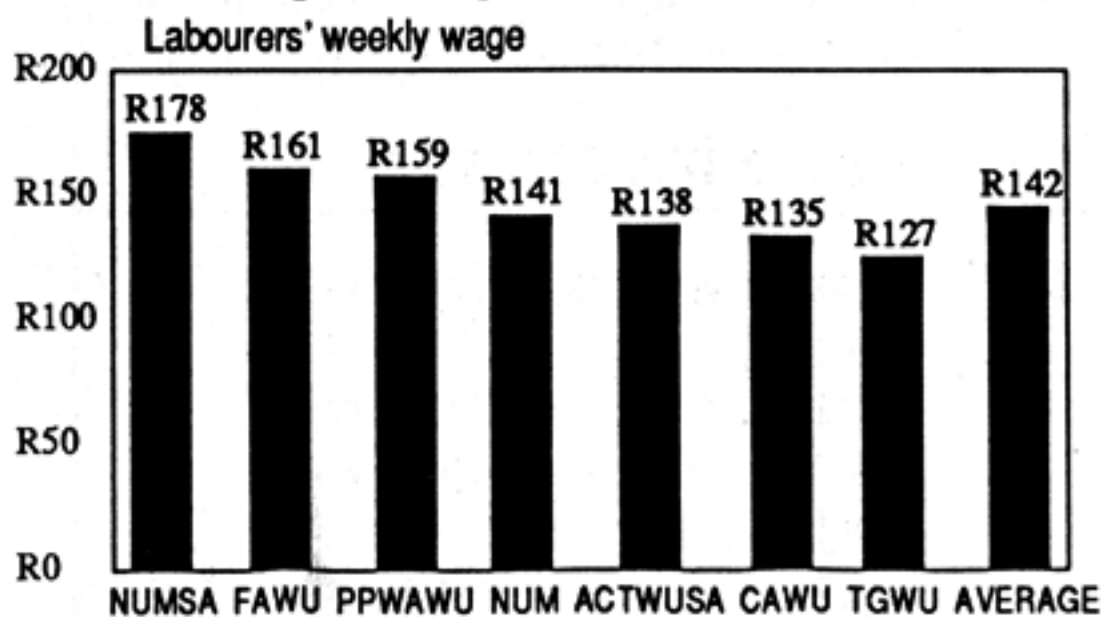
kers in higher grades got less than these averages.

Profits increase at faster rate

	Profits	Wages
Construction	68,1%	23,9%
Transport	59,4%	23,0%
Paper and packaging	54,8%	23,5%
Metals and electronics	52,7%	19,7%
Food	37,8%	21,4%

Unions face an uphill task in standardising wage levels. AWARD reveals a very large range in wages in any particular grade. For forklift drivers the range is from R98 per week at Intercity Parcels, to R242 per week at Mercedes Benz.

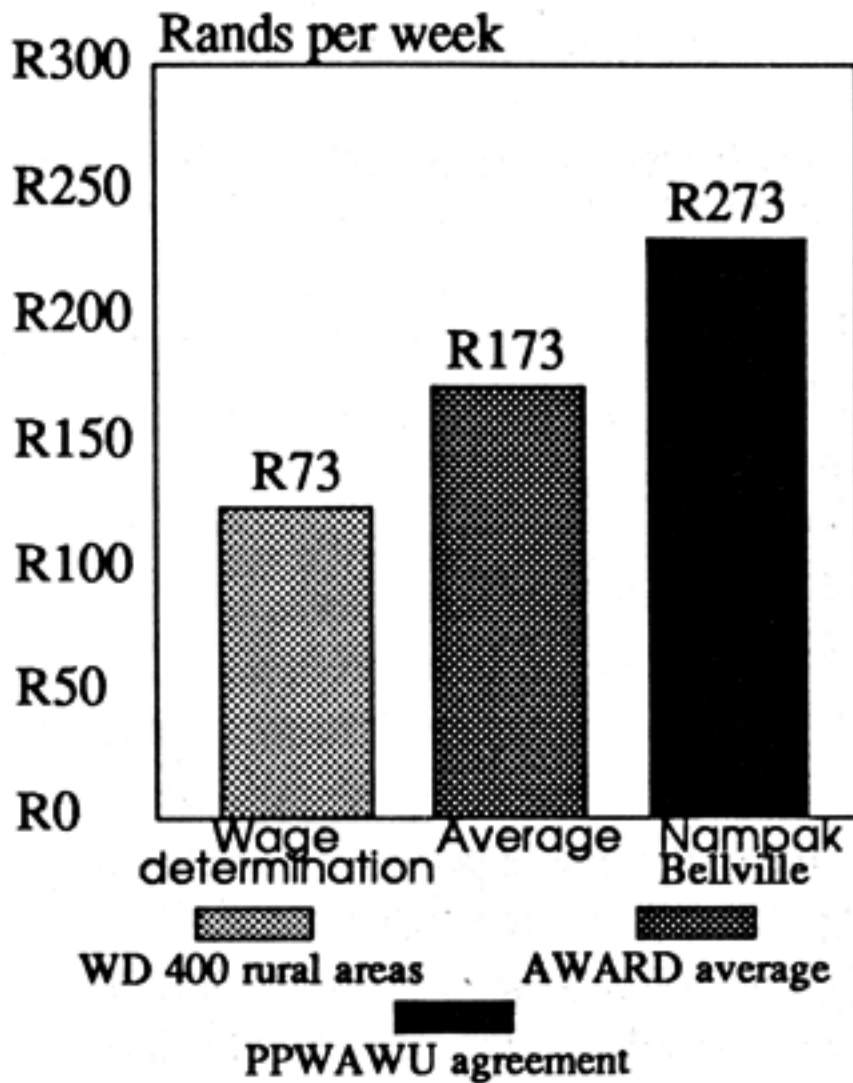
Average wages compared: NUMSA wages are highest



Meanwhile, for heavy vehicle drivers, the highest wage of R273 per week is over three times more than the bottom wage of R73 per week, set by the Goods Transport Wage Determination for rural areas.

The P-E Remuneration Service found that African workers in the Patterson A1 grade earned R159 per week on average in the seven

Heavy Duty Drivers Range of wages is huge



months to March 1989.

P-E Remuneration Service also reports that management expect to grant increases of only 16,2% for black hourly paid workers in 1989. In 1988, workers on average had to make do with about 16%. But, they point out, union members got above 19%.

This supports the evidence from AWARD that unions have kept up the pressure at the bargaining table, standing firm in difficult economic and political conditions. A high goal has been set for the rest of 1989.

Wealth grows the most for shareholders

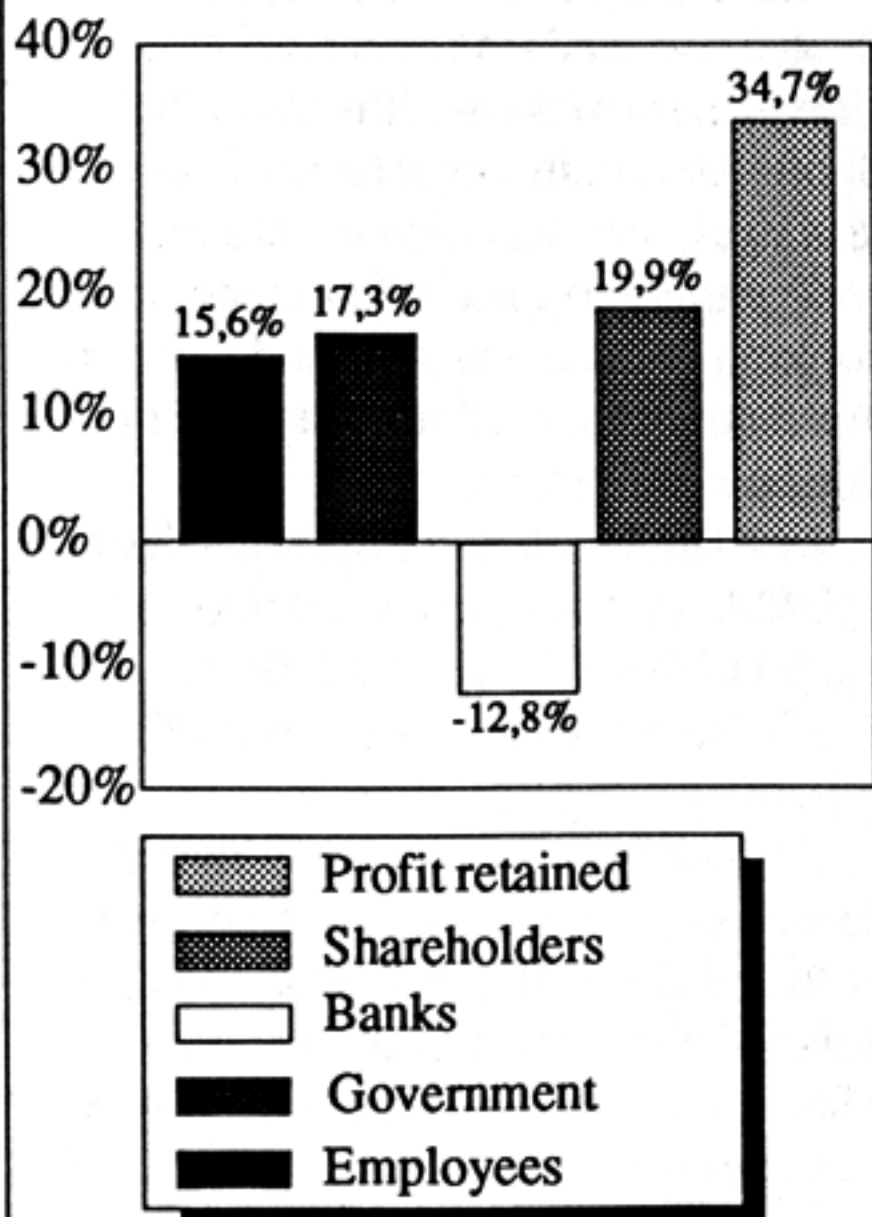
Shareholders' payouts grew by one-fifth and the profits kept by their companies rose by 35% during 1988.

This is shown by a review of value added statements in ten of the largest engineering and electronics companies listed on the Johannesburg Stock Exchange.

Very few companies provide a value added statement in their annual reports, but those that do reveal interesting information:

- If workers' share of total wealth created had remained at the 1987 level they would have received R34 million more in benefits and wages than they actually received in 1988.
- The profit retained by the ten companies rose by 35% or R145 million, from 1987 to 1988.

Large Rise in Profit Retained



● Interest payments fell during 1988.

The lower interest payments supports the view that companies are using their higher profit to pay off loans to the banks. Companies have also used their profits to buy up disinvesting companies.

This, together with the economic downturn in the mid-1980s, has contributed to the massive fall in investment in new factories and machinery over the past few years. ☆

Company profile: Middelburg Steel & Alloys

Middelburg Steel & Alloys is the ferro-alloys and stainless steel division of Barlow Rand. It is the only South African manufacturer of stainless steel, which is used to make a wide variety of goods. These include cooking utensils like pots and pans, in the chemical and oil industry and in military equipment.

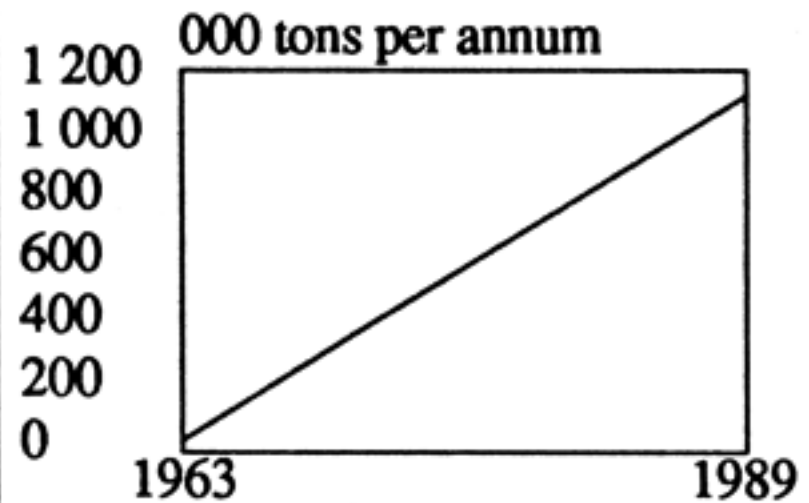
In 1988 Middelburg Steel produced 110 000 tons of stainless steel at its plant in Middelburg. Middelburg Steel also produced about 300 000 tons of ferrochrome in 1988.

Ferrochrome is used in the manufacture of stainless steel, and because of this, it is a highly prized product. South Africa now produces about 45% of the western world's supply of ferrochrome.

Ferrochrome was possibly one of

the most profitable industries in South Africa in 1988. This was mainly due to an increase in the demand for stainless steel the world over.

SA ferrochrome production takes off in the '70s and '80s.



Ferrochrome is produced by smelting chrome ore in a furnace at very high temperatures. Although Middelburg Steel does not own any chrome mines Rand Mines does. And Rand Mines is owned by Barlow Rand.

Just under half of the stainless steel produced by Middelburg Steel is exported. The other half is used to manufacture finished products by companies like Robor Industrial Holdings. Robor Industrial Holdings is owned by Barlow Rand.

At each stage of the manufacturing chain value is added to what was originally chrome ore. A study by the board of Trade and Industries has shown how much value is added to the chrome or at each stage in the manufacturing chain.

The initial value added to a ton of chrome is R178, R1 500 if it is converted to ferrochrome, R6 250 if it is converted to stainless steel and R25 000 if it is made into cooking pots.

Middelburg Steel is a highly valued

The manufacturing chain

From chrome ore to finished product

stage 1	stage 2	stage 3	stage 4
chrome mines	ferrochrome	stainless steel	manufactured products

company within the Barlow Rand group. Although it is a small company, when compared to some of Barlow's other companies, it produces large profits. Its 1988 profits, of R115 million, were about one sixth of the profits made by Barlow Rand.

Middelburg Steel does not, however, account for a large number of Barlow Rand's workforce. In 1988 Middelburg Steel employed about 4 000 people. Barlow Rand's total workforce was 157 483 people. ☆

Big 'bucks' for bosses

At negotiating tables throughout South Africa, the bosses warn unions that more pay will mean fewer jobs.

Newspapers report the bosses' warning. For example, the *Sunday Times*, 13 August 1989, reported that Rand Merchant Bank group economist Rudolf Gouws had warned that

the motor industry "cannot afford to pay more".

The same newspapers which report these warning have declared massive increases in bosses' pay. The *Argus*, 28 June 1989, reported that management earnings have grown by between 30 percent and 40 percent over the past year. And one top executive "earned R3,5 million last year"!

The Labour Research Service has carried out its own investigation of managements' salaries and benefits. This shows that while the bosses have been warning unions about the effects of higher pay they have increased their own pay packages by large amounts. A chief executive is now paid R2 450 per week. This is the average amount reported by P-E Corporate Services, a management consultancy.

P-E Corporate Services also reports that the cash salary earned by a chief executive is only part of his total earnings from the company. Other benefits push up total earnings to R4 553 per week.

This is also the case for other managers. The P-E Corporate Services study found that personnel managers on average earn a cash salary of R1 988 per week. Their other benefits increase this to R3 154 per week.

What bosses earn

	Basic salary per week	Total Earnings per week
Chief executives	R2 450	R4 553
Personnel managers	R1 988	R3 154
Production managers	R1 661	R2 779

ECONOMY

The largest part of other benefits is received at the end of the year in the form of a performance bonus.

Sometimes called an incentive scheme, this is usually linked to profits. High profits means a

The bosses' performance bonus for the year to March 1989

Chief executives	R26 980
Personnel Managers	R18 640
Production Manager	R18 640

bigger bonus.

Other benefits include the usual company car, membership of sports clubs, an entertainment allowance,

medical aid, housing loans and pension schemes. ☆

Inflation

Consumer Price Index (1985=100)

Annual rate of inflation (% increase over 1 year)

Area	July 1989	Jul 88 - Jul 89
Cape Town	178,2	15,1%
Port Elizabeth	182,9	16,2%
East London	174,0	14,5%
Durban	169,8	14,8%
Pietermaritzburg	175,9	15,3%
Witwatersrand	181,1	15,7%
Vaal Triangle	175,1	14,1%
Pretoria	187,9	16,5%
Klerksdorp	188,0	14,7%
Bloemfontein	165,1	14,3%
OFS Goldfields	179,7	14,2%
Kimberley	172,0	13,2%
South Africa	179,3	15,5%

Source: Central Statistical Services

Wages going up - wage settlements in 1989

Unions have succeeded in maintaining wage increases of over 20% for labourers in 1989.

This and much more is reported in the Labour Research Service's third review of wage settlements.

The review also contains information on the latest profits made by com-

panies and the results of a management wage review.

You can get *your* copy of this review by writing to the Labour Research Service at: P O Box 376, Salt River 7925.

Distribution worker

The Joint Distribution Group (JDG)

is a non-profit making distribution network that incorporates **Work in Progress, S A Labour Bulletin, Speak, Sached Publications/Upbeat, Learn and Teach** and **Ukukhanya**.

We have a vacancy for a distribution co-ordinator. This job is based in Johannesburg and involves:

- administering the project
- co-ordinating the distribution of the various publications
- setting up and co-ordinating local JDG distribution points around the country

The successful applicant should have initiative, be able to work on her/his own, be prepared to work long and flexible hours and be willing to travel. He/she should be able to work in a team and should have her/his own transport.

The following will be necessary:

- administrative skills
- driver's license
- experience in working in a progressive organisation
- experience of working with computers would be an advantage

Applications should be sent to:
Eugene Cedras, P O Box 11350,
Johannesburg 2000.

Applications should reach us by 31 October 1989.

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Anti - LRA poster produced jointly by COSATU and NACTU