INDUSTRIAL RELATIONS— GENERAL

1984

JANUARY — DEC.

January 8, 1984 3

Labour unrest warning

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S-Times

By Don Robertson

LABOUR unrest is likely to continue this year, says Henk Botha, executive director of the Institute of Industrial Relations

In spite of the expected economic recovery and the afforts to solve labour problems, potential flashpoints exist

In spite of a plea for a wage freeze in 1983, many trade-union demands exceeded the inflation rate Demands for increases of between 20% and 25% were not uncommon

Some trade unions agreed to lower awards than they sought, but said they would press management to make up for their scarifices in 1984

Wage issues will receive much attention this year and managements should look to their wage structures and policies, says Botha

Closely linked to disciplinary dismissals, retrenchments will continue to be a sensitive issue Many employers refused to negotiate on whether retrenchements were necessary, but they were ready to discuss alternatives

Unease and uncertainty relating to dismissals connected with unfair labour practices are likely to continue this year, although action is being taken to remedy this

The National Manpower Commission investigated the definition of unfair labour practice and indications are that the report will be available this year

Mr Botha says the skills of employers will be tested in the coming year Although sound industrial relations depend on both management and trade unions, primarary responsibility rests with management

Tough year for employers

Star 19/1/84

(132)

By Fred Holtshausen

Any employer who found industrial relations difficult and confused last year would be wise to brace himself this year

It promises to have an even more difficult negotiating climate

If we look closely at IR in South Africa one fact emerges starkly IR is becoming politicised

Take so simple an article of the IR structure as a redundancy procedure Does it recognise that some workers lose not only their jobs but their residential qualifications?

More important, and a factor that is of concern to many big employers, is the tendency for IR and politics to mix

IRRELEVANT DEMANDS

Perhaps it was inevitable, with the polarisation produced by the new constitution

Coloureds and Indians have a potential political voice The vast majority of workers see their only avenue of political negotiating as coming through the system provided by IR.

Already it is found that trade unions come to the negotiating table with requests (demands) which ought to be irrelevant

These may include a request to the employer to use its muscle to stop alleged harassment by the Security Police of union officials, or lobbying for a change in the interpretation of the certain aspects of labour laws

At the same time the so-called emergent unions are growing up Some are beginning to realise the real threat they present to their own members if they cause the cost of labour to be over-priced

On the one hand, the unions owe their existence to the promise that they will enhance the way of life of their members

On the other, scores of thousands of jobs could be swept away if managements were to dig in their heels and go all out for mechanisation

The unions are reaching a greater level of understanding and maturity

Negotiation, rather than reaction, is taking over, and it requires skills from both sides of the table

For example the employer would be wise to avoid adding to the alienation which blacks feel politically by acting unilaterally in the industrial field — even when the unilateral action is traditionally a management prerogative

Equally, the union would be advised not to precipitate further unemployment in a country which, unlike Western Europe, does not have the infrastructure to deal with it

The key-note during 1984 should be "negotiation with realism" from both sides

The specific issues for conflict or resolution which are likely to appear on the agenda this year include

- Wages and conditions of employment
- Further redundancies
- Inadequate grievance-handling machinery
- Socio-economic issues, including the lack of welfare structures
- Supervision

Management is beginning to recognise the specific need in IR The number of posts advertised in the past week for IR managers is testimony to that fact

WHOLE MANAGEMENT TEAM

It would be unwise of a managing director to feel that the appointment of an IR specialist will end his labour sorrows

The policies and procedures which his IR manager will propose should be implemented by the whole management team with the full support of the chief executive

The mechanics of conducting an IR audit will be examined in next Saturday's Star Business Future issues will consider specifics such as the selection of an IR team, the development and implementation of IR structure (policies and procedure), and interpersonal skills within the IR framework

- *Fred Holtshausen is an industrial relations consultant*

SUNDAY TRIBUNE, JANUARY 15, 1984

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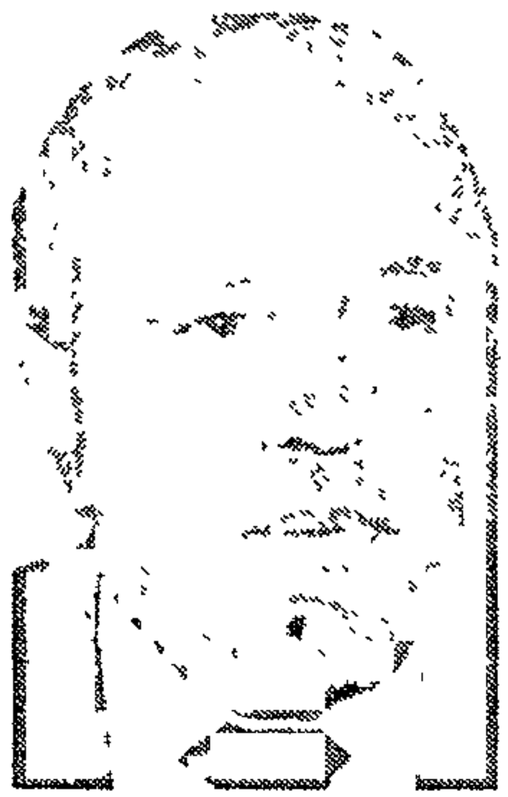
Unions are adopting a more professional approach, says



Paddy Allen

By **Mike Peirson**

A MORE pragmatic approach by the new union movement is forecast for the coming year by the vice-chairman of the Industrial Relations Practitioners' Association of South Africa (Irpasa), Paddy Allen

Objections to structures, merely as a matter of principle, were proving increasingly irrelevant, he told me this week. The new trade unions had not only become more confident of their power and position, but also more aware of the complementary power of management. They were, consequently, displaying an increasing flexibility of approach which "bodes well for the process of accommodation"

Established unions, too, had learned from the "successes" of the new unions. Imperceptibly, some of these older unions were adopting a more "aggressive" stand, particularly on such issues as wages and retrenchments.

Although they would not become as militant as their new counterparts, Mr Allen said the indications were that these bodies might not be as "pliable" as in the past.

He explained that despite strike waves from time to time, last year had seen less of an anti-system and more of a disciplined professional approach by the more prominent newer unions Instead of the erratic and over-emotive action of the past they had concentrated more on specific issues and concerted action.

"They appear to have realised their strength lies in building up firm representivity and establishing sound relationships rather than taking up arms merely for the sake of the battle," Mr Allen went on "This can only, in time, result in sounder and more predictable labour relations."

It did not necessarily mean that unions would become less militant, merely that there would be a greater direction and perhaps rationality in their militancy.

The unions and their officials were becoming increasingly sophisticated, conducting more detailed and better negotiations, resulting in more advantageous and workable agreements. They were also resorting to alternative means of settling disputes, such as court action and even mediation or arbitration.

"Gradually, too, realisation is dawning that ultra-democratic decision-making not only confounds discipline, but also results in long delays in the negotiating process," Mr Allen added, "so that a strong union, if it wishes to maintain sound relationships, will have to exercise greater discipline and control over its members."

Grey areas continued to exist, however, with unions at times still using spontaneous emotive issues to gain worker support or establish presence. Yet the more established the relationship with management and the stronger the union, the less the likelihood of irrational, unpredictable action.

Mr Allen explained that 1982 had been the testing and training ground of the new union movement During 1981 and 1982 they had enjoyed a virtually unfettered power-base.

Black workers had found, in present socio-political and past industrial inequities unique to South Africa, a ready lash with which to whip the conscience of the employer and drum up foreign disparagement of the "white exploiters"

"In management there were many who wished, in the light of this situation, to make the new system work, even in some cases to the extent of bending over backwards.

"The recession, which began in 1982, has, to some extent, restored the power balance and re-established a more practical perception of the situation. Some unions have learned that power balancing is a delicate matter and that the swing of the pendulum may result in severe repercussions

"Management on the other hand, has regained confidence and negotiations may, therefore, be tougher but more reasoned."

But Mr Allen gave this warning "Employers would do well, however, to guard against overconfidence, as the power-base of the unions has hardly been eroded at all, but merely laid dormant until better times."

He said it spoke for the strength and impetus of new worker awareness that last year, despite the recession, the trade union movement continued to grow

However, although strike action might not be a preferable weapon at present, and union growth might steady, there was no prospect that the wave of new unionism would recede Present circumstances would be used to tighten up organisation and consolidate.

'Buying power a political tool'

ARGUS 17/1/84

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Argus Correspondent

PRETORIA — The marketplace will increasingly have to bear the brunt of the growing anger and frustration of the disenfranchised black population, a leading business academic has predicted

Because black people are disenfranchised they have litttle choice but to use their collective economic power in the marketplace to express their politcal aspirations, according to an article in Industrial Week

Professor James Leat of the University of Cape Town Graduate School of Business says employers will increasingly find themselves confronted with issues such as bus fares, housing and consumer boycotts of company products

Thus the marketplace — and especially the "fragile industrial relations system" are being called on to bear a weight they are not designed to carry, the article says

"The workers' struggle for a place in the sun will be carried out on a broad front because the workers are also citizens, consumers and parents"

Blind spot on recession

S. Times 22/1/84

By Angus Macmillan

BLACK unions are flexing their muscles "without looking at the recession", says Professor Johan Piron of Unisa's Business School

It was widely believed last year that industrial unrest would increase this year as recovery got under way But way ahead of the recovery, blacks have adopted a militant attitude

Professor Piron says "Young black unions receive their mandate from shop-floor workers who want to see considerable increases in their take-home pay " This explains why high demands are being made in the recession — action which would not be taken in industrialised countries where decisions often come from union hierarchy Black unions have matured and their organisational and bargaining expertise is effective

P-E Corporate Services Eddie Nicholson says that January pay increases leave blacks behind inflation for the first time since 1978

Professor Roux van der Merwe, who heads the University of Port Elizabeth's industrial relations department, says the combination of recession and inflation is a major cause of labour unrest "The employee is struggling as his pay is eroded by inflation and the employer is battling with turnover levels and profitability "

Workers want generous increases, but companies cannot afford to come up with much more than 10% Expectation of economic recovery makes the unions' role critical, and the dilemma is that both workers and employers are genuinely suffering

Andre Malherbe, an industrial relations adviser at Assocom, says. "The fact that strikes have occurred in January does not mean anything They were conceived last year and simply came to a head " Economic revival as a strike factor depends on which economist's predictions are followed

"A union which sees the economy improving soon may use that belief to spark action as opposed to one that expects a later recovery "

Industrial relations

IR audit is a vital exercise

(132) Star

24/1/84

By Fred Holtshausen

Don't train for the sake of training or introduce IR systems because it is fashionable to do so.

It is vitally important for companies to conduct an IR audit, which preferably should be done by an IR specialist

This evaluation should involve the senior executives responsible in the areas where labour is employed, including directors in charge of production, materials control, quality assurance and administration.

The following checklist is provided by courtesy of Renwicks Industrial Relations Services

● IR policy questions — Has the company a formal industrial relations policy? Who is charged with the prime responsibility for handling IR in your organisation?

What is the policy and strategy when the company is approached by a union in terms of recognition/wage demands/worker grievance?

● In-company industrial relations structures — Does your company have agreed procedures to handle grievances, discipline, retrenchment, unrest?

In non-union companies, do the workers and management support your works council or worker representative committee?

CAUCUS AND REPORT-BACK MEETINGS

Does the works council discuss real IR matters with management or does it raise tea/toilet issues?

Does management actively support the works council by seeing that there is an agreed constitution, that meetings take place regularly, that there are caucus and report-back meetings, that minutes are circulated timeously?

Do workers have an opportunity of drawing up the agenda and are issues raised by workers continually recurring on the agenda?

What training, relevant to today's IR scene, is given to worker representatives?

If your company is unionised, are the structures regulating to the relationship between the union/employees and management clearly defined in the form of recognition and procedural agreements?

● Training — Is the person charged with industrial relations responsibility, as well as senior line management, formally trained in skills such as industrial relations development/formulation, developing agreements with trade unions, developing and implementing industrial relations training programmes, conducting industrial relations audits, negotiations and strike handling?

● Labour Law — Is management aware and conversant with labour law, including case law, Industrial Council agreements, wage determinations, Industrial Court procedures, the conciliation mechanism and the new Safety and Conditions of Employment Act?

Compensation packages — competitive salaries and fringe benefits are vital to avoid confrontation

Wage and salary administration — not only must the company ensure it has an equitable distribution of salaries and wages, which can be ensured by having a recognised grading system, it must also ensure that the wage and salary administration is 100 percent

Records and general personnel administration — companies need to ensure that there are well-kept records for each employee, with background details and relevant information such as disciplinary warnings, grievances

● *Fred Holtshausen is an industrial relations consultant*

IR is very much a team effort

(132) Star 28/1/84

By Fred Holtshausen

A chief executive may delegate responsibility for industrial relations He may not, however, abdicate.

It is, for many senior South African managers accustomed to an autocratic (and also sometimes paternalistic) relationship with labour, a hard pill to swallow.

IR specialists detect a tendency on the part of such managers to appoint IR people and give them what amounts to this brief "Pick up the ball, run with it and don't bother me"

This rejection is made all the easier by the fact that they can claim, with a lot of evidence to support them, that the most trouble-laden companies in the sense of industrial unrest are very often those where there has been for some years a visible commitment towards good industrial relations

It's a fallacy

If industrial unrest hits a Barlows or AAC-controlled company, it only seems more visible than the problems at Obscure Engineering in Benoni

So to hire an IR specialist and tell him "Cure my labour problems" is about as useful as an MD telling his production manager to trim production costs or his PR adviser to create a new image

More than in any other discipline, IR has to be a team effort, involving all the managers of all the major divisions in the organisation

The key man, the MD, needs to decide in which areas he should personally be involved and which matters he may entrust to his colleagues He should ensure than when he delegates IR responsibilities, this includes sufficient authority to achieve generally agreed IR objectives

But he may not delegate overall accountability. The IR can stops on the MD's desk

Most forward-looking companies today do have an IR specialist, either on the staff or as a consultant He will hopefully fulfil a vital role in initiating, advising, assisting, educating, counselling and supporting management

His efforts will, however, be negated, unless his colleagues are also committed to sound industrial relations

Those colleagues should share with him the task of initiating and implementing systems and procedures which will be communicated, implemented and monitored right down the management chain

So far as possible, the IR person will not usurp the role of the line manager The relationship between the line manager and his subordinates is a special one, hopefully based on mutual respect and trust

It is particularly true in situations of employee-management conflict that the IR specialist should not be perceived as the man in the middle instead, he should be facilitating agreement and an ongoing improvement in the relationship by helping and if necessary training both parties

It follows that the IR man is not the king-pin in negotiations Ideally, he has helped management to understand the rules of problem-solving and collective bargaining

Sometimes, he has to step in Preferably, he is orchestrating, not offering original composition

He will not possess all the known IR skills himself If he did, he would be ruling the universe

He will know where to obtain those skills An IR practitioner worth his salt has an extensive list of colleagues and specialists from whom he can get the necessary advice and guidance

He knows, too, that he has succeeded when he is no longer needed when all IR problems can be handled by line managers.

● Mr Holtshausen is an industrial relations consultant.

<u>YOU ARE REQUIRED</u>

to state in what respects you consider this unsatisfactory.

Workers should be consulted on all disciplinary procedures

By Fred Holtshausen

Structured industrial relations agreements flow naturally from the perceptions gained in an IR audit

They bring with them their own problems

Relationships in industry in South Africa have tended to be casual Front-line managers had a free-and-easy way of dealing with problems

At the shop-floor level it was not unusual for the foreman to take a recalcitrant worker to the rear of the factory, "sort him out", then patch up the dispute with a word of encouragement

Times change and now there is a book of rules

In the view of IR professionals a framework of policies and structures is essential to assist in management/employee negotiations. The emphasis should be on the word "assist".

A rulebook that is too rigid can be self-defeating

Also, paternalistic policies introduced unilaterally by top management without the participation of middle management, foremen and workers, will do more harm than good

A good example is a disciplinary code. There have been cases where a senior manager has "borrowed" a disciplinary procedure from an employers association, a friend, a consultant or a text-book and then introduced the procedures without preparing the ground

The first to resent the new system almost certainly will not be the shop-floor worker but the front-line manager

There is, indeed, a system of verbal warnings to be followed by written warnings

There may be a system of official inquiry and the manager feels smothered by paperwork arising from an incident which, before, he probably would have solved by docking R10 from a pay packet

Worst of all, from his point of view, the line manager can have his decisions reversed on appeal

This can leave him with the almost untenable position of exercising authority over a worker whom he has tried unsuccessfully to fire The result could be the loss to the company of a competent junior manager

So before introducing any form of disciplinary procedure, it is important to consult representatives of the labour force and with the line managers who have to implement the procedure

The time is long past when worker committee structures were decided without the support of the workers

Just as the trade unions can negotiate recognition agreements, so should the workers themselves be involved in drawing the constitutions governing their relationships with management

Which leads straight to the question of recognition agreements themselves These, after all, will form the frame within which all IR matters between management and the union/employee will be structured

Yet often the first that a front-line manager hears of a recognition agreement is when he is told about it by a shop steward

It might seem obvious that the line manager should be kept informed of such a major impact on his industrial relations. Lamentably, this does not always happen

This is not to suggest that the line manager make IR policy. That, clearly, is a senior prerogative and the parameters will be defined by both pragmatic factors and, sometimes, management ideals

It does mean that if the policy is inflicted without consultation, and without regard for the realities of the front-line relationships, it will lead to resentment and frustration — even conflict

There is a tendency to eye the emergent unions as a disruptive force (which sometimes they are) because traditional relationships have been breached

IR specialists have found, on the other hand, that where proper consultation and communication are employed, there can be surprising results

An example is the redundancy agreement Such an agreement should obviously explore ways and means to alleviate hardship and meeting management objectives

Some of the best ideas to relieve redundancies come from worker representatives

It must be borne in mind by management that most personnel policies and procedures have an impact on IR They need to form an integral part of the whole and not be isolated

This means that the IR impact of such matters as conditions of employment, safety and health, training and administration, should all be considered for their effect on the basic industrial relationship

● **Fred Holtshausen is an industrial relations consultant**

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RDM 11/2/84

Companies brief workers on new tax

Mail Reporter

COMMERCE and industry realised the need to explain efficiently the new black taxation system to the their workers, spokesmen said yesterday

All companies contacted for comment said their efforts appeared to have borne fruit and that they were not yet aware of any problems among employees

Mrs Friede Dowie, secretary of the SA Federated Chambers of Industry's manpower committee, said information was sent out to members of the regional chambers and the national association

Guidelines were compiled after a workshop held by the FCI offering solutions to problems that might arise

Mr Vincent Brett, manpower secretary of the Association of Chambers of Commerce, said each of Assocom's major chambers were instructed to compile directives for their members

Mr André Malherbe, labour adviser to the Johannesburg Chamber of Commerce, said the chamber sent out guidelines to members emphasising efficient communication and suggesting discussions in which employees could take part

A spokesman for the Afrikaanse Handelsinstituut said their labour adviser was compiling information which would be sent to members

Mr Reinald Hofmeyr, public relations head for Barlow Rand, said at some of their subsidiaries the taxation system was explained by video presentations and at others discussions were held with employees

Employees were also assisted in filling out the preliminary tax forms

Mr Neville Huxham, public relations manager for the Anglo American Corporation, said employees were assisted in filling in tax forms and the system was explained to them

Mr P J Schoombie, group senior manager for General Mining Union Corporation, said all black employees were briefed as efficiently as possible

And Mr Johan Moolman, managing director of Federale Volksbeleggings, said subsidiaries in the group had explained the new system either by video presentations or in discussions

At the head office employees were divided into groups of 60 and a panel of tax experts were invited to discuss the system with them Tax forms were filled in beforehand and handed to workers who had to check their forms after being briefed

Rand Mines had a general programme to brief workers in mid-January, said Mr Greg Kukard, liaison officer

And Mr Wells Ntuli, director of manpower at Anglo Vaal, said the company was briefing their large work force on the matter at the moment Employees who had never paid income tax before and employees who will pay more tax now were being briefed individually

S Times

Clearer code on labour sought

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12/2/84

Political Correspondent

A TIGHTER definition of unfair labour practice — an issue presently at the centre of a fierce industrial relations debate — has been recommended to the Government by the National Manpower Commission

The proposal is contained in a report handed by the top industrial relations watchdog to the Government last year It will be released soon

Some unions and employer groups have clashed on the issue of unfair labour practices (ULP) with the Industrial Court at the centre of the row

Originally the Wiehahn Commission of Inquiry into labour recommended the Industrial Court be allowed to build up its own concept of ULP on the basis of decided cases Consequently the ULP definition was deliberately worded as broadly as possible in subsequent legislation

But employer dissatisfaction with the interpretations which the industrial court has delivered — they argue they were too liberal — has stepped up pressure on the Government to define ULP more clearly

Powerful lobby

The Government is also concerned that it will take too long to establish a workable ULP definition to meet immediate requirements and reconcile management and worker interests

Commission sources said this week the report had examined all aspects of the functioning and role of the Industrial Court and had taken into account the powerful lobby in favour of letting the Industrial Court define the term ULP.

The report — it expresses the "desirability" of a defined ULP — is likely to be published soon for comment

An acceptable definition will virtually provide a charter of worker/management rights

Critical to the success of the definition will be the contribution of the Industrial Court, established in terms of the Wiehahn Commission recommendations.

On The Town

BEAUTY competitions are not always known for their relaxed and friendly atmosphere, but the contestants in the Natal finals of the Miss Gold competition, organised as part of the Welkom Gold Festival and judged in the Mercury Auditorium, wound up the event amicably over cocktails.

Prinsloo, flanked happily by con-
y and Fosiah Davidson

whole truth to the court

Mr Barnard asked the Court to find that miner Mr Robert Morgan was negligent in that he should have had the holing which caused a drop in ventilation, closed off

Closed

Mr Barnard said that even before the holing operation the ventilation system was not supplying the desirable amount of air

The shift boss Mr Claassens should also be found negligent as it had been his responsibility to see that the holing was closed off before he left the mine on September 10

'Mr Swanepoel was negligent as he should have checked that Mr Claassens had had the holing closed off'

Mr Barnard said there had been serious negligence on the part of Mr Bezuidenhout, who was killed in the blast in that he could not have tested for gas on the morning of the explosion — (Sapa)

Report shows dramatic shift in worker ratios

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17/2/84

Mercury Correspondent

PRETORIA—According to a report just published by the Human Sciences Research Council's Institute for Manpower Research dramatic changes have occurred in the population groups and sex structure in the clerical sales, trades and supervisory field (which are grouped together as middle-level manpower)

The percentage of whites in these occupations has decreased from 82 percent in 1965 to 66 percent in 1981 while the other population groups have more than doubled their participation

Even more marked than the population group shifts are the changes in the male-female ratios in these occupations

While 59 percent of the white clerical workers in 1965 were women the percentage stood at 75 percent in 1981

Asian and black women have increased their participation in the clerical field more than six fold in the same time

The number of coloured pupils who obtained a matric with university exemption increased at the annual rate of 14,5 percent for the period 1970-1980

The rates for Asians and blacks over the same period were 21 2 percent and 13,9 percent

The number of white matriculants with exemption increased at a rate of only 5 3 percent

Natal to host big barefoot ski contest

Mercury Reporter

NATAL will host the biggest-ever barefoot water-skiing event in South Africa when a Springbok team pits its skills against competitors from the United States, New Zealand and Europe in April

Two internationals — one at Hazelmere Dam near Verulam, on April 14 and 15, and the other on the Vaal River near Vereeniging, on April 7 and 8 — will constitute the world championships this year

This weekend some of the country's top names will be fighting for a place in the Springbok team when they take part in the Natal and interprovincial championships at Hazelmere Dam

About 50 barefoot water-skiers will compete, including 16-year-old Springbok Gary Niemand from the Transvaal, who is considered South Africa's top exponent and who holds three European records

Comeback

Natal Springbok Kevin Rodd, 22 who is rated second in the country, will also be there He holds the European ramp-jump record

Former Natal Springbok Mike Higgs is making a comeback, as is Southern Transvaal Springbok Derek Adlam who has recovered from an arm injury

Among the juniors, Durban's 12-year-old Dean Levy will be skiing against the seniors for a place in the Springbok side, which will be chosen after another contest at Riverton on the Vaal River near Kimberley on March 17

Points earned at this event and during the weekend at Hazelmere will determine a place in the Bok team

On the women's side Springbok Avril Tucker and 14-year-old Caryne Levy, both of Durban are strong contenders

In the internationals, two current world record holders will be competing

American Mike Seipel is the world trick record holder and compatriot Ron Scarpa is the world slalom record holder

They will compete against the Springboks and one another for the overall title

Unions to attack on new fronts

132 S. Times 19/2/84

Business Times Reporter

BLACK trade unions are switching their focus from wages to other fronts this year.

Unions are no longer bargaining solely on wages, where they have suffered several defeats, and are concentrating on factors like dismissals, pension funds, health and safety, and maternity benefits.

This view comes from Stellenbosch University's Professor Willie Bendix and Eddie Nicholson of P-E Corporate Services which markets the labour monthly, Industrial Relations Trends.

They say legal strike action may increase this year, but there is likely to be less conflict on the labour front than in 1983.

The publication rates 1983 as possibly the most difficult year in South Africa's labour relations history because "sophisticated unions and an aware work force" went all out to safeguard their positions under recessionary pressure.

Emergent unions are likely to consolidate this year and the Western Cape will become the new stamping ground for many labour movements.

Professor Bendix and Mr Nicholson list as other characteristics of this year's labour calendar:

- Widespread wage action
- Spontaneous work stoppages
- Possible Government interference in unofficial labour movements
- The emergence of other forms of bargaining
- Little likelihood of union unity

Call for change in SA labour

Sowetan 23/2/84

(132)

IT is now 20 years since South Africa quit the International Labour Organisation (ILO) after facing relentless attacks from countries which were criticial of her racial policies.

Her withdrawal from ILO followed a culmination of criticism when strong objections were raised at South Africa's participation in the international labour conference of 1963 and her continued membership of the labour body.

By SAM MABE

At the root of the international hostility to South Africa's membership, was the view that the policy of apartheid and its effects on labour and social matters, contravened the aims and purposes of the ILO's constitution to which all member states were committed.

Apartheid

During the same year of her withdrawal, 1964, South Africa was given recommendations designed to bring about the removal of apartheid practices from both the industrial relations and manpower supply sides of the labour field.

Although the recommendations were originally ignored, in 1977 the Government instituted inquiries into labour matters through the Wiehahn and Riekert Commissions

This was followed by an international propaganda campaign which is still raging in Europe and America. South Africa wants the world to know that there has been a move towards change, with a hope that she will be accepted in the international labour forums.

Policy

But who is impressed by the labour reforms that have been introduced in the past few years?

The ILO itself, still believes that there has been no progress towards the implementation of the 1964 programme it recommended to the South African government

The ILO's special report says there has only been a change of style and emphasis in the manner in which the Government approaches labour matters within the policy of apartheid

The report also says that while blacks have been permitted to join registered trade unions, severe constraints have been placed on the manner in which those trade unions may operate.

A labour conference organised by the International Confederation of Free Trade Unions (ICFTU) and held in Dusseldorf, West Germany, last month, brought South Africa's labour and race policies under the spotlight and exposed them as nothing more than a farce.

From what British, European, Canadian and South American trade unionists were saying, it does not seem the world is convinced that South Africa's so-called labour reforms can stand up to the scrutiny of the international labour community

Conference

Some leading South African trade unionists participated in the conference They also had nothing good to say about the situation in the country and in doing so, they did not pull their punches.

The world sees the cosmetic changes in the labour legislation as having led to even more ruthless efforts by the "racist regime" to obtain control of black trade unions.

Trade union leaders are still harassed, there is still police interference in disputes involving workers and employers, strikes are suppressed by police force and in some instances, strikers are penalised by being dismissed and deported to their so-called homelands.

The so-called constructive engagement policy of America towards South Africa also tasted the wrath of the conference. One Italian trade unionist said that if there was nothing constructive to say about bubonic plague, there could be nothing constructive in the apart-

heid system.

The ILO is still critical of the exclusion from the industrial relations system of workers in agriculture, domestic service, state and local authority employment and in educational institutions

The principle of freedom of association is violated by certain provisions of the Labour Relations Act, which says agreements reached between employers and trade unions within industrial councils must be submitted to the Minister of Manpower before becoming effective.

Closed Shop Agreements, mostly signed by management-favoured unions, have also denied black workers the freedom of joining unions of their choice

The ILO is also perturbed by the Internal Security Act which contains certain definitions which are capable of application to trade unions and trade union officials.

Talks with unions need top planning

132 Star 10/3/89

By Roddy Campbell

When a trade union knocks for the first time at the employer's door, it is probably already too late to send it away

If there are any certainties in industrial relations, it is clear that when the union makes its bid for recognition it will have done its homework and will be confident of the amount of muscle it possesses

For example, should the union have already recruited many of the company's employees, it could be ruled an unfair labour practice to refuse to open talks

In doing its homework about the company, the union will no doubt have looked for chinks in the management armour such as

- Sensitive overseas shareholders
- A high public profile which could be damaged by industrial unrest.
- The firm produces consumer products which are sensitive to potential boycott
- The employer is in an industrial sector where the union already wields influence

Most significant of all, the company may have indulged in poor IR practices, resulting in disgruntled employees turning to a union for help

Under the new dispensation, unions represent the first collective voice available to black workers The temptation to articulate their wishes through this medium is often overpowering

In any case, when the phone rings or the letter arrives requesting a meeting, it is too late for union-bashing

The management which hopes to defer the union approach will succeed to the extent that it has made the union redundant — by having fair terms and conditions of employment, good up-and-down communications, effective grievance and disciplinary procedures

All these coupled with managers and supervisors who have been trained to regard subordinates as human beings who are valuable company assets

More often than not the union approach will indicate that it is "representative" of at least part of the work force. And that is prima facie evidence that the employees reject existing IR structures and want to be represented in future by a union

A reactive checklist could include

- Agree to a meeting The venue is not that important.
- Consult the TUCSA booklet to establish in which particular grouping this union falls
- As this could be the first of many encounters, set as agreeable an environment as possible
- At the meeting (or beforehand) make it clear that these are "talks about talks". The meeting is to discover union expectations, not for actual negotiations
- Determine who will attend the meeting Preferably, it will be the general manager, not the managing director, and perhaps the personnel manager (if there is one) At this stage it is being a bit "heavy" to call in attorneys or an outside IR consultant.
- Assuming the approach does concern recognition, use the meeting to inquire about representativity (which is not necessarily 50 percent plus one)
- Agree to a mutually acceptable method of auditing the union's in-plant membership
- Obtain a copy of the union's constitution, noting that a company cannot negotiate with an entity if it is not a legal "persona".
- Find out the type of clauses the union would want to cover in a recognition agreement
- Arrange a date and venue for the more formal stage — actual negotiations — and when the time arrives be as well-prepared and informed as the union undoubtedly will be

Labour strife ahead

Survey shows ways in which confrontation could be avoided

(132)

By Mike Peirson, Finance Editor

S. Tribune 11/3/84

FIVE pertinent factors point to the possibility that there could be an increase in labour unrest during the course of this year

They are.

☐ The simmering dissatisfaction with wages, which, because of the delayed upswing, cannot improve immediately.

☐ Naturally increasing worker consciousness.

☐ More extensive unionisation.

☐ The need for newer, smaller unions to establish themselves and also, at times, the need for already established unions to show presence, particularly where other unions are attempting to usurp their position

☐ Towards the middle of the year a stronger worker power-base if the expected upswing does get underway.

But it should not result in as much strike action as would have been the case two or three years ago

This prognosis is the result of research done by Sonia Bendix of IRT Consultants for the latest edition of Industrial Relations Trends, who adds that many direct confrontations will be avoided because

- Employers are now more willing to accept union presence and negotiate,
- Supervisory management is becoming more acclimatised;
- And in many enterprises elaborate and effective procedures have been negotiated between management and unions.

In addition unions (all things being equal) will continue to use the Industrial Court for redress on specific issues which would previously have resulted in plant-level disputes — although with an improved power-base, they may again resort to strike action where disputes of interest are concerned

Mrs Bendix sees a growing number of actions around wages occurring towards the mid-year

"Even unions which proved themselves to be more careful last year will be obliged by worker pressure and the threat that other unions will take up the cudgels on their behalf, to engage in action of some kind," she says

"However, they may, unless they are sure of their power vis a vis the employer concerned, still prefer to use the avenue of officially declared disputes Such disputes, therefore, are expected to increase.

"At the same time the possibility of large scale, concerted action of a demonstrative nature, before and during wage negotiations, cannot be ruled out, particularly if economic prospects have become more encouraging.

"The call for a living wage has not been forgotten, but merely stored for the time being.

"Besides true wage actions, dissatisfaction with wages will continue to be used by non-established newer unions for strategic demonstration purposes, as will dismissals, general grievances and objections to supervisory actions

"However, numerous spontaneous worker protests will also arise out of the last three issues"

In general, she concludes, it seems that over-optimism on the labour action front would be unrealistic Procedures, structures and systems are still developing and conflicts and problems of varying nature are inevitable

"Thus, whereas there may be greater rationality in that more predictable enforcement type strikes and even legal strike action may increase and spontaneous stoppages may become fewer, the necessity for demonstration stoppages to establish or maintain presence will remain," adds Mrs Bendix.

"Finally, given the possible increased power-base of workers and unions, strike action may in 1984 again take on the concerted industry and region-related character of early 1982"

Union distrust is major obstacle

17/3/84 (132) Star

Productivity bargaining tends to be conspicuous by its absence from most industrial relations agendas

Employers who want to make it a quid pro quo may find it takes several years to overcome ingrained union distrust, says visiting British IR consultant Mr Gerald Atkinson

In every country where trade unionism has emerged it has taken years and even decades to begin to break down the "them and us" syndrome, he says

South Africa, where race often overlies conventional causes of employer-union suspicions, will be no different.

The one advantage South African bargainers have over their overseas predecessors is that research and experience have demonstrated some of the methods which can overcome distrust sooner

But as long as basic suspicions exist, productivity agreements are worth little more than window-dressing "Your agreement can be leather-bound and gold-foiled," says Mr Atkinson, "but if the blokes on the shop-floor think they work for a rotten organisation they will louse up the agreement"

TWO CONDITIONS

Mr Atkinson, author of the IR standard handbook "The Effective Negotiator", considers that in any case a union determined to stay in business will demand two conditions for productivity bargaining

- Security of employment for its members
- If the company cake increases in size through labour productivity, the benefits to the union members must be at least commensurate with the overall increase

Mr Atkinson, who has visited South Africa about 25 times since the Wiehahn dispensation, for research and to give IR training, has seen SA managers and union representatives travel a long way down the path to skilled negotiation But he has doubts about inter-personal skills

Managers still become managers because, at the shop floor level, they were good artisans, and at senior level, because they are superb accountants or engineers "Yet if they don't have the personal skills to be in the firing line under the new labour dispensation in South Africa they could prove to be a liability despite their academic or technical abilities"

The "in" management book in the US and the UK is "In Search of Excellence", a study of how certain US companies managed to grow despite the impact of Far Eastern technology advances and the US recession The book concludes that the organisation's attitude to employees — not simply to working conditions — has been critical in the success of these corporations

"If the employee thinks his organisation holds him in contempt, he will buck the company at every opportunity If he feels that there is a genuine interest in him he will tend to respond positively"

During a three-week stay in SA Mr Atkinson will introduce a series of modules for personal skills training

Hopefully, he says, they will help to narrow the time-warp between conflict bargaining and bargaining for industrial peace

Conflicting laws 'source of strife'

By MARTINE BARKER

THE potential for conflict in South Africa was being increased by the government's entrenchment of contradictory policies concerning the control of the black population's movement, Mr Geoff Budlender, an attorney with the Legal Resources Centre in Johannesburg, told a seminar on labour law last week.

Addressing the seminar in Houhoek, Mr Budlender said the contradiction lay in the government's need for a black presence in urban areas to serve labour demands and the government's need to keep blacks out of urban areas because of the perceived threat to white security

On the one hand, influx control, based increasingly on the question of citizenship, was being entrenched, while in the arena of labour legislation, blacks were being afforded rights they never had before

Conflict would be caused by the contradiction involved in allowing blacks the rights to participate through trade unions in forming industrial councils, and thus the right to participate in creating law At the same time, they were being denied all other rights by being denied South African citizenship

Mr Budlender described three categories of citizenship applicable to blacks — South African, for non-independant homeland inhabitants, new foreigners, who were inhabitants of newly-independant homelands, and aliens who had never been South African

This last category included for example all children born after independence of Xhosa parents, who were all now Transkeian or Ciskeian citizens Conflicts would become apparent as Xhosa parents working in urban areas began trying to send their children to school

As aliens, the children would be subject to deportation for being in the area illegally

At the same time, the government was entrenching the migrant labour system, with the denial of rights that this implied. The Industrial Court in one of its rulings had stated that blacks had the right to security of employment in their jobs in South Africa

While it could be expected that more and more blacks would acquire the right to live in urban areas in the wake of the Rikhoto and Komani judgments, the opposite was in fact happening

In some areas, such as KwaMashu outside Durban, black townships were being rezoned to fall outside prescribed urban areas, removing the right of the inhabitants to live and work in the city

In other areas, development in existing townships was being frozen and new adjoining townships just beyond the prescribed area were been built.

RDM 19/3/84 (132)

LAST WEEK saw the latest in an ominous series of arrests of unionists

In all cases, they have been charged with holding an illegal meeting

In most, this arose because they went to factories to settle disputes and found workers outside They then allegedly addressed them

Poll shows centres most risky for strikes

(132) RDM 19/3/84 (152)

By GAIL PURVIS

TRADE unionists in East London and Johannesburg are more likely to strike than colleagues in other industrial centres.

This is the conclusion of a leading British trade union negotiator, Mr Gerald Atkinson, whose visit, sponsored by the Institute of Personnel Management and Renwick Management Services, included Johannesburg, Cape Town, Pretoria, Port Elizabeth and East London.

At each meeting he asked delegates to rate the potential for strikes attributable to six influences

Ratings near 30 indicated the potential for labour unrest as very high. Closer to zero the potential was at least predictable and organised

East London delegates listed most closely to 30 and only Johannesburg rated higher than 15.

On a random scrutiny of Johannesburg industry, a delegate from the pharmaceutical business rated the unrest hazard at under 15, general engineering was at 15, a building concern put the score at 17; the electrical and electronics industry was 21

Mr Atkinson has been to SA more than 25 times and said he had been involved in the training of more than 500 senior managers.

The Metal and Allied Workers' Union has said that it expects pay increases as high as 60% in negotiations with the Steel and Engineering Industries Federation of South Africa (Seifsa) Mr Atkinson's advice is hard-line

He said negotiators should make no counter-offer; they should then counterattack and demand moderation.

Then, and only if appropriate, management could enter the negotiations with counterdemands to allow for a better settlement.

The 'need to know' factor at the root of most problems

132 Star 24/3/84

By Roddy Campbell

Industrial unrest arrives for the oddest reasons A company may decide to improve the quality of its canteen meals, raise the price by 10c — and come perilously close to a strike as a result

The trouble could have been averted by proper communications

Hackneyed as the word "communicate" may have become, it is at the root of most IR problems Historically, South African managers have imposed their decisions on their employees It is a habit which is hard to break.

Employees are naturally suspicious of change. Changing work routines, different supervisors, the introduction of new machines or the brand of tea supplied — all can be perceived as threats.

The contrast between the reaction in 1980 to the Preservation of Pensions Bill and the reception of the new equal taxation measures for blacks and whites is startling.

The Preservation Bill, one of the most deserving pieces of legislation to come before Parliament in a decade, had to be withdrawn in the face of a wave of strikes and other industrial action.

Subsequently it was demonstrated that the reaction came from suspicion and lack of consultation, together with some cultural factors, and it is now unlikely that we shall see similar legislation re-introduced in this decade.

Yet the tax measures, which might have been just as explosive, have gone through with hardly more than a ripple.

The difference has to be that the Government harnessed the communications resources of commerce and industry to explain the issues involved.

Even the unions which concentrate on black consciousness issues — such as no taxation without representation — have not yet made the new tax an excuse for disruption.

Many companies spent thousands of rands on audio-visuals and other media to explain the issue. And there is at least one case where the union involved took upon itself the task of convincing its members the changes were not a threat

Even as far back as the TSS programmes introduced for supervisors during World War 2, one rule which was hammered home was "Inform people in advance of changes which are likely to affect them"

Nowadays, for "inform" substitute "consult"

There was a recent case where a company decided to change its name As a result the Department of Manpower called in the employees' passbooks to re-stamp them.

So the employees decided they had been discharged, and demanded their leave and pension pay before they joined their "new employer" That took weeks to sort out

Perhaps a concentrated communications exercise could have prevented all the problems.

By contrast, figures from the National Occupational Safety Organisation have proved time and again that, where workers are involved in the introduction of new safety measures, with full consultation the morale of the whole plant improves

The employees themselves become involved to the point of making constructive suggestions

Communication structures where possible should be formalised and in most cases the principles can be applied universally

One is that whether or not a trade union is recognised, management must never give away its prerogative of communicating directly with its work force.

Ideally, an employee learns of impending change from his immediate superior, but this can create "line loss" and disinformation.

Instead, it may be preferable to use the briefing system at which line managers are given the written version of the message, coupled with a list of the questions which may be asked, with appropriate answers

This is systematically passed down the line

It may sound bureaucratic, but it does ensure that the message is passed on accurately and it overcomes the reluctance of many supervisors to pass on information, possession of which enhances their own status.

What should be communicated?

There is almost a tradition to communicate on a "need to know" basis It may be better to invert this and communicate everything — with the exception of matters which the employee may not know, such as confidential negotiations.

It is almost impossible to give too much information to an employee in a matter as sensitive as his job.

● **Roddy Campbell is an industrial relations consultant**

Outlook for industrial peace looks glum — poll

132

Star 8/3/84

By Roddy Campbell

A poll of 200 South African industrial relations specialists makes gloomy reading for employers

More than 98 percent of the IR men and women believe that local industry is not even halfway to industrial peace

The research was conducted by visiting IR consultant, Gerald Atkinson, when he was in South Africa earlier this month to lead a series of seminars arranged by Renwick Industrial Relations

Based on research in 15 countries, it has been shown that as unions emerged there had been five major influences governing conflict

- the youth and instability of the labour movement

As Gerald Atkinson then noted, that left only 1,5 percent of those polled who believed that South Africa was even halfway towards industrial stability

The survey also suggests that the most tense spot is East London There a disturbing 45,2 percent put the conflict situation at 25 or above

A survey conducted in such an informal manner cannot be definitive but it strongly suggests there are several years of conflict ahead before the local IR scene reaches maturity

The seriousness of conflict which reaches the stage of strike action is shown in terms of hard cash in a study carried out by Peter Mitchell of Renwick Industrial Relations Pinetown office

THE COST OF RECOVERING

Annual Turnover	Fixed Overheads %	Fixed Overheads per annum	Fixed Overheads per day	Recovery turnover per day of strike at net profit on sales @ 5%	10%	15%
1m	10%	100 000	R 408	8 160	4 080	2 720
	20%	200 000	816	16 320	8 160	5 440
	30%	300 000	1 224	24 480	12 240	8 160
5m	10%	500 000	2 040	40 800	20 400	13 600
	20%	1 000 000	4 080	81 600	40 800	27 200
	30%	1 500 000	6 120	122 400	61 200	40 800
10m	10%	1 000 000	4 080	40 800	40 800	27 200
	20%	2 000 000	8 160	163 200	81 600	54 400
	30%	3 000 000	6 120	122 400	122 400	81 600

- Conflicts within trade unions and between them
- The degree of acceptance of the union presence by management
- The "voice" or its absence which the union movement had in politics
- The degree and level of success of government support of the industrial relations system

In the case of South Africa, Mr Atkinson suggested a sixth influence — racial and cultural differentiations

Delegates to the seminars were asked to rate each influence on a 0 to 5 scale, with a high rating if it was considered likely to generate conflict

A maximum score of 30 would represent total chaos, a low score meant relative peace

In Johannesburg, Cape Town, Port Elizabeth and East London combined, 16,9 percent of the IR practitioners scored 25 and above

Another 49,3 percent rated the conflict scene at between 20 and 24

Another 32,3 percent scored between 15 and 19

Companies which have only a 10 percent fixed overhead will be few and far between

Taking the more representative R10 million a year plant with a fixed overhead of 20 percent, which budgets for a 15 percent net on sales, it will have to sell R81 600 more of its output for every day lost through a total shutdown if the bottom line is to be unaffected

Gerald Atkinson suggested there was nothing unique in the South African situation — it was merely that the country was encountering influences conducive to conflict later than most other industrial lands

He emphasised the value of learning from the experience of firms which had come to terms with the new union presence and, in the process, achieved a climate of industrial peace together with a constructive relationship with the unions

"Their experience has been well-researched and it has demonstrated that the intensity and duration of this period of conflict can be reduced by the actions of management"

● Roddy Campbell is an industrial relations consultant

RDM 5/4/84

Union to challenge Minister

132

By STEVEN FRIEDMAN
Labour Correspondent

FOR the first time, a trade union is to challenge in the Supreme Court a decision by the Minister of Manpower, Mr Pietie du Plessis, preventing workers taking an alleged "unfair labour practice" case to the industrial court

The move will prompt intense interest from unions and employers as the Minister has used his powers to prevent "unfair labour practices" disputes being heard in the court increasingly since the beginning of this year

It comes at a time when the court has been under attack from employers who are angered by several key rulings which have favoured unions and workers

The Department of Manpower is preparing legislation to curb the court's powers, and, at the same time the Minister has increasingly been refusing trade union requests for official conciliation boards to consider disputes as alleged "unfair labour practices"

This effectively prevents the cases being heard by the industrial court

The union which is challenging a decision by the Minister is the National Union of Textile Workers, an affiliate of the Federation of SA Trade Unions

Recently, Mr Du Plessis appointed a conciliation board to consider the retrenchment of 10 union members at a Frame Group textile mill near Durban

But he stipulated that the board could not consider the dispute as one involving an "unfair practice", thus ensuring that the workers could not have their retrenchment tested in the court

He took this step even though the 10 had already asked the court for temporary reinstatement on the grounds that their sacking might have been unfair, and were granted it

The decision meant they could not apply to the court for permanenent reinstatement

In the case of an eleventh worker, the Minister refused to appoint a board at all, although NUTW's lawyers allege that the circumstances in this case were "almost identical" to those in the cases were a board was appointed

A lawyer acting for the NUTW confirmed yesterday that the union was to ask the Natal Supreme Court to review the Minister's decision in the Frame case

"We are asking the court to rule that the Minister acted unreasonably and that the dispute declared by the 10 should be regarded as one concerning an unfair labour practice We are also asking it to overrule his decision not to grant a board in the eleventh case," he said

It was expected that papers launching the action would be served on the Minister today, he added

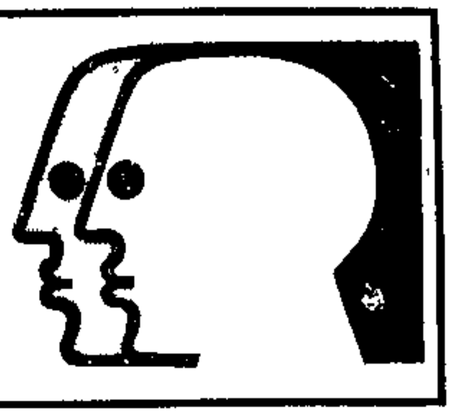
Although a ruling in the union's favour would not necessarily affect other similar cases, such a ruling would be almost certain to lead to a spate of similar cases brought by unions who have requests for "unfair practice" conciliation boards turned down

RDM (132) 5/4/84

Labour world and its lunacy

PROFILE

by PAT SCHWARTZ



WHEN a group of quite serious professional men go off for the day to a seminar on a very serious subject — labour unions — and come back thoroughly stimulated, with happy grins all over their faces ... and talking knowledgeably about labour unions — you know the person who gave the seminar had to be somebody unusual.

Then you meet Andrew Levy, a man firmly committed to lunacy

His particular brand is foil for a sharp mind, an incisive intelligence and an important store of knowledge about the labour world in a country in which labour is becoming an increasingly important force.

He manages to combine, intriguingly, a larger-than-usual ego with a self-deprecating humour and realistic acceptance of his humanness in a manner that makes any meeting informative, sometimes infuriating, always entertaining

If Andrew Levy has a single, instantly definable characteristic, it is absolute dedication to and involvement in whatever he chooses to do.

And what he chooses to do — from trout fishing (he will spend finicky hours tying his own flies) to Morris dancing (he was a founding member of the first troupe to be formed in South Africa); sailing to carpentry and now authorship

He was going to be a lawyer until he "found the law was everything other than what I thought it was going to be — whimsical, fickle, uncertain and written by somebody with a great sense of humour"

So law it wasn't Instead, Levy, who had long had an interest in the social history of labour changed his interests to labour economics

Nobody in South Africa was teaching the subject at the time so he left for Leeds University where he did a Master's degree and qualified at a time of high graduate unemployment The only job on offer was as a "tape puncher" — a work study engineer — with a large manufacturer of adhesive tape

Times were bad for everyone and the Labour government was committed to restraints on wage increases except in areas where higher productivity could be proved.

"The big deal," Levy reminisces, "was creating wage schemes which allowed you to pay more"

Andrew Levy, it appeared, had found one of his fortes

"I was quite good at designing bent schemes. The next logical step was to sell the scheme to the bent union," he says, characteristically evading all euphemism

And all the while, he was the victim of thwarted ambition Still is, really, though you wouldn't know it

What he really wanted to do (and still does, he'll admit when pushed) in fact, was to become an academic labour economist but, frankly informed by a lecturer that at best he would be a mediocre academic, he changed his mind

"I figured I didn't want to be mediocre at anything so I went off to business and industry"

For no particular reason, the industry that claimed his talents for the next five years was the motor industry — the Ford plant at Dagenham where he got more than his fair share of handling industrial disputes

It was during those years with Ford that Levy learnt a few lessons about unions

"Working in a car plant you realised the unions were not the democratic organisations you thought they were Just as there is an unacceptable face of capitalism, there is an equally unacceptable face of unionism"

Having come to grips with that reality, he says, he stopped "looking for intergalactic answers and thought let's look at the here and now"

But the here and now was somebody else's here and now and Levy, South African to the core despite the Morris dancing and the accent with its English overtones, "realised if I was going to get involved in the worker's struggle it must be our workers"

So, in 1976, as many white South Africans were heading away from their country, Andrew Levy and his family headed back

It was the start of the growth of black unionism and he joined the personnel department of a large retail company he considered to be "fairly long-sighted" in the realm of industrial relations

As his reputation for understanding labour situations spread, he received increasing numbers of calls from managements in trouble asking him for help

The time came for another move and Levy set up his own consultancy, advising managements on dealing with trade unions, looking specifically at strategy, tactics, longterm objectives, negotiations and help in settling strikes

Managements, he asserts, "tend to love us because while we do a lot of research we are not theoretical We talk their language, our actions are practical and we are not seen as preachers or religious revivalists and that gives us a fairly high rating"

And how do the unions feel?

"You'd better ask them that," he grins

"There are those that hate us and those that hate us less but I hope they would regard us as professional

"We're generally not regarded as union bashers Which doesn't mean we don't take a hard line For every union struggle there's a management struggle and we do what seems to be reasonable but we don't do it out of any feeling of morality"

Levy sees his company as "a worker democracy — Andrew Levy is a collective noun" with a "consultancy/research bent"

He takes pride in the quality of the research the associates publish from time to time and which includes statistical work on strike incidence and trade union growth

"I try," he muses, "to analyse very often what we sell around here and ultimately, apart from lunacy which is in great demand, it's black eyes and broken noses"

They also sell information And help — to managements threatened with or in the throes of strikes, disputes and wage claims

Levy and his associates might research, but they are not theorists removed from the shop floor by statistics and computer tape They are on the move around the country, often working 15 hour days, frequently woken at night by desperate managements

It is a tension-filled job

"Every day one is dealing with conflicts, emotions and fights There are frustrations because what we do is short term We are short-term dispensers of first aid and one doesn't always have the ease of standing off from the situation and looking at a long-term scenario"

Sometimes the strain gets to him, he confesses, and "I start aberrating" Which, as he explains it, means yelling at paying customers and telling them to go away

Whereupon, he takes off a week or a weekend to recuperate

And in between there are a couple of other little projects Like a PhD on the general theory of union growth and development, the official title of which is incomprehensible

In it, Levy is "trying to examine an aspect of the idea of militancy and see how it changes as a union goes through growth and development"

And there's the book which will be launched later this month Called "Unfair Dismissal", subtitled "a guide for South African management", it started off as a small thing to assist management in following the process of unfair dismissal

The idea was born when a major analytical study about a year ago revealed the second biggest strike trigger was dismissal which was seen to be unfair

The book began as a series of charts to "try to explain to management the concept of unfairness — something that legal philosophers have been trying to understand for several thousand years," he says mockingly

Then it grew Now it is a fully-fledged work which he admits is "the hardest thing I've ever done.

"I thought that because I'm reasonably fluent and can express myself I'd just sit down and scribble off a quick book and sell the film rights"

It didn't quite work that way and Levy's December holiday in the Cape was spent at a word processor, producing a book which examines the concept of unfair practice, industrial court legislation and fairness as acceptable to employees

Though he says, modestly, "I'd hardly call myself the Dostoievsky of industrial relations", typically, when he realised that his initial style of writing was "ponderous, academic and totally unintelligible", he rewrote the lot, working hard at readability

"What one had to explain is that there are really two courts — the industrial court which is a court of equity and the court of the workers themselves

"Whatever the industrial court said, if groups felt you were handling them unfairly you would have a strike"

Andrew Levy is only too aware of the real seriousness of the business he is involved in

"We know that people die in this business We ty to prevent it in the short term but, in the long term it is inevitable Industrial relations has a character of its own and is characterised by a very high degree of conflict"

He is also realistic about the race issues implicit in the labour situation "Ultimately, if you are white you are on the wrong side".

But he is not deterred from trying

And, when asked how he feels about where he is, he has a favourite quote from a favourite union man to describe that

"I am," says Andrew Levy with just a touch of complacency, "a round peg in a velvet-lined round hole"

●"Unfair Dismissal" is published by Divaris Stein and will be launched on April 16

ANDREW LEVY . . . round peg in a round hole

Britain who believe

Business body rejects removal

Cape Times 6/4/86

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By RIAAN DE VILLIERS

THE Afrikaanse Sakekamer in Cape Town has publicly declared its opposition to the government's plan to resettle all blacks in the established townships of Langa, Nyanga and Guguletu to the controversial new township of Khayelitsha

In a strongly-worded statement issued yesterday, Mr Gilbert Colyn, chairman of the local body of Afrikaans businessmen, said the intended removal had been discussed at the monthly meeting of the Sakekamer's executive

"The executive is unanimously of the opinion that the established communities, particularly where they live in a homogeneous area, must not be moved unless there are reasons which are not known, such as the upgrading of accommodation

"The chamber is well aware of the negative political consequences of previous removals of communities and on the basis of available evidence, cannot support the proposed removal," he said

In the process, the Sakekamer has aligned itself firmly with its English-orientated counterpart, the Cape Town Chamber of Commerce, which recently also declared its opposition to the move and warned that it would heighten tension, create conflict and "ignore the basic rights of an already restricted society to choose where to live or work"

Formally, the Sakekamer takes a neutral standpoint on political issues from a business point of view

However, it broadly supports government policy

Mr Colyn would not comment further on the implications of the Sakekamer's decision yesterday

The stance of these influential business organizations has added to mounting protests over the government's plan to move all blacks legally in the Cape, including those living in the established townships, to Khayelitsha

Strike activity increasing this year, declares survey

LABOUR WEEK

BY STEVE FRIEDMAN

RDM 9/4/84 (132)

DESPITE recession and tougher employer attitudes to strikers, strike activity in the first quarter of this year jumped by 40%.

That is the finding of labour consultancy Andrew Levy and Associates in a follow-up to a strike survey conducted last year.

The survey does not claim to be the final word on strike statistics It argues, with justification, that it is impossible for anyone to know exactly how many strikes have occurred But it is a useful indicator of trends

It finds most strikes were triggered by pay and related issues — showing the economic pressure placed on workers by price rises in basic necessities.

The first survey found Fosatu union members were involved in most strikes, but it says their share of strike activity has dropped this year

This may show that, because of the tougher climate, Fosatu unions are persuading members to use other avenues, such as courts, to pursue grievances

But this could end if the crackdown on the industrial court continues

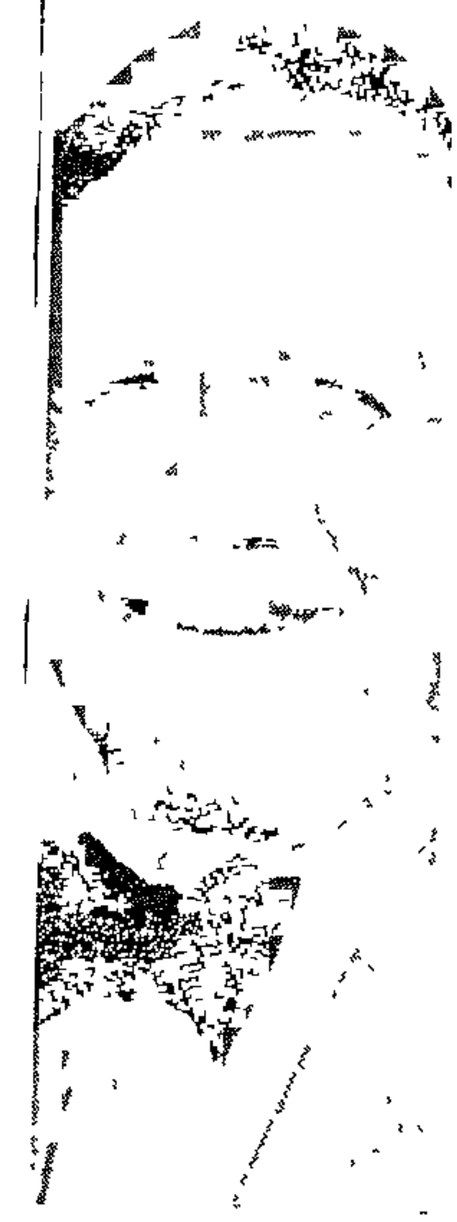
Remarkably, the survey says the retail trade is now most strike-prone — it was 10th last time

It also says stoppages have been shorter this year So either workers are less able to sustain longer strikes now or both sides are getting better at settling them

But it seems economic pressure on workers is such that tough employer stances — and the fact that most strikes have ended in worker defeats — are not quelling the strike trend

Prof: ban job discrimination

9/4/84 (132) D. Dispatch



PROF WIEHAHN

CAPE TOWN — The man who started recent labour reforms believes that South Africa now needs laws to make discrimination in the labour field a criminal offence

Professor Nic Wiehahn, whose commission reports in 1979 led to recognition of black artisans and black trade unions, said yesterday that this was no longer enough

In an interview published in the Nationalist newspaper Rapport he said South Africa could face the sort of labour unrest which broke out in the United States in the 1960s unless labour discrimination was legally prohibited

Prof Wiehahn called for laws to forbid labour discrimination on the grounds of race, colour or sex

It was no use removing discrimination from labour legislation while allowing it to continue in practice

He said America's "black revolution" arose largely because US legislation only paid lip-service to non-discrimination The laws were non-discriminatory, but discrimination was not actually prohibited

He said it was only after the coloured minority prompted by discrimination in practice, began objecting, that the US Government realised it had explicitly to prohibit discrimination

While white workers might resist such legislation because they felt threatened, Prof Wiehahn believed all minority groups, including whites, would benefit in the medium and long term from anti-discriminatory legislation

There were indications that multinational companies would be forced by labour codes and legislation in their own countries to apply reverse discrimination and the promotion of racial quotas irrespective of merit — the American phenomenon of "affirmative action"

Everybody, including whites, would be protected against this by anti-discriminatory legislation It would also help whites get away from their obsession with colour

Prof Wiehahn regretted the reaction of some who regarded his ideas as revolutionary Not only were labour reforms irreversible in that it would be disastrous to reintroduce job reservation and ban black unions and apprentices, but prophecies of doom made when the reforms were instituted had not materialised

The abolition of job reservation had not produced white unemployment, nor were there indications that black unions were about to dominate the labour field in a sort of "black Solidarity"

It reminded him of when the government changed the law to allow black people to buy liquor They had not become alcoholics as was predicted, in fact their drinking habits had changed little if at all

Prof Wiehahn also called for the influencing of trade unions in favour of the free market system — DDC

UK firms toeing the line

RDM 14/4/84

(132)

THERE has been a sharp increase in the number of UK companies in South Africa prepared to negotiate with trade unions

Accompanying this is a steady reduction in the racial segregation of facilities at their plants

However, there has been a slight decline in the proportion of their black workers earning more than the standard measure of poverty wages, with about 1 400 still below the poverty datum line

These are among the main conclusions of the latest report by the UK's Department of Trade and Industry on UK companies' performance under the European code of conduct for companies with interests in South Africa

The analysis includes the returns of 139 companies in which British ownership exceeds 50% Twelve companies believed to fall into the same category failed or refused to reply and three companies submitted late returns

The most notable development concerns the recognition of black trade unions

The number of companies prepared to grant them formal recognition rose from 12 to 29 between 1982 and 1983 The number with informal dealings rose from nine to 29 Fifty-five companies expressed a willingness to recognise such unions with or without conditions, compared with only 38 in 1982

Industrial relations specialists have traditionally regarded the question of union recognition as more important to the eventual improvement of black working conditions than increases in basic wages

More than a quarter of the companies involved — 36 out of 139 — reported complete desegregation of their facilities, compared with 27 in 1982

About 110 companies claimed to have removed segregation at the workplace itself More companies reported successful desegregation of canteens (17), toilets (48) and sports and social facilities (35) — Financial Times

RDM 14/4/84

Sullivan code gets more signatories

(132)

By JOHN MATISONN

WASHINGTON — Four US companies — Eaton Corporation, Pepsico, Chicago Bridge & Iron and Foster-Wheeler Corporation — have signed the Sullivan voluntary code of employment practice relating to South Africa

Three of the four — Pepsi, Chicago Bridge and Eaton — were among 26 companies singled out by Mr Frank Wisner, a deputy assistant secretary of state for African affairs

There are now 124 signatories and 200 US firms which have not signed Those that have signed are the larger ones They account for 72% of US investment in South Africa and employ 74% of those working for American companies

Eaton, a car component company, signed the Sullivan code at the end of 1983 The soft drink company, Pepsico, signed two weeks ago Foster-Wheeler, a chemical engineering and energy company, signed early this year Chicago Bridge signed last year

In June last year, Mr Wisner told a hearing of the House of Representatives' sub-committee on African affairs the 26 firms should support the Sullivan code

Mr Wisner called for voluntary signing of the Sullivan code as part of administration efforts to stop Congress from imposing limited economic sanctions against South Africa

At the end of last month, the Secretary of State, Mr George Shultz, addressed chief executives of companies doing business in South Africa

He praised the record of American firms in South Africa

But he added "We have to be seen doing a better job I strongly urge those companies that have not adopted such principles, for example those basically defined in the Sullivan code, to do so without delay"

State Department pressure comes at a time when Congress seems on the verge of passing into law sanctions legislation which would include making a code of employment conduct mandatory in US law

It is part of the amendment proposed by Mr Stephen Solarz, the former chairman of the African affairs sub-committee, and adopted by the House of Representatives as part of the Export Administration Bill

The Senate has passed a version of the Bill without the South African clauses A conference of representatives from both houses is meeting to hammer out a compromise

Results may not be known until next month, but it is expected that at least part of the anti-apartheid legislation will be signed into law when a compromise has been worked out

The one most likely to become law, officials say, is a clause banning all Krugerrand sales in the US

Several conservative Senators support this, though for reasons different from those of the anti-apartheid liberal Democrats Conservatives favour selling an American gold coin to take away some of the Kurgerrand market

Another clause likely to become law is one making American firms with more than 20 workers in South Africa comply with a code of fair employment This would be enforceable in US courts

The Reagan Administration opposes the legialation In particular, it does not wish to see American firms forced to comply with a code that is enforceable in American courts

The remaining 23 businesses that Mr Wisner has called on to sign the Sullivan code are Getz Bros, Oak Industries, Echlin Manufacturing International Playtex, Cheseborough-Ponds, A M international, Maremont Corp, Alexander & Alexander, International Corp BBDO International, Dun & Bradstreet International, Associated Metals & Minerals Corp, Newmont Mining, Chicago Pneumatic Tool Co, Columbus-McKinnon Corp, Ingersoll Rand Co Blue Bell Inc, Timken Co, Wyeth International, V F Corp Dresser Industries, Precision Valve Corp and City Investing International

Industrial relations

(132) Star 14/4/84

Flexibility desirable in IR, but there must be a limit

By Roddy Campbell

Power is a crucial element in industrial relations How much power can be given by one side to the other? For at this stage, it is still necessary to delineate "sides", however immature that may seem.

Three weeks ago a leading, JSE-listed company faced a strike threat. The union concerned maintained it had followed to the last letter the grievance procedure

Although the company at first denied this, it later acknowledged it was probably in the wrong and the conciliation machinery had been properly employed. Unions do have a habit of being right about the technicalities

Next day, the union demanded the company chairman (a rather well-known figure) meet its representatives. The firm replied, quite tartly, that the union could not nominate the company's negotiators.

Twenty-four hours later it was reported that the chairman had "intervened" and everyone was smiling. Peace reigned

RIGIDITY DOESN'T PAY

If harmony was indeed restored, what was the real cost?

Flexibility has, almost by tradition, been an admired characteristic of successful managers An assessment incorporating the phrases "inflexibility attitude" or "rigid in his thinking" was a certain way to sideways promotion at best.

But in industrial relations, there are several areas where "flexibility" by management is wrong Consistency in outlook and conduct is the only way to build up a labour force both responsible in its demands and orderly in its conduct

For example, if the company's disciplinary and grievance procedures are to have credibility and value in the eyes of the workers, they must be applied in a strictly uniform fashion throughout the company.

If "fighting while on duty" is an offence which in the discplinary code warrants summary dismissal, then every employee found fighting on duty must be dismissed. Outside factors such as the fact that this supervisor likes the offender must not intrude

If these sanctions are applied in a vague and imprecise manner, they will certainly lose worker support as the employees will see the system as being unfair

Similarly, the employees must know and believe in the rigidity of the grievance procedure If it is to be accepted and trusted and make its contribution to good industrial relations, it should be applied with unvaried adherence to each clause and each time span.

If the procedure states that a dissatisified employee may move to the next step after two days, then this is what should actually happen

Deviations will cause the procedure to fall into disuse

Grievances will remain unaired and unsolved and the industrial relations climate will deteriorate accordingly.

Some other areas in which inflexibility pays off include:

- Communications meetings with employees' collectives (shop stewards or works councils) They must be held regularly and follow agreed agendas.
- Operation of a recognition agreement should be strictly in accordance with its terms and procedures.

If the agreement provides for the negotiation of wages and conditions, the section stating how these negotiations are conducted must be observed It follows that the section on disputes must equally be followed by both sides

This is not the imposition of management will upon worker. Agreements are supposed to be for the benefit of both parties.

IR today do unfortunately have some characteristics of guerilla warfare If the parties have come sufficiently along the road to establish the rules of conduct, it should pay both sides to obey them

There may continue to be many cases, unheard by management, where a supervisor takes a recalcitrant worker behind the warehouse and "sorts him out". Effective it might be but it is the crudest form of IR and the supervisor should be subject to summary dismissal if detected.

Contrary to all the management shibboleths, in IR, inflexibility (or consistency) tends to remove the causes of mistrust and, therefore, is calculated to eliminate conflict.

Both a rumble behind the warehouse and the intervention of the chief executive (an apparent victory for the union) open up cracks in the industrial society which wll inevitably grow wider

But Mr Gqwetha and his allies appear to have the bulk of the support.

RDM 16/4/84 □□□ 132

THE battle over the closed shop is set for an industrial court test.

The case centres around attempts by Fosatu's National Union of Textile Workers to make gains in Natal clothing plants at the expense of Tucsa's Garment Workers' Industrial Union, which has dominated the industry through a closed-shop agreement by forcing workers to belong to it.

NUTW was recently recognised at the Pinetown clothing firm of James North after it won a company-run ballot in which workers chose between the two unions

But clothing's industrial council turned down a request that workers there should be allowed to resign from the Tucsa union It also refused to allow the company to deduct union dues for NUTW

It said NUTW was not representative enough in the industry as a whole

Now NUTW is to appeal to the court

The case important to NUTW members at the firm who risk expulsion from the GWIU for joining a rival union This would cost them their jobs

Mercury 17/4/84 (132)

Mother's killers sentenced to die

Court Reporter

TWO men who murdered a mother after breaking into her room, were sentenced to death yesterday

The killing took place in the same room where the woman's three children had been sleeping

The men, Lesi Nkosi Zimu, 23, and Vongo Bonginkosi Khwela, 24, both of the Sunduzwayo Location, Umbumbulu, were tried at the Supreme Court in Durban

They were found guilty by Mr Justice Wilson and two assessors of having murdered Mrs Verra Luthuli, another location resident

The Judge said there had been no evidence to prove they had been affected by liquor they drank while attending a soccer club meeting that night

They went to Mrs Luthuli's kraal, intending to get money to continue drinking

Man in court for being in trade union

Mercury Correspondent

JOHANNESBURG—A King William's Town factory worker has become the first man in the country's labour history to appear in court charged with belonging to a trade union

Mr Albert Whittles, a factory worker, appeared in a Ciskei court earlier this month charged with belonging to the unregistered S A Allied Workers' Union He is due to appear again tomorrow

According to Ciskei judicial sources, he is to face a charge which carries a maximum penalty of 10 years in prison

The trial is the result of an announcement by the Ciskei authorities last year that they had declared the union a banned organisation in the territory

In spite of the fact that the announcement was made several months ago, it is understood that Mr Whittles is the first person to be charged with being a member of the union

Situation

Ciskei's announcement prompted widespread criticism at the time as no other trade union has ever been banned by the South African Government or by 'independent homeland' administrations

The union is still a legal organisation outside Ciskei, and most of its members work in East London but live in townships inside Ciskei's borders

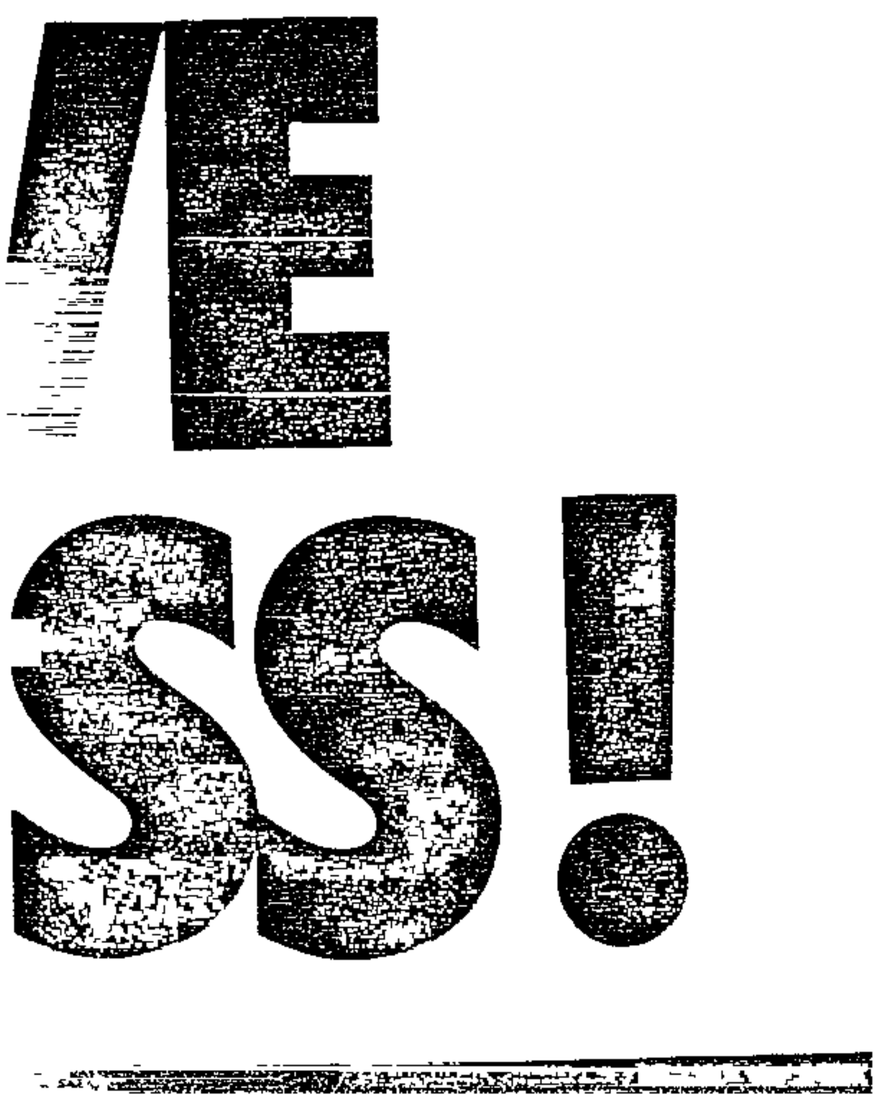
Critics therefore argued that the ban created a situation in which members of the union belonged to a legal organisation when they arrived at work, but an illegal one when they returned home

Although he is appearing in a Ciskei court charged with breaking one of that territory's laws, Mr Whittles does not live in Ciskei, according to his lawyer, but in Shornville, a King William's Town township outside Ciskei

The lawyer added that it was not certain that Mr Whittles was arrested inside Ciskei

While Ciskei sources say Mr Whittles faces a maximum 10-year sentence, his lawyer said yesterday that the nature of the charges against him — and therefore the sentence if he is convicted — were still unclear as the defence had not yet received a charge sheet from the prosecution

Ciskei's Attorney-General, Mr N F Jurgens, yesterday confirmed that Mr Whittles had appeared in court charged with belonging to the union and was due to appear again tomorrow



Church minister fined R200 for drunken driving

Court Reporter

A 44-YEAR-OLD Bothaville minister of religion, who drove his car while under the influence of alcohol, was fined R200 (or 50 days) with a further three months' imprisonment suspended for four years when he appeared before Mr D M Horak in the Durban Magistrate's Court yesterday

Before the Court was Adriaan Petrus van der Colff of Van der Lingen Street, Bothaville

He initially pleaded guilty but a plea of not guilty was entered by the Magistrate after Van der

holiday with his family on March 23

On the way to Amanzimtoti he had developed severe toothache and had suffered with it all weekend On Monday, March 26 he had gone to a dentist and had had treatment for the aching tooth

When the effect of the injections wore off the pain returned and he had drunk several whiskies to ease the pain

Wandering

Mr David Garrod told the Court he had passed Van der Colff's car and seen it wandering all over

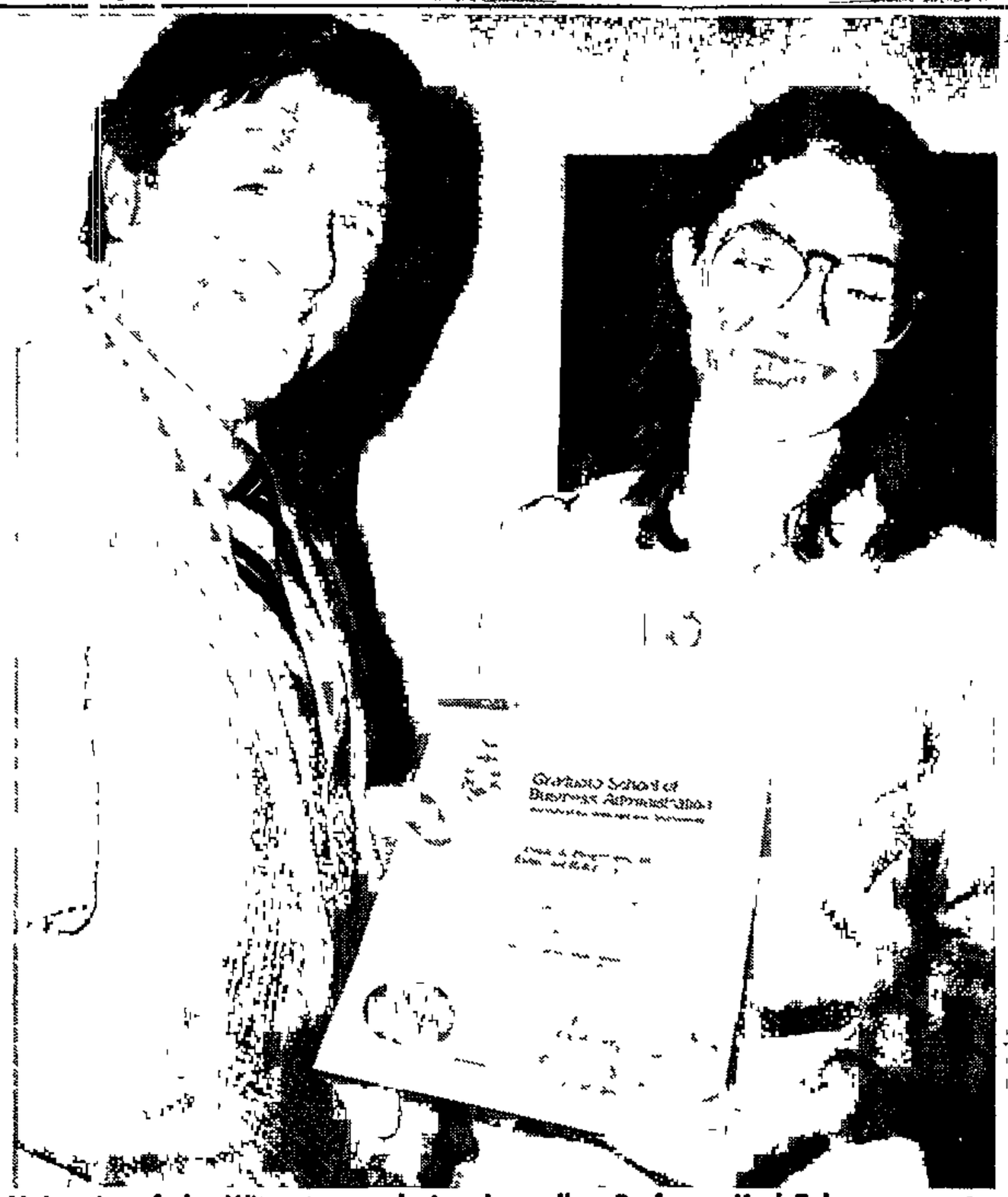
Evidence was that Van der Colff was taken to the Amanzimtoti police station where he had to hold on to the counter in the charge office for support.

The Court heard that he had bloodshot eyes and smelt strongly of alcohol

In mitigation Van der Colff said he had lost sleep over the incident and that he had driven for 25 years and never had an accident

Passing sentence, Mr Horak said Van der Colff had committed a serious offence

He took into account



University of the Witwatersrand vice-chancellor, Professor Karl Tober, congratulates Mrs Felicity Wright, top student in the Graduate School of Business Administration's 1983 certificate programme in industrial relations.

'Sacred cow could spark union reaction'

(132) Star

By Carolyn Dempster, Labour Reporter 17/4/84

Many of the recent gains made by trade unions in South Africa were the result of superior trade union strategy

As a result, employers had already had to forgo many of their cherished prerogatives, Professor Roux van der Merwe of the Department of Industrial Relations at the University of Port Elizabeth said last night.

He was the guest speaker at the graduation ceremony for the Certificate Programme in Industrial Relations, run by the University of the Witwatersrand's Graduate School of Business Administration.

Speaking on "Management Prerogative — the Sacred Cow", Professor van der Merwe tackled an issue "which is occupying the minds of South African managers very much at the moment".

In an appraisal of current labour trends in this area in South Africa, Prof van der Merwe said it was time employers realised that management prerogative was an ideological stance and not a basic truth.

"Those embattled managers need to realise that there is a range of strategic decisions which can be taken. Pragmatic adaptation is an alternative."

The problem was compounded by the fact that the average South African manager operated in a conservative business climate, said the professor

However, if management continued to make a "holy cow" of management prerogative, there was a growing likelihood of intensified trade union reaction

"Increased management control has been shown to lead to an increase in worker resistance," he warned.

It is the second year running that the school has staged the part-time eight-month certificate programme in industrial relations. Successful participants included personnel and industrial relations managers and trade unionists

Top student in the programme was Mrs Felicity Wright, information officer at the Institute of Industrial Relations

Joint second place went to Mr John Harker, personnel manager at Hebox Textiles in Natal, and Miss Anne Sacks, a journalist with the Financial Mail

The United States-South Africa Leader Exchange Programme (Ussalep), in conjunction with the school, awarded travel grants to the two management and union students who distinguished themselves in the programme.

The recipients were Mr Harker and Mr Sipho Radebe, a general organiser for the Council of Unions of South Africa (Cusa)

Rdm 17/4/84 (132)

Saawu man in court for being union member

By STEVEN FRIEDMAN
Labour Correspondent

A FACTORY worker from King Williams' Town has become the first man in the history of the South African labour movement to appear in court charged with belonging to a trade union

Mr Albert Whittles appeared in a Ciskei court earlier this month charged with belonging to the unregistered SA Allied Workers' Union (Saawu) He is due to appear again tomorrow

According to Ciskei judicial sources, he is to face a charge which carries a maximum penalty of 10 years' jail

The case is the result of an announcement by the Ciskei authorities last year that they had declared Saawu a banned organisation

It is understood Mr Whittles is the first person to be charged with being a Saawu member

Ciskei's announcement prompted widespread criticism at the time as no other trade union has ever been banned by the South African Government or by "independent homeland" administrations

Saawu is a legal organisation outside Ciskei, and most of its members work in East London but live in townships inside Ciskei's borders

Critics therefore argued that the ban created a situation in which Saawu members belonged to a legal organisation when they arrived at work, but an illegal one when they returned home

Although he is appearing in a Ciskei court charged with breaking one of that territory's laws, Mr Whittles does not live in Ciskei, according to his lawyer, but in Shornville, a King William's Town township outside Ciskei

The lawyer added that it was not certain Mr Whittles had been arrested inside Ciskei

"This is one of the issues on which the court will have to decide — there is a dispute of fact over where Mr Whittles was arrested," he said

While Ciskei sources say Mr Whittles faces a maximum 10-year sentence, his lawyer said yesterday that the nature of the charges against him — and therefore the sentence if he is convicted — were still not clear as the defence had not yet received a charge sheet from the prosecution

The Attorney-General of the Ciskei, Mr N F Jurgens, confirmed yesterday that Mr Whittles had appeared in court charged with belonging to Saawu and was due to appear again tomorrow

RDM 18/4/84

Unions 'to follow British pattern'

(132)

Mail Correspondent

CAPE TOWN. — Trade unions would use their powers to bring about political changes in South Africa because of the absence of voting rights — and this might harm the economy as it did in the United Kingdom, Professor R Tusenius, of the University of Stellenbosch's graduate school of business said on Monday.

He was speaking on the first day of the eighth annual commerce week at the University of Western Cape on the theme "Changes and Challenges in Management".

Prof Tusenius said: "In South Africa we made a mistake by following the British rather than the American trade union system.

"In the United States each man had a vote before trade unions functioned, whereas in Britain voting rights were acquired after the formation of unions."

It was because of this that unions there were involved in the political struggle to the detriment of commerce and the economy at large, he said.

Unions had the role of "responsible and realistic participation with management", Prof Tusenius said.

Mr Ted Frazer, secretary of the Jewellers' and Goldsmiths' Union, urged workers to increase their power by uniting as a "working class" instead of uniting as "racial goups".

Unions, he said, still did not have the power to bring about a change in unfair labour practices.

Black managers in a fix

BOSSES DON'T LIKE THEM
WORKERS DON'T TRUST THEM

THE mushrooming band of black managers is taking it from all sides

Management does not trust them fully, simply because they are black and they are regarded as "Uncle Toms" or sell-outs by the workforce

By BARNEY MTHOMBOTHI

And few, if any, of these men and women who are trudging an uncharted course, with no precedent, have whites as subordinates

Most have powers only over black workers with titles such as black personnel officer or black liaison officer

The work environment of a black manager is rife with inconsistencies, ambiguities, conflicts and subtle resistance from white colleagues who see him as a threat

He is in an invidious middleman position, standing between white management and the black workforce

These are the findings of an in depth examination of attitudes, perceptions and experiences of black managers in their work environment in South African organisations The study was undertaken by University of Natal student Jane Watts for a doctoral thesis

More than 100 black managers, working for both local and international organisations, in Pietermaritzburg, Durban and Richards Bay were interviewed

Miss Watts says there are social, economic, political as well as moral reasons why black job advancement should be encouraged

The country is facing internal and external pressures to change, in the form of strikes, disinvestment campaigns, boycotts and sanctions

This pressure is compounded by the adverse effects of the chronic shortage of skilled manpower

Unfortunately many black advancement programmes implemented by companies have been unsuccessful or managements have been left disappointed with the performance of black managers

"I believe that most research in this area has been too one-sided, that it has examined only the black managers' behaviour in the work environment, without considering their experiences and interpretation of the situation," says Miss Watts

There are "substantial perceptual discrepancies" between how the black manager views himself and his work environment and how he is perceived by white colleagues

"For instance, black managers tend to attribute their problems to external criteria, such as discrimination, while their white colleagues often regard the problems as being internal — the result of the black managers' lack of certain abilities, skills, aptitudes"

While white managers feel cultural differences are a problem, black managers do not agree

She says these perceptual discrepancies can have negative repercussions in the form of different points of view, lack of trust and job dissatisfaction

There is also "subtle resistance" from whites in the work environment, especially those who are threatened or affected by the upward mobility of black managers

There is also a streak of paternalism from whites and a "credibility gap" which black managers have to bridge in order to succeed

"Blacks have to prove their competence whereas whites can be assumed to have it," Miss Watts contends "Blacks feel they're not fully utilised, they have to be twice as good as whites in order to be successful They have to prove themselves"

She says it is a feeling among black managers that if one black person fails it automatically confirms the negative expectations among whites regarding black performance

Black managers, she says, are faced with a dilemma of whether they should be "bosses who do a bit of representing, or representatives who do a bit of bossing"

In addition, they may have to communicate unpopular company decisions and policies, with which they themselves may not agree, to black workers

Most cannot hire or fire whites They thus become, what she calls "the master and victim of double talk"

This situation is exacerbated by the fact that they are "white by day and black by night" They are expected to function as whites in a white world during the day and yet as soon as they leave for home they are relegated to the position of a second-class citizen in an apartheid society

The black manager may also suffer from "role ambiguity" He has no black precedent to go by and he may be uncertain as to what is expected of him and unsure of the standards he is supposed to meet

"Further[illegible] his white counterparts, he does not readily gain access to the informal social networks that exist among employees within the organisations," says Miss Watts

"Such networks are instrumental in learning about social conventions and the 'rules of the game' that operate in the company

"This places the black manager at an extreme disadvantage

"They're excluded from this grapevine circle While white colleagues go out to play squash or golf after work, they don't

"They go home and the people at home don't know what they do at work They have no social support system or a contact group they can turn to"

She also concludes

* Top management commitment to black advancement is not enough The co-operation, commitment and support of people 'down the line' must be obtained

Companies should ensure that the organisational climate is conducive to black advancement before they embark on any ambitious scheme, "otherwise don't try"

* Racial awareness or sensivity programmes should be conducted for whites for them to explore their stereo-types, prejudices and general attitudes to their black colleagues Racially integrated programmes and sessions should be held, too, which directly address the issues causing barriers and problems between black and white employees

* Companies should encourage a climate of mutual support and communication where the black manager feels he is free to confront problems he is encountering rather that withdrawing from or avoiding the situation

* Extra-organisational contact groups can be useful in providing the black manager with a social support system that he often lacks at work, which will make it possible for black professionals to meet and share problems

* Blacks should be carefully placed in terms of who they have as their immediate senior The extent to which the boss is prepared to encourage and coach his subordinate is crucial to his success

* The black manager should agree with any training needs which may have been established for him He should be involved, where possible, in identifying such [illegible]

2 000 reasons for strikers to fear trespass law

30/4/84 RDM

LABOUR WEEK BY STEVE FRIEDMAN

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WHEN a law was introduced last year, sharply raising the minimum fine for trespass to R2 000, there were suggestions this would be used against strikers. These seem to have been confirmed.

Last week, 176 Metal and Allied Workers' Union members at Brits company Auto Cables were arrested after allegedly being fired and ordered to leave the premises.

They are likely to be charged with trespass — presumably on the basis that, once fired, they could not remain on company property without permission.

One immediate effect of the vastly increased fine is that the arrested workers may spend the next two months in prison.

Their case has been remanded to late June and bail set at R100 each — which MAWU is unlikely to raise. Pleas to have the amount reduced were rejected because workers faced a possible R2 000 fine.

The arrests are the most dramatic illustration thus far of the way in which the trespass law can be used against strikers — although there have been other labour-related trespass arrests

The incident also highlights the fact that police are increasingly using general security laws, rather than the anti-strike laws in labour law, to act against strikers.

The Intimidation Act has been used against strikers for some time. Now a blanket ban on outdoor gatherings is also being used.

This takes on added significance in the light of rumours that the authorities may scrap the laws making striking a crime.

This would bring our labour laws in line with those of Western industrial countries. But, if the last few months are anything to go by, it would make absolutely no difference to the extent of police action against strikers.

Bid to prevent blocking of 'unfair practice' cases

Labour Correspondent

THE Minister of Manpower will no longer have the power to prevent trade unions taking "unfair labour practice" cases to the Industrial Court, if the Government accepts a National Manpower Commission recommendation

The recommendation is one of several made by the NMC in a labour relations report released this week, which would increase the court's powers and make it easier for cases to come before it

The NMC also suggests the court be given the right to grant temporary orders without hearing arguments from both sides — which would make it easier for unions and employers to win orders from the court — and that a right of appeal to the Supreme Court against industrial court decisions be removed

Instead, a Labour Appeal Court would be set up to review the court's decisions

The Minister of Manpower, Mr Pietie du Plessis, has repeatedly used his powers to prevent "unfair labour practice" cases coming before the court and the Department of Manpower is planning legislation to curb its power

"Unfair practice" disputes make up most of the court's work and unions have won several key victories

At present, however, they can only come before it after the dispute has been referred to an industrial council or conciliation board The Minister has the power to refuse to allow a board to hear an "unfair practice" dispute

In its report, the NMC recommended that unions and employers be able to take "unfair practice" cases directly to the court

Where an industrial council existed, the dispute would also have to be referred to it, but the aggrieved party could approach the court

If the parties did not settle the dispute at the council in 30 days, the court would hear the case Where no council existed, an aggrieved party would not have to apply for a board This would remove the Minister's discretion

The NMC also accepted a suggestion by the court's president, Mr B J Parsons, that it be allowed to issue temporary interdicts without necessarily hearing argument from both parties — as the ordinary courts do

It also suggested the setting up of a Labour Appeal Court which would hear not only appeals against industrial court decisions, but against various decisions by officials which are now heard by the Supreme Court

A minority report by two leading mine employers rejected both these ideas

Mr Johann Liebenberg of the Chamber of Mines and Mr Naas Steenkamp of the Gencor group said they could accept granting the court these powers only if its members were forced to have the same qualifications as Supreme Court judges

INDUSTRIAL RELATIONS

Whose prerogative?

FM 4/5/84 (132)

The so-called "management prerogative" — which some unionists say gives managements a mandate to hire and fire at will — is under increasing attack

In essence, unionists argue that no area of management decision-making is sacrosanct In their view, every presumed management right is counter-balanced by an equally clearly defined worker right.

It is an area in which managements are obviously reluctant to concede ground. But an increasing number of managers now appear willing to grant that there is at least some validity in the workers' view That seemed to be the consensus at a recent seminar specifically designed to look at management decisions in the light of Industrial Court (IC) rulings.

There can be little doubt that the spate of IC rulings, particularly with regard to unfair labour practice, unfair dismissal and retrenchment, has severely limited managements in their dealings with workers

A leading labour lawyer, Chris Albertyn, argues that since the IC is perceived as a symbol of social improvement, it is important that hard-won worker rights be furthered and upheld. "Workers," he says, "do acquire a proprietary interest in their company's affairs — especially those with long service. It is important that this right be furthered by the courts and not eroded by an offensive by management"

Since there are far-reaching political overtones in IC findings, they "must not be seen in a micro manner — that is, looked at from the perspective of the firm They should rather be seen in the context of changes taking place in society as a whole."

Building on the argument, Hylton Cheadle, deputy director of Wits University's Centre for Applied Legal Studies, maintains that employers have no need to fear the IC. Thus far, he notes, none of its decisions has been in conflict with the accepted practice of the more reputable employers "All the court is doing," he argues, "is legitimising these developments and leading to a coherent body of norms to govern industrial relations. In addition, it has brought rogue employers into line with accepted practice."

Cheadle contends that the court has an important role to play in heading off industrial action. Rather than constrain its activities, as some would have government do, more issues should be submitted to its jurisdiction. "It should be allowed to expand on the task it has already started — that of establishing a coherent body of laws to regulate industrial relations"

Kate Jowell of UCT's Graduate Business School says that "management's prerogatives are under threat — and it's about time they were" This is a good thing, in her view, "simply because it is right and just In the long term, pragmatic managers know that we need a new equilibrium"

LABOUR RELATIONS

Guarantees needed

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On the face of it, the National Manpower Commission's (NMC) call for the abolition of formal registration procedures for trade unions and employers' associations may be no bad thing. But unless there are strong guarantees that only disclosure of membership lists, constitutions and financial statements will be imposed on these bodies, the proposal could face considerable resistance

It would then be seen as a retrogade step by government, at precisely the time that the positive aspects of the restructuring of labour relations in SA over the past decade are being widely appreciated Signals that SA may gain readmission to world labour forums would be aborted if Pretoria was seen to be tightening up a system that, when all is said and done, is working well.

Financial Mail May 4 1984

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At least one recommendation is long overdue This is that "race as a criterion in respect of the interests for which registration may be obtained at present, should not feature in the requirements (explicitly or otherwise)"

Also welcome is the suggestion that "the Labour Relations Act should not provide for objections to the operation of an organisation meeting the requirements, and, in consequence, no proof of representativeness would be required" At present, registered unions can successfully object to the registration of new unions if they are not representative This procedure has all too frequently been used to block out new unions where established ones are already present In other words, it entrenches the principle of the closed shop at the expense of younger and in many respects more dynamic unions

The NMC also said that linking representativeness with registration "negates the principle of freedom of association, particularly where minority groups are concerned If representativeness were to be the criterion for registration, the decision-making power of the individual to associate with whom he pleases would shift from him to the State

"Nor should State registration be linked to recognition If it were, this would negate the principle of freedom to bargain or not to bargain, a choice which, in the opinion of the NMC, concerns only the employee and employer parties involved"

The State should assume only a facilitative role in collective bargaining, the NMC suggests, and should not usurp the functions of other parties This should lead to a greater emphasis on resolution of disputes at plant or company level, though whether the process can be a tidy one is open to question It is, however, a recommendation in keeping with the current — laudable — idea that government should reduce its unacceptably high degree of interference in the labour sphere But there is a sting in the tail

The majority of the commission felt that all these problems could be overcome if there were "no formal registration/certification/listing on the part of the State, but only statutory provision that any organisation wishing to operate as a trade union/employers' organisation for purposes of collective bargaining, should meet certain minimum requirements"

This would also, it said, simplify the current statutory and administrative procedures in the registration process

The trouble with this proposal is that it could give Pretoria the power to impose all sorts of *additional* conditions on the minimum legal requirements for unions and employers' associations This could easily force effective registration on unions — meaning that they could not operate without the sanction of a government-appointed registrar According to the NMC "a significant number" of unions said they would not "in the foreseeable future" seek registration

If the new system is accepted by government, it could promote greater freedom in labour organisation — a move which can only be welcomed But everything could be lost if there is any suspicion or fear that the "minimum statutory requirements" will later be toughened up An unequivocal guarantee that this won't happen will make the NMC proposals positive and credible

Business Day/LABOUR

LABOUR WEEK BY STEVE FRIEDMAN

Tighter controls loom

RDM 7/5/84 (132)

AT A time when union registration has become almost a non-issue, a National Manpower Commission report last week placed it back at centre stage.

It suggests barring unions from operating unless they are approved by a civil servant — which could leave unions facing greater Government control than before the Wiehahn reforms

And, while the report is to be circulated for comment, it seems the Government wants to introduce the NMC plan

Many believe it is aimed only at a few unregistered unions

But the powers it would give a Government registrar suggest that all unions the authorities did not like could be put out of business.

The plan contains one major reform — established unions would not be able to use the law to prevent newer ones gaining approval by objecting to their applications But the power they have lost is now concentrated in the registrar's hands

The report does lay down some neutral standards the registrar would apply. But it also says he could bar a union if he believed its "main objective" was not to serve its members' interests or if it did not have a "proper" constitution These are both matters of opinion — in this case the opinion of a Government official

It also says unions should only be approved if they fund themselves

Just as companies receive funds from abroad, so do many unions Could the registrar close them down if he thought they received too much foreign money?

A union could also be closed down if it had links with a political party. While already registered unions would automatically receive approval from the registrar, he would be able to withdraw this at any time

And unions refused approval could not appeal to the Supreme Court They could appeal to the industrial court only, which forms part of the Department of Manpower

The NMC report was expected to relax Government control over labour Instead, sustained resistance to reform won the day

Although completed last year, the report will fuel suggestions that the Government plans to dismantle labour reform

□□□

ONE other aspect of the report could have a key role in controlling labour relations

This is its suggested changes to the industrial court — and to the definition of an "unfair labour practice" (ulp), disputes which take up much of the court's time.

The report suggests a key reform — it wants the Minister of Manpower no longer to have the power to prevent ulp cases going to the court

But it also lists practices which it wants declared "unfair".

These include "secondary product boycotts" by unions or use of "misleading" recruiting methods by them

In a blow to closed shop unions it wants "unjustifiably" expelling a union member barred, and it wants employer "blacklists" on fired strikers outlawed

It also says it should be an "ulp" for a union to force an employer to deal only with it and not with a minority union

This seems to intervene directly in disputes between employers and emerging unions in several industries.

Employers will only negotiate with emerging unions if unions representing skilled workers are included in the talks, emerging unions say these represent only a tiny portion of the workforce and are resisting this

This could also outlaw some closed shops But the NMC says it is to investigate this possibility further

The proposals are softened by a suggestion that no practice negotiated in an agreement between unions and employers would be an "ulp"

But parties which did not sign the agreement could still take court action So an employer association could, say, charge a members with an "ulp" for not bargaining with minority unions

What makes all this more ominous is that the NMC also wants to remove the right to appeal to the Supreme Court against the court's decisions — and to give it new powers to grant interdicts without hearing argument from both sides

RDM. 8/5/84 (132)

SA union strikes 'escalate sharply'

GENEVA — Black trade union membership in South Africa is increasing at an unprecedented rate while the number of strikes has escalated sharply, the International Labour Organisation said in its report published yesterday

"Black membership of trade unions exceeded that of the other population groups for the first time by the end of 1982, increasing by some 10%," the report said

"The number of strikes in South Africa escalated sharply in 1982 to reach the highest level for 20 years

"Nearly 142 000 workers — none of them white — took part in 394 officially reported strikes with the number of workers involved some 40% higher than in previous years An upsurge in industrial action brought the number of strikes in 1983 to 336," it said

The International Labour Organisation (ILO) report said that codes of conduct of US and European companies operating in South Africa had helped raise black wages, but had not made an impact on the wage gap between black and white workers

The ILO will debate the report at its annual conference which takes place in Geneva during the visit of the Prime Minister Mr P W Botha to Europe

The ILO, a United Nations-specialised agency which expelled South Africa in 1976, attacks the Labour Relations Amendment Bill, saying it will increase Government controls over trade unions

Despatch 9/5/84 (132)

ILO: labour law tightens control

GENEVA — The International Labour Organisation has issued a new report criticising South Africa's apartheid and labour policies saying that a new labour relations law tightens government control over trade unions

The report which is to be discussed by an international labour conference in Geneva from June 6 to 27 adds that last year's constitutional reforms have done little to change the apartheid system but have merely occurred within it

Benefits of change still go to the white population ILO's director-general Mr Francis Blanchard said in the report For blacks the policy of division and exclusion is being intensified

However a labour relations amendment bill published in February of this year it said could tighten government controls over the trade union movement

Directed at agreements between employers and unions which are reached outside the industrial councils system its effect would be felt primarily by independent unions — the majority of which operate outside the councils the report said — SAPA-AP

IR consultant pinpoints major strike cause as unfair dismissal

Star 9/5/84

(132)

By Bill Levitt

Last July 7 the industrial court stunned the business world with stinging judgment in a labour relations case involving the United South African Motor Workers' Union and Fodens Pty Ltd.

The judgment reinstated three Fodens employees who it ruled had been wrongfully dismissed, forced the firm to recognise and negotiate with the union, ordered it to cease making derogatory remarks about the union and demanded it stop victimising employees for being union members

"This case was an important first in South African industrial relations," says Andrew Levy in his book, Unfair Dismissal, published by Divaris Stein Publications The age of collective bargaining had begun"

Levy, a labour relations consultant, thinks one of the most important — and confusing — issues in industrial relations is unfair dismissal and that it is one of the most common events that triggers strikes

An incorrect decision to dismiss may lead to fines, damages, reinstatements, or costly out-of-court settlements

What was important in the Fodens case, says Levy, was that irrespective of law or the contract of employment, the company was found guilty of committing an "unfair labour practice" purely because it had reacted in an entirely predictable way to the presence of a black trade union

"Past practice, it seemed, was no guarantee of future success"

The concept of an unfair labour practice is based on a consideration of equity or fair play Although the law should be fair, it sometimes is not and the question of fairness becomes a determining factor, he says

Three things should be considered before people are fired, Levy recently told a business seminar on dismissal.

"Could I, should I and will I get away with it?" said Levy "If the answer to any one of these questions is no, dismiss or fire at your own peril"

What is good law is not necessarily good practice nor good labour relations

For instance, if a company finds out that its best heavy equipment operator has a phoney licence, it might be proper to fire the man but more practical to help him get his licence

"Temper legality with the question does it make sense?" Levy told about 200 managers from all sectors of the economy

Discretion, which means the ability to decide as one seems fit, remains an important aspect of good management.

"Most often the least equipped are forced to make decisions and inevitably you have a messy situation," Levy said

If managers are ill-equipped to handle situations as they arise, companies end up learning about unfair labour practices through disputes rather than from a less painful experience such as negotiation

"You must understand mitigating circumstances," he noted

"Remember, no matter how right it is, if it doesn't work, it's wrong"

Levy recommended that companies should have rules of conduct which should be generally known right down the line, consistently applied and allow for differing circumstances

But rule books, which tell employees how many indiscretions they can be fired for, can become overbearing and have a negative impact on morale and productivity

Levy told of one company which attempted to fire an employee for sleeping on the job when a plant manager found an employee apparantly sleeping with his lunch on his lap

Shouting, "you're fired, you're fired," the official threw the man out He was later reinstated because the shop steward successfully argued he was merely "saying grace".

The company changed its manual to read that employees would be fired for sleeping on the job or resting their eyes — something Levy feels becomes counterproductive

Levy's book deals with several issues warranting dismissal, including absenteeism, drunkenness, poor performance, theft and strike action

"There is no mystery involved in the achievement of fairness," Levy writes Most people have an innate sense of fair play All that is required is the ability to exercise it without being prejudiced by any vested interest

"This treatment should be fair enough to ensure fairness and to avoid an unfair labour practice"

The book also contains algorithms or charts which indicate what action to take for specific events, a glossary of basic labour relation terms and a bibliography which includes useful reference books

Fm 11/5/84

development of the BLS economies — but he declined to elaborate

It has been clear for some time (*Currents*, December 10, 1982) that "closer economic co-operation" with the BLS is a key feature of Pretoria's plans for a new customs agreement — one that "satisfies the requirements of the Eighties," as Finance Minister, Owen Horwood, recently said

Horwood said in parliament last month that government "has been busy for some time with an in-depth investigation into all aspects of the CU agreement" SA's probe went beyond mere financial arrangements and involved trade, agriculture and transport matters as well, he said, observing that with independence the TBVC states had obtained "*de facto* membership" of the CU

Although *de jure* recognition of the TBVC by the BLS seems far off, SA's new CU proposals seem designed to lay the basis for this, with the ultimate goal being Prime Minister P W Botha's proposed constellation of southern African states

Botha outlined SA's intentions at his summit with TBVC heads in 1982 when he explained "We see the Customs Union not in isolation as a revenue-sharing arrangement but as part of a comprehensive regional strategy"

The implications could be significant For example, the African "counter-constel-

face to face

PIET VAN DER MERWE

Directions in labour

Piet van der Merwe is Director General of the Department of Manpower He spoke to the *FM* about recent developments in labour

***FM*: There has been a high incidence of strikes this year To what do you attribute this?**

Van der Merwe: Compared with the corresponding period in 1983, strike activity has been higher this year But most strikes have been of relatively short duration and there are good indications that greater use is being made of the Industrial Court and of conciliation boards to resolve disputes That is encouraging In most cases, strikes have been sparked by wage issues Owing to the recession, the ability of employers to grant wage increases has declined and, in many instances, negotiations have been tougher than they were

Concern has been expressed about the Minister of Manpower excluding unfair labour (ULP) disputes from conciliation board terms of reference

One must be very careful in judging that There are built-in checks and balances for this process The Department of Manpower (DoM) has to consider the merits of each application and act within the framework of the law in making recommendations to the Minister The disputes machinery is voluntary and the DoM is always anxious that it be used Very often there is a complex background to each situation and people must be in possession of all the facts before criticising The DoM will never stand in the way of parties who would like to make use of the Labour Relations Act machinery, unless there are legal or other genuine reasons why particular applications cannot be favourably entertained

Has the ULP provision been abused?

I don't think so The definition of a ULP is very wide and it will be investigated in the light of the National Manpower Commission's (NMC) latest report Originally it was made purposefully wide to enable the Industrial Court to gain more knowledge and insight through experience, so as to evolve a more precise definition The DoM would not like to be accused of blocking the way to the Industrial Court or the disputes-settling machinery Our object is precisely the opposite

The Labour Relations Amendment Bill (LRAB) stipulates that trade union-employer agreements will not be enforceable in court if unions do not conform with certain minimum requirements This has created fears that the next step will be for the DoM to decide whether or not agreements are acceptable.

The provision conforms with the majority recommendation on registration contained in the report of the NMC which the Minister of Manpower received in July-August last year

The present minimum requirements in the Labour Relations Act are designed to protect union members, and the great majority of registered and unregistered unions have been complying with them Only a very small number have not Thus, most unions will not be affected by the provisions of the Bill I really think there has been an over-reaction in some quarters In the final analysis, a very small number of unions will be affected

Fears that the DoM will make judgments on the acceptability of agreements are purely speculative

What is your reaction to the latest NMC report?

There are two major issues involved the recommendations which relate to the registration process and those relating to the functions of the Industrial Court

As far as registration is concerned, it is very clear that there are wide differences of opinion in the NMC There are at least three lines of thought on the issue and I think the same would apply in business and trade union circles Registration is a sensitive issue For that reason, the Minister has indicated that he will not take a decision one way or the other until all parties have had the opportunity to comment Government will only respond in a White Paper once the comments have been studied

The LRAB goes some way towards what the NMC had in mind The NMC recommended that no union which does not comply with the minimum requirements would be able to operate as a trade union The LRAB does not go that far In fact, it falls short of the majority report It says that if a union does not comply, it can still operate as a union and conclude agreements, but that these will not be enforceable in court

I cannot see the sense of minimums if compliance is voluntary

Are we to read the LRAB as pre-empting government's response to the NMC majority recommendation on registration?

No I can't say what the parliamentary select committee will do with the Bill The fact remains that a Bill has been put before Parliament — and we have received comment from various sources The select committee should be allowed to come to a decision in the light of those comments

What about the NMC's recommendations on the Industrial Court?

Two reports must be considered when we look at the Industrial Court the Hoexter Commission and the NMC report. There is a strong feeling by both the NMC and the Hoexter Commission that all courts should fall under the Department of Justice The NMC report also contains recommendations about ULPs trying to narrow them down to practices that can clearly be identified as unfair We will have to decide on amendments in the light of comments we receive

LAWMEN LASH COURTS

Sowetan 15/5/84 (132)

A JOHANNESBURG labour lawyer warned trade unionists at the weekend to use their labour power to settle their disputes instead of relying on the Government-created industrial courts.

Speaking during a four day labour seminar attended by over 100 trade union leaders in Hammanskraal, Mr Halton Cheadle, of the Centre for Applied Legal Studies, said the industrial court should be viewed with suspicion despite decisions it has taken in favour of workers

He also said a stage might soon be reached when the industrial courts will do more to trim the rights of trade unions and increase those of the employers

He added that it was understandable that South African trade unions would resort more to the use of industrial courts because they did not have enough financial strength to use strikes to settle their disputes with managements

They were also not sufficiently developed since only a small percentage of the work force is unionised

Mr Cheadle said that trade unions in England do not use industrial courts because workers claim that industrial court judges view issues through the employers' point of view — and not that of workers

For that reason, added Mr Cheadle, they use their own labour power to settle disputes

Another lawyer, Mr Charles Nupen, of the Legal Resources Centre, said many workers were using the migrant labour system to retrench workers by refusing to renew their contracts

Mr Nupen said trade unions which have a recognition agreement with management should have a retrenchment clause in their agreement to protect migrant workers.

He also said that Section 10 (1) (a), (b) and (c) were not permanent rights, because they could be taken away any time. The rights remained in force for as long as a worker was employed and was residing in a prescribed area

'Give blacks a bigger stake in the economy'

Star 18/8/84 (132)

There is much for South Africa to learn from current labour disputes in Europe and the United Kingdom, says Professor Nic Wiehahn. After a trip to West Germany and Britain, the "architect" of labour reform spoke to Carolyn Dempster.

One of the most important mitigating factors in labour unrest is the stake workers have in the economy.

"If workers have nothing then they have nothing to lose by going on strike. For this reason black workers in South Africa must be given a bigger share in the economy of this country," argues Professor Wiehahn.

He draws his insight from a close-up study of the 10-week-old coalminers' strike raging in Britain

The strike, sparked by the National Coal Board's decision to close 20 unprofitable mines, with the consequent loss of some 20 000 jobs, resulted in a split within the 180 000-member National Union of Mineworkers

With moderates ranged against militants, and miners voting 3-1 in some areas against a walkout, NUM president Arthur Scargill was hesitant to conduct a national strike ballot for fear of a lack of support.

The reason for the miners' resistance, explains Professor Wiehahn, is that a significant proportion of British miners suddenly found themselves fully entrenched in the middle class.

"They are better off, own houses, have HP agreements and are therefore more committed to the economy Whereas a couple of decades ago, British coalminers had little to lose by going on strike, the same cannot be said now," he points out

The significance for South Africa lies in any future dispensation for black workers

"If anything, this is what comes out very clearly in the coalminers' strike. We must give black workers a bigger stake in the economy, freehold rights, houses The cake must be made bigger and black workers must get a share"

The position in the Federal Republic of Germany, where the 4 million-member Metalworkers' Union is pressing for a 35-hour week to ease unemployment and other unions are advocating early retirement as an alternative, contains less of immediate import for South Africa, says Professor Wiehahn

"The lack of skilled people in South Africa and the lack of management would mean that early retirement or the introduction of a 35-hour week would put tremendous pressure on the economic infrastructure," he said.

Wiehahn . . lessons in Europe.

"But what we can learn from this dispute, which has enormous implications for the EEC countries, is a continuing willingness to negotiate by both union and management representatives."

Professor Wiehahn said he had not yet had time to study proposals in the recent South African National Manpower Commission report, but in his opinion there should be the least degree of state interference in labour affairs

"The more state interference there is the more likelihood of aggravating the labour situation," he said, adding. There is far too much red tape involved in the current system of registration."

The Industrial Council system should also be revamped, argues the professor, because it is based on a 60-year-old foundation, created for different needs, and as such has become a Third World system entrenched in a First World economy.

"We must not think that the Industrial Council system can overnight convert 70 to 90 percent of the workforce into first world people. Their approach to collective bargaining is different and the ICs should be adapted to accommodate them," he said.

Commenting on the role of the Industrial Court, which has come under employer fire for its seeming "bias" towards unions in recent rulings, Professor Wiehahn said he did not consider the court to be biased. In fact court equity should be extended to cover socio-political and socio-economic issues, perhaps on a more regionalised basis — as was recommended in the Wiehahn Commission report."

In the face of mounting criticism that workers are still subject to dismissal by employers after following the legal strike route, Professor Wiehahn said some provision should be made to give protection to workers who had gone through the legal procedures

WORKERS: Some of the workers who went on strike over wage grievances — a major cause of strikes during 1983.

Labour strikes on decrease

By JOSHUA RABOROKO

A TOTAL of 346 strikes and work stoppages were reported in the countrywide factories during 1983, compared with 394 the previous year.

This sharp decline in the number of strikes is contained in the annual report of the director-general of the Department of Manpower, Dr Piet van der Merwe, released in Pretoria this week

However trade unionists and community-based organisations say the report on strikes is not a true reflection They contend more strikes occurred which were not registered with the Department

In his report, Dr van der Merwe says the upward trend in work stoppages and strikes since the introduction of the new labour dispensation in 1978 also showed an abrupt turnabout in 1983

Factories

About 64 469 workers from all race groups took part in a total of 346 strikes and work stoppages, in comparison with 141 571 who participated in 394 in 1982

More than 50 percent of the strikes lasted for one day or less, while 0,6 percent continued for longer than 14 days The majority of strikes occurred in factories

Wage grievances were the main cause of strikes, while worker dissatisfaction with employers' methods of handling disciplinary issues came a close second

According to the report, Dr van der Merwe says the main reason for the decline in the number of strikes was probably the downturn in the economy and the practice followed by employers of dismissing workers who go on strike.

Escalating unemployment and greater use of the official collective bargaining and conciliation machinery were some of the key features of the report.

The number of trade union members rose by 63 294 during the year — from 12 225 454 in 1982 to 12 288 748 in 1983 Five new trade unions were registered There were 59 unregistered trade unions

LABOUR: 1984 not a good year

STAR 28/12/84 (132)

THAT WAS THE YEAR THAT WAS

Day Nine of an absorbing series in which The Star writers chronicle the triumphs, the defeats and contortions of the human spirit in South Africa during the year that is now drawing to its close . . .

By Carolyn Dempster, Labour Reporter

For labour in South Africa 1984 was not a good year ... and neither employers nor unions will regret its passing.

Looking back over 12 months of a deepening recession, strikes, mass dismissals, massive retrenchment, mine violence and heightened shop-floor conflict, managing directors and general secretaries alike wish it had been the year that wasn't.

The worsening economic situation and mid-year GST increase, which hit the working classes particularly hard despite concessions, gave a sharp edge to all labour events in 1984

Union triumphs, few and far between, were liberally interspersed with tragedies

The first national legal strike by 8 750 black workers at four AECI plants collapsed virtually before it had even got off the ground in January

The general secretary of the Chemical Workers' Union, Mr Maneni Samela, reflected sadly that under pressure of mass firing and without protection from the law, the resistance of the strikers crumbled

"And," he said, "there was nothing that we could do"

Similarly, the mass dismissal of 6 000 Sasol workers at Sasol 2 and 3 in Secunda after the regional two-day stayaway on November 5 and 6 left union leaders helplessly watching thousands of members being returned home by bus.

With unemployment unofficially running at close to 3 million and drought ravaging rural areas, the mass dismissal exacerbated the plight of the Sasol 6 000 ... and certainly did not earn the oil-from-coal organisation any friends

It also tested the resources of the union, an affiliate of the Federation of South African Trade Unions.

Perhaps for the first time, the Federation's international support links were utilised and employers and the state began to recognise the extent of the solid base of the union federation.

Historical

Another first for 1984 was a legal strike by 40 000 black mineworkers on seven Chamber of Mines gold mines.

Ironically, Anglo American, long regarded as the more enlightened of the chamber members, bore the brunt of the legal action.

Apart from the historical significance of the event, the strike was a turning point in labour relations on the mines and a taste of what the industry can expect in the future.

The solidarity exhibited in the face of employer and state pressure by the striking members of the country's fastest-growing and largest union, the National Union of Mineworkers, signalled a major victory for the union, which it has capitalised on to further swell its membership to 100 000.

However, the violence which erupted at three of the mines, after police had been called in to maintain or restore order, was reminiscent of the old style of labour relations ... a style which the mining houses are finding difficult to shrug off.

Altogether 250 mineworkers went to hospital, most with injuries suffered at the hands of the police

But the violent spillover in the form of illegal strikes at four other Transvaal gold mines, claiming 10 lives and leaving 400 injured, left few in doubt that collective bargaining and the legal dispute route are the only routes to follow in the future.

Against a backdrop of mounting unrest in the Vaal Triangle, East Rand and Pretoria townships and the swelling number of boycotting black school pupils, the two-day protest stayaway in November signalled a strong triumph for organised labour in the Transvaal.

Never before has industry witnessed such concerted community and worker action.

The impact had its desired effect.

But once again the triumph was marred by tragedy when the government lashed out with an iron fist.

Prominent union leaders Mr Piroshaw Camay, of the Council of Unions of South Africa, Mr Chris Dlamini, president of the Federation of South African Trade Unions, and popular Transvaal organiser Mr Moses Mayekiso, of the Metal and Allied Workers' Union, were among a score of unionists detained in the weeks after the stay-away.

Even more ominous is the likelihood that the figures central to the organisation of the mass industrial action will be charged under section 54 of the Internal Security Act, further jeopardising relations between organised labour and business in the months ahead.

Repression

The major union federations have made it patently clear to big business that as long as they continue to remain silent in the face of this kind of repression, they will be seen by employees as lending support to the abhorrent apartheid system.

In attempts to restore some normality to industrial relations, the Federated Chamber of Industries, Johannesburg Chan ber of Commerce and Afr kaanse Handelsinstituut steppe in to hold high-level talks wit the Government.

We are yet to see the effe tiveness of this representatio but at least it demonstrated t unions that business is no longe prepared to play a dorma role.

In straight shop-floor spa ring, the Simba dispute demo strated that industrial relatio has progressed beyond cour room drama to reach a fund mental level.

As such, industrial relatio has settled down to a mo straightforward power strugg between capital and organis labour.

The Department of Manpo er, and more specifically, t new Minister of Manpower, M P T C du Plessis, have not e deared themselves to unions constraining the jurisdiction Conciliation Boards and barru disputes from being taken to t Industrial Court.

Next year will probably s more use of the strike weap and less recourse to the court a result

And finally, although unio and employers are trying muster courage and hope for economic upturn in 1985, t first few months promise to even worse than 1984.

Happy New Year!

LABOUR: 1984 not a good year

STAR 28/12/84

By Carolyn Dempster, Labour Reporter

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The impact had its desired effect.

But once again the triumph was marred by tragedy when the government lashed out with an iron fist

Prominent union leaders Mr Piroshaw Camay, of the Council of Unions of South Africa, Mr Chris Dlamini, president of the Federation of South African Trade Unions, and popular Transvaal organiser Mr Moses Mayekiso, of the Metal and Allied Workers' Union, were among a score of unionists detained in the weeks after the stay-away.

Even more ominous is the likelihood that the figures central to the organisation of the mass industrial action will be charged under section 54 of the Internal Security Act, further jeopardising relations between organised labour and business in the months ahead.

Repression

The major union federations have made it patently clear to big business that as long as they continue to remain silent in the face of this kind of repression, they will be seen by employees as lending support to the abhorrent apartheid system.

In attempts to restore some normality to industrial relations, the Federated Chamber of Industries, Johannesburg Chamber of Commerce and Afrikaanse Handelsinstituut stepped in to hold high-level talks with the Government.

We are yet to see the effectiveness of this representation but at least it demonstrated to unions that business is no longer prepared to play a dormant role

In straight shop-floor sparring, the Simba dispute demonstrated that industrial relations has progressed beyond courtroom drama to reach a fundamental level.

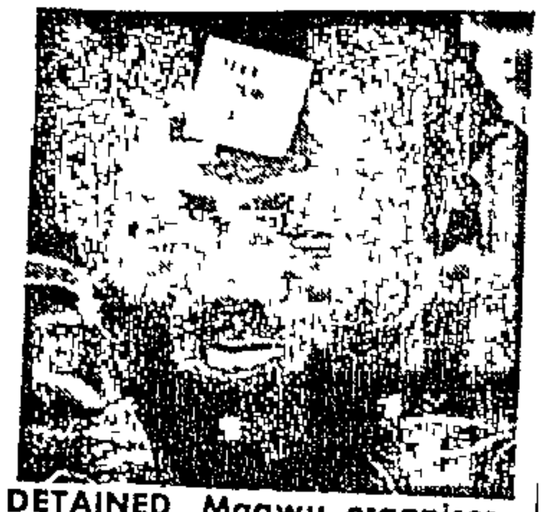
As such, industrial relations has settled down to a more straightforward power struggle between capital and organised labour.

The Department of Manpower, and more specifically, the new Minister of Manpower, Mr P T C du Plessis, have not endeared themselves to unions by constraining the jurisdiction of Conciliation Boards and barring disputes from being taken to the Industrial Court.

Next year will probably see more use of the strike weapon and less recourse to the court as a result.

And finally, although unions and employers are trying to muster courage and hope for an economic upturn in 1985, the first few months promise to be even worse than 1984.

Happy New Year!



DETAINED Maawu organiser Mr Moses Mayekiso

CONSTRAINTS Minister P T C du Plessis

DETAINED Union leader Mr Piroshaw Camay (of Cusa)

Firings trigger most SA industrial unrest

(132) S-Times 27/5/84

By Angus Macmillan

DISMISSALS are now the most significant strike trigger on the South African labour scene — and unfair dismissal is the most confusing contributor.

The confusion is caused largely by the breadth of the definition "unfair labour practice" that is bandied about in industry Even the legal concepts are difficult to define as each case is judged on its individual characteristics.

A guide to management bewildered by the intricacies of labour relations comes in a book — Unfair Dismissals — by industrial relations consultant Andrew Levy

Case studies

Unfair Dismissal deals with legislation, discusses contracts and how they should end, prohibited dismissal, victimisation and reinstatement

There are also case studies for practical background and a synopsis of common problems that plague management when it comes to hiring and firing

According to Mr Levy, dismissals have triggered about 25% of South African strikes in the past 13 years. It ranks above grievances and comes second only to wage disputes

Today's emphasis on unfair dismissal has brought home to management the fact that it does not have the right to fire which it thought was the employer's prerogative

Legal limits

Increasingly the courts are placing limits on management's firing powers which are further constrained by the demands of aggressive unions in collective bargaining agreements.

Many employers find themselves presumed guilty until they have proved their innocence on the delicate question of unfair dismissal Its wide interpretation makes it the most frustrating aspect of IR for management

In spite of confusion over the definition of unfair labour practice, Sir John Wood, professor of law at Sheffield University in England, says South Africa should not be too keen on hard and fast rules

From the British experience, he suggests that severe legislation is an aggravation "Rather let a code evolve Too much legislation will bog you down and could lead to more confrontation"

Onus

An interesting observation in the book is that striking employees never dismiss themselves — employers often hold that they do

Mr Levy describes self-dismissal as a legal, physical and anatomical impossibility and useless as a defence to a charge of unfair dismissal

In most cases of alleged unfair dismissal the onus is on the employer to prove his innocence. If victimisation is claimed by an employee, it is up to the employer to prove that it did not occur

Mr Levy says: "The most graphic example of victimisation I have heard of is to put a man on permanent night shift, cleaning out the inside of a sewage tank with a toothbrush — but without an aqualung"

His company, Andrew Levy & Associates, has entered into an industrial relations training venture with the Contact training group Called Gemini IR Training Systems, it will be a separate organisation with directors from both companies

Randall Falkenberg, Contact's managing director, says the marriage will combine Contact's skills training expertise with Andrew Levy & Associates IR knowledge

"For example, we have a negotiating skills course that will supplement their wage bargaining programme The aim is not to provide off-the-shelf packages, but systems approaches"

Market

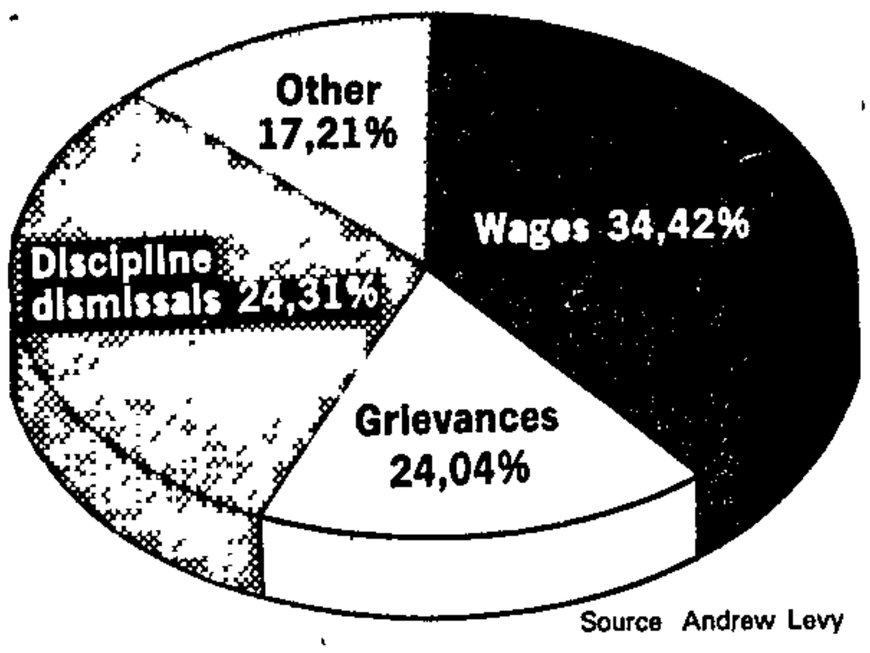
Both companies say the potential market is large as industry becomes more aware of the need for IR knowledge from the human resources director down to shop-floor level.

Unfair dismissal, effective negotiating, strike management, labour legislation and supervisory development are included in Gemini's course content.

According to Gavin Brown, a Gemini director, the shop floor is where the skills are most needed But it is up to management to arm supervisors with such skills.

He says "If there is a managing director in South Africa with more than 1 000 employees who thinks IR is unimportant, he won't be around much longer"

Distribution of strike triggers 1979 to 1983



Source Andrew Levy

Sowetan 25/5/84

(132)

An additional increase of 15 percent will also come into effect on July 1 for general practitioners within the dental practitioners

"We think the increase is high under present economic conditions and medical rates will rise by about six

Unions lashed for intimidation

TRADE unions have to curb the tendency of preferring strikes rather than dispute-settling procedures.

This was said by Barlow Rand's personnel director, Mr Reinald Hofmeyer, in the company's monthly journal "Barlow '84 " He says the unions have to come out in forthright condemnation of violence or threatened violence against non-strikers that has occurred in some of the company's groups

But, trade unionists operating in most of Barlow's subsidiaries have complained about the hardened attitude taken by some managements who refuse to recognise or negotiate with them

The Metal and Allied Workers' Union (Mawu) experienced difficulties when it tried to represent hundreds of workers at Barlow Manufacturing following a strike which ended in the dispute been settled in the Industrial Court

By JOSHUA RABOROKO

In the journal, Mr Hofmeyer says if managements and unions behave responsibly and sensitively in these difficulties, "we can look forward to a future that will be characterised by mutual respect rather than confrontation "

Many of their subsidiaries have been singled out as targets by some unions This may be a legitimate tactic, but it can be counter-productive if accompanied by actions calculated to drive a wedge between employers and employees

"While our relations with some unions are sound and constructive, the leadership of others face a challenging task if a hardening of employer attitude is to be averted

There has been an escalation of worker militancy since the granting of significant new rights on the labour front that has not been accompanied by a corresponding extension of social and political rights

The company's policy on negotiations with trade unions is expressed in their code of employment Managers have been warned not to refuse to negotiate with trade unions

British MP quizzed

LONDON — Home Secretary Mr Leon Britten is to be asked in Parliament why four South Africans facing arms exporting charges were allowed to leave Britain just 10 days before Mr P W Botha's official visit.

Bail conditions for the four men, Mr Hendrik Botha, Mr Stephanus de Jager, Mr Jacobus le Grange, and Mr William Metelerkamp were relaxed this week after an application in the High Court

Labour MP Mr Geoffrey Robinson has tabled the question in the Commons and hopes for a reply before the parliamentary recess starts today

Charge

Mr Robinson said it was highly unusual for an accused person on a serious charge to be allowed to leave the jurisdiction of British courts before trial

He claimed there must have been intense diplomatic activity between South Africa and the British Government over the case

"Obviously it has caused a lot of diplomatic stir It would be interesting to know whether there have been discussions between the South African ambassador in London and the

NMC evades vexed question of closed shop

(132) Star 26/5/84

By Roddy Campbell

In view of the response to this series of articles on Industrial Relations The Star will be producing a selection of them in book form. Further details will be made known at a later date.

Now that South Africa has a generlly acceptable structure for labour relations, it is disturbing that the latest report of the National Manpower Commission still evades the vexed question of the closed shop

It is one of the most controversial issues in the whole field of industrial relations

The Government rightly sees its role in the new labour dispensation as that of the enabling body. Its legislation "enabled" the emergence of black unions It created the industrial court machinery but does not force any party to use it

But there is a difference between being a passive legislator and evading a burning issue It is also unfortunate that the closed shop controversy has not yet been tested before the Industrial Court

Closed shops are, of course, nothing new to South Africa. They existed long before the emergence of black unions

The difference now is that the new dispensation was created within the philosophy that all men have the right of freedom of association — including the right not to associate or the right to dissociate

In favour of the closed shop it is argued that the union seeks and wins benefits for all em ployees and it is unfair that union dues should be evaded by some of those who benefit

Against that, apart from the "freedom" issue, it can also be argued that if a worker is more productive than the man at the next bench, he does not stand to benefit from his efforts So the closed shop can be counter-productive

One suspects some unions feel on weak ground because exemptions to existing closed shop agreements are being granted with increasing frequency

Even this paves the way for further trouble —if it leads to another union recruiting within the company

There could come a day when union No 2 contacts management, claiming it has a majority of the workers on its books, and demanding that the remaining minority join its ranks

Another problem faced by employers is dealing with unregistered unions and it is disconcerting that the NMC report again considers strict conditions for registration.

If the conditions make it impossible for a union to comply, what is the poor employer to do when the union turns up representing a substantial slice of the work-force? Tell it to go away, and so commit an unfair labour practice?

Generally speaking, the enabling legislation has been practical and effective, although some attention still needs to be given to the role of the industrial councils which in some industries are in danger of becoming anchronisms

The Minister of Manpower could now cap his, and his predecessor's, efforts with some blunt talk to some Cabinet colleagues

For example, to the Minister of Finance "Your intention to limit tax-free training to R15 000 a year per trainee means cutting off training at the foreman level. It's all very well to encourage technical skills, but we urgently have to provide more managers"

To the Minister of Police "Tell your men to get out and stay out of labour relations."

To the Minister of Welfare and Pensions. "Let's try again at pension preservation but this time do it right, with a planned communications programme"

And to the Minister of Education "Let's admit that the education system is inadequate so that employers have to teach basic literacy and numeracy before they can proceed with practical training Give tax concessions on that aspect of education, as on skills training"

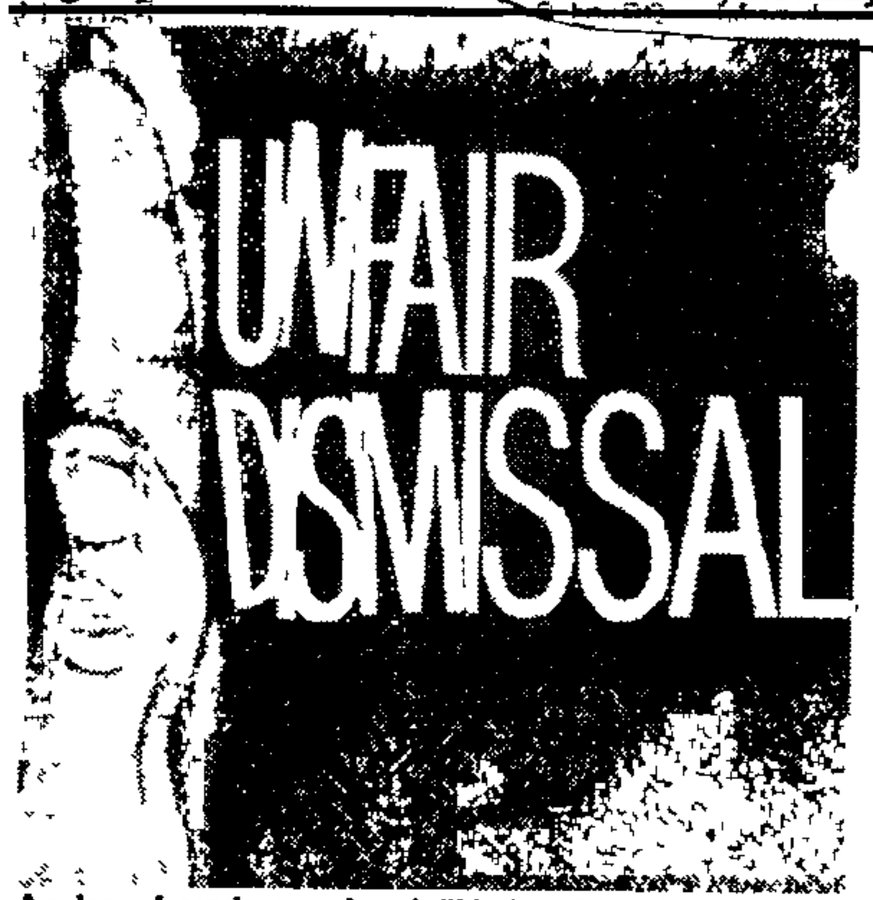
The labour relations structure which has grown up in the past five years could, with some deft modifications, be a model of its kind

Unfortunately, one detects a tendency in Government, when any chink appears in the system, to over-react

This is typified by the attitude to training where, because the system was certainly being abused, all employers are likely to be punished That's rather like throwing the baby out with the bathwater

132

Workers can prevent dismissals



Andrew Levy's new book "Unfair Dismissal" gives a new turn to industrial relations in South Africa.

A legal device has been used with devastating effect by the trade union movement to prevent employers from dismissing striking workers.

This view is expressed by industrial relations consultant Andrew Levy in his new book "Unfair Dismissal," published by Daviris Stein Publishers.

In the book, Levy says the strategy is for the union to allege that the employer has committed an unfair labour practice by dismissing

By JOSHUA RABOROKO

his striking workers and to apply to the Industrial Court for relief

If the union can show the court that the sacked employees suffer more inconvenience than the employer suffers, the court will usually grant a "reinstatement" order compelling the employer to reinstate the employee.

This does not mean, says Levy, the employees actually have to go back on the job but merely that their wages have to be paid.

The employer in the meantime would have hired other workers and will face a double wage bill.

Stinging

Levy says the tactic has been so powerful that most employers have settled out of court. Others are learning to avoid the entire situation by making sure that industrial relations do not reach this low point

According to Levy, the Industrial Court stunned the business world with a stinging judgment in a labour relations case involving the United South African Motor Workers' Union and Fodens Pty Ltd.

The judgment reinstated three Fodens employees who it ruled had been wrongfully dismissed, forced the firm to recognise and negotiate with the union, ordered it to cease making derogatory remarks about the union and demanded it to stop victimising employees for being union members

"This case was an important first in South African industrial relations, according to Levy, who said "it heralded a new age of collective bargaining "

He says one of the most important and confusing issues in industrial relations is the concept of unfair labour practice It is one of the important factors which spark off strikes.

"An incorrect decision to dismiss a worker may lead to fines, damages, reinstatements or costly out-of-court settlements," he says

The importance of the Fodens case is, irrespective of law or the contract of employment, the company was found guilty of committing an "unfair labour practice" (ULP) purely because it had reacted in an entirely predictable way to the presence of a black trade union

"The concept of ULP is based on a consideration of equity or fair play Although the law should be fair, it sometimes is not and the question of fairness becomes a determining factor," he says

In his contention, three things have to be looked into before employees are fired These are "Could I, or should I or will I get away with it " If the answer to these questions is no then "You can fire any worker at your own peril "

"What was good law," Levy continues, "is not a necessarily good practice nor good labour relations. If a company finds out that its best heavy equipment operator has a fake licence, it might be proper to fire the worker but be more practical and help him find another licence "

He says it is important that managers should know about the labour legislation because the less equiped managers will be forced to know them after unions/workers have charged him with the ULP.

Consistent

Managers should have rules of conduct which should be generally known right down the line, consistently applied and allow for differing circumstances

The book deals with several issues that warrant the dismissal of workers, including absenteeism, drunkenness, poor performance, theft, refusal to carry out orders and perform work, dishonesty, strikes and incompetence to a serious degree

There is no mystery involved in the achievement of fairness, Levy writes Most people have an innate sense of fair play All that is required is the ability to exercise it without prejudiced by any vested interest

"This treatment should be fair enough to ensure fairness and to avoid an unfair labour practice," he says

"There is no doubt that dismissal — especially unfair dismissal — is a major factor contributing to industrial unrest and wildcat strikes. Research during the last four years has confirmed this point in South Africa

"It has shown that, on average, it has seldom stood lower than 20 percent as a causative factor in triggering strikes and has, on occasions, risen to as high as 43 percent."

KVDM 28/5/84 (132)

Taking action to prevent costly industrial disputes

TOO many small and medium size South African companies adopt a complacent attitude toward their own labour situation.

Every week, they read of examples of labour unrest, strikes and disputes, but because they believe their work force to be totally satisfied, they fail to take any kind of pre-emptive action.

Labour relations consultant Mel Cross, discusses what companies should be doing in the Eighties to insure against costly stoppages.

THE management at any company that has experienced industrial unrest can give graphic accounts of how disruptive the whole affair can be.

Whatever the outcome, they will tell you that nobody wins in a confrontation situation. In the ultimate shakedown, some workers inevitably get fired and the trade union usually loses paying membership.

The bottom line is that the company always loses money.

Afterwards, when a post-mortem of the trouble is done, honest management usually has to admit that they were unprepared, they failed to heed the warning signals, and long-term, they had done nothing to lay foundations for a good labour-management working relationship

In large multi-national companies, there are often special divisions created to handle aspects of labour relations — from training to communications, but in medium or small companies, the facility does not exist, and the potential for labour unrest is there.

So what should be done? What are the basics of pre-emptive action? There are five elements.

Firstly, management has to make as objective an analysis as possible of their attitude towards organised labour.

A question that must be addressed is: "Does the company see trade unions as a threat, and are we therefore negative to them?"

Too often, management adopts the attitude of: "Our workers are loyal and will give us no problems."

How short-sighted! Trade unions are a reality and will grow stronger over the years.

Enlightened management sees trade union presence differently.

They seek to work with the union to ensure effective in-company relations,

To Page 8

Industry in labour: 5 years on

By Barney Mthombothi

NIC Wiehahn once dropped out of university because he was colour blind. Now, some 30 years later, the country is reaping the fruits of that minor defect colour is losing its sting in the country's labour relations, thanks to his foresight

This week Professor Wiehahn, labour lawyer and architect of the country's new labour dispensation, said he was pleased with progress on the labour front since his commission's first report was tabled in Parliament five years ago.

Except for the mining industry, colour has been offically expunged from the face of labour.

"The new dispensation has deracialised and depoliticised the system," he said "I'm fairly pleased with the progress made in the last five years"

He has reason to be. Given the South African society as the backdrop with its inequalities, changes on the labour front seem almost like a revolution

Since the acceptance of the first Wiehahn report by the Government, thousands of workers have been unionised, immeasurably increasing the bargaining power of black trade unions, especially those outside the Trade Union Council of SA, and after initial resistance to State-created bargaining machinery there is a discernible change of tactic among emerging unions to the Industrial Court, industrial councils and registration And the number of strikes, after peaking in 1982, took a dive last year

Perhaps the most significant development in post-Wiehahn South Africa has been the effort to establish one super union federation to include all workers This will be a mammoth achievement which carries major social and economic implications for the country The legitimacy accorded black unions by the system has cleared the way for such a federation

Generally, everybody has come to accept black workers deserve a place in the sun Professor Wiehahn made this possible As he said this week, the prophets of doom had been proved wrong Mayhem did not break loose

"They predicted that South Africa would experience quite a lot of labour unrest, that a lot of white people would become unemployed and that black trade unions would cause widespread labour unrest and revolution All these have proved not to be true

"I'm fairly satisfied that good progress has been made and that the system is continuing to develop"

He said it was a misconception to believe that legalising black trade unions would make them more amenable to abuse for political purposes Their official recognition had had the opposite effect it had taken the sting out of the grievance that would have persisted had such rights been denied them The anger had been defused

"We have depoliticised the system The use of trade unions for political purposes was possible before they were legalised People forget that there have been black trade unions since 1919 We have deracialised the system Job reservation is out I mean it doesn't require a law to politicise the trade union movement"

The new labour dispensation has not been without its own birth pangs The Industrial Court, a new creation in the country's industrial relations, and its definition of what constitutes unfair labour practice, has come under fire especially from employers who often have come off worse in cases before the court

But Professor Wiehahn, now with the School of Business Leadership at Unisa, said he was convinced the court had done remarkably well despite teething problems and had not been biased in its deliberations

"People who criticise the Industrial Court do not understand how it works and those who say it favours trade unions forget that unions do not have as much money as employers So they take only clear-cut cases to the court and they get decisions in their favour"

The controversy over what constituted an unfair labour practice, he said, was to be expected "No new concept is thrown into the labour field, or any sphere of human relations, without causing controversy in the beginning I think it must be given time"

Most employers had learnt to be tolerant and their attitudes had changed "remarkably" over the last five years "They accept trade unions and negotiate with them"

There was, and there is still, resistance by emerging unions to State requirements like registration and to the industrial council Some unions have modifed their stand on these issues somewhat

In a major change of tactic, for instance, the Fosatu-affiliated Metal and Allied Workers' Union (Mawu) last year joined the giant Metal Industries' industrial council, after three years in which it had tried to bargain with employers at individual plants

Mawu said at the time it was joining with the clear understanding that the council would not limit or discourage shop-floor bargaining Other unions, affiliated to both Fosatu and the Council of Unions of SA (CUSA), have registered for tactical reasons And an increasing number of unions are now making use of the Industrial Court rather than resorting to strike action

Prof Wiehahn commented "We will always find unions that will be more militant and therefore more radical than others You can't expect all unions to be the same and that's something we will just have to live with"

More than 30 South African unions are affiliated to international federations, giving them a lever to lobby for support in case of conflict with multinational employers in the country and, according to Professor Wiehahn, the number would increase

"We've had international trade union influence for the last five to ten years This can be either beneficial or disadvantageous We can't be categorical about it

"We must expect international pressure on multinational companies operating in South Africa but we mustn't forget that managements are also becoming better equipped and better acquainted with the principles of conflict management So both parties, not only unions, are also becoming better and better in learning how to handle conflict in industrial relations"

A thorny issue still remains the retention of job reservation in certain categories in the mining industry Section 12 of the Mines and Works Act precludes black workers from qualifying for certain skills in the mines They cannot get blasting certificates, for instance This is a tricky one for the authorities and mine managements, given the conservatism of white workers in the industry and their union, the Mineworkers' Union, always spoiling for a fight

"I believe that that should be done away with It won't be easy, but it is an anomaly to have job reservation in the mining industry when this has been done away with in every other area"

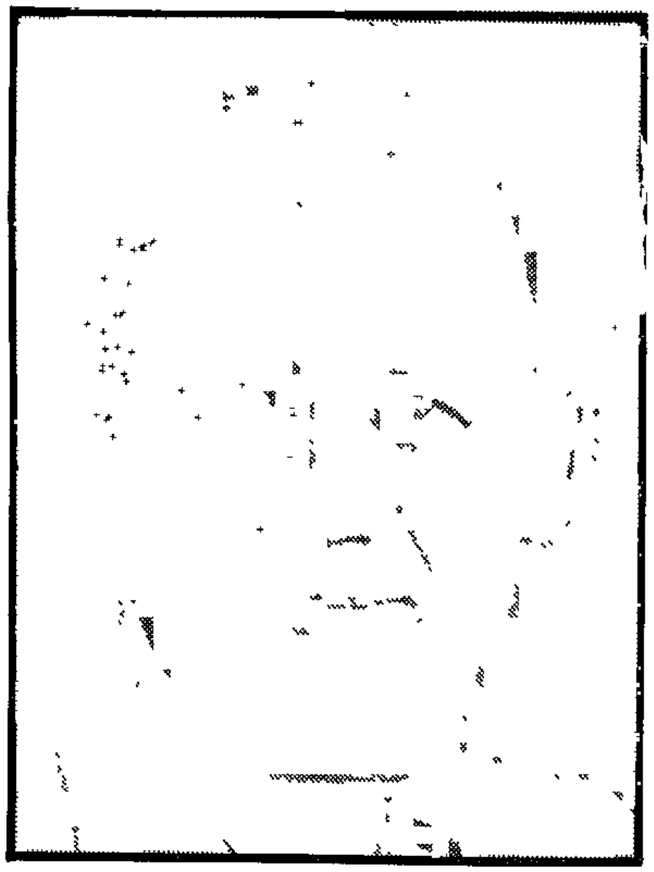
He believed another area that needed attention was the education and training of trade union leaders and the private sector should chip in to help

The Department of Manpower, he said, had done remarkably well in steering the country's labour relations through its formative stages

"To bring about the changes they have in such a short period, I think is very commendable There have been very fruitful developments We have more than 1 000 black apprentices already and more than 2 000 blacks in managerial positions — and that's progress"

But the strides achieved on the labour front would be undermined should reform in other spheres not occur

"Most other fields are under investigation and I sincerely hope reform will also follow in future in those areas"



☐ Nic Wiehahn . . . the strides on the labour front will be undermined if reform in other spheres does not occur

Widespread unrest was predicted but reality has proved otherwise

FIVE years ago the Wiehahn Commission's report was tabled in Parliament: Today colour has faded as an issue in industrial relations

RDM 4/6/84 (132)

A R550m hangover for business

By JOHN MULCAHY

THE cost of alcohol abuse to British industry is estimated at between R2,5bn and R6,25bn a year, the cost to American industry more than R27bn and, while no accurate statistics are available, alcoholism is costing SA industry at least R550m a year

The US Secretary of Health recently estimated that alcohol and other substance abuse was costing that country more than all other occupational health problems combined

Dr Sylvain de Miranda, director of the South African National Council on Alcoholism and Drug Abuse, says industry is ignoring the alcoholism factor which this year will cost the country more than the increased rate of company tax

One of the problems is that senior executives resist the introduction of employee-assistance programmes "for no other reason than the top echelon are defensive, as they do not want to look at themselves"

Dr De Miranda adds "Proportionately, there is a higher incidence of alcohol-related problems at higher managerial levels than there is in the lower strata of the workforce"

Slamming what he describes as the medical aid soceties' intransigent attitude to the treatment of alcoholics, Dr De Miranda says it is anomalous that cirrhosis and other alcohol-related diseases are accepted as treatable illnesses by medical aid funds, while the early stages of the problem are not regarded as treatable

The major medical aid funds in the US are rapidly being won over to accepting the principle of alcoholism as a treatable illness

Describing the SA medical aid system's approach to alcoholism as short sighted, Dr De Miranda says "The old idea that alcohol and alcohol problems are a normal deficiency is archaic — every medical authority in the world recognises alcoholism as a treatable illness It makes sense, therefore, that it should be treated by industry as any other disease"

While research on alcoholism in SA is alarmingly limited by inadequate resources, experience in the UK has shown that the age groups most affected by alcohol are economically the most productive

The highest numbers of alcoholics coming to the attention of employee assistance agencies in the UK are from the late-20s to mid-40s groups

According to Dr De Miranda there is little reason to believe the experience in SA is any different, with absenteeism and impaired judgment, concentration, skill and initiative being the most common effects

Strongly advocating a national drive to address the question of alcoholism in industry, Dr De Miranda says it is curious that companies will invest large sums of money on training at all levels, but will dismiss employees with alcohol problems instead of seeking to arrest the illness

"By dismissing such a person you have achieved nothing The chances are high of employing someone else with similar problems, and the same expensive training process is repeated"

The incidence of alcoholism in society is generally accepted at between 6% and 8% of the general population, and there is strong evidence to suggest that the occurrence in industry is higher

"Researchers estimate the occurrence in industry at about 10% of the labour force"

It is estimated further that it costs a company 25% of an individual's annual pay to employ an unrehabilitated alcoholic

"It is simple arithmetic to calculate the effects on the average company by taking 25% of the wage bill of 10% of the work-force — in other words, alcoholism costs an average of 2,5% of the wage bill every year

"There is no doubt that from wide overseas experience and the limited experience here, to minimise this kind of economic disaster the introduction of industrial alcohol and employee assistance programmes are effective"

There are several principles that need to be established before any employee assistance programme should be initiated These are

- That the company recognises alcohol as a treatable illness and will treat it with the same confidentiality applied to any other illness,
- That the alcohol problem will not jeopardise promotion or increment prospects,
- That the company will make its own medical aid structure available to people seeking treatment
- Other assurances must be provided to employees to assure them that the assistance programme is not a witch hunt

Describing the alcohol problem as chronic, Dr De Miranda says the drain on the country in terms of money and health "is too high for South Africa to afford"

Plea for more job creation in S A

Mercury 6/6/84 (132)

Business Mercury

Finance Reporter

SOUTH Africa's position in the world would depend largely on how far it succeeded in achieving excellence in managing its industrial relations,' according to the Director-General of Manpower, Dr P J van der Merwe.

Delivering a keynote address to an Industrial Relations Seminar, held by the Natal Chamber of Industries yesterday, he said 'I would like to put it to you straight from the shoulder that the future position of South Africa in this changing world, is dependent in part on how successful we are in our efforts to bring about improvements in industrial relations and in the overall skills and productivity of the work force and to provide jobs and job security to those in need of it'

He said changes to legislation in 1979, allowing all workers access to legal trade unions, had gone a long way to ease the tensions that had plagued the labour force previously.

Unions

This development had resulted in a rapid increase in the numbers of trade union members and altered the racial composition of membership with an increase in the number of new member to multi-racial trade unions being recorded.

White, coloured and Indian union membership had declined until 1973.

Most important was the drop in the number of strikes in that time (However, This year had seen an increase for the first four months over last year) and strikes had been of shorter duration)

There had been increased use of the measures set up to avoid strikes in the 1956 Industrial Relations Act and the number of referrals to the Industrial Court had increased

He called for more attention to be focussed on job creation and alleviation of unemployment in the future

The trade union registration issue deserved top priority as it was 'undoubtedly a very sensitive and complex one'.

Referring to the Report of a Select Committee, which prompted an amendment to the 1984 Labour Relations Amendment Bill, Dr Van der Merwe said it contained the following changes:

- Only agreements entered into after the commencement of the Labour Relations Act, 1984, are enforceable,
- Employers and trade unions will not be required to submit copies of agreements to the Department of Manpower Only employers will need to furnish certain details within 90 days of their being agreed upon,
- Failure to submit these particulars carried a maximum fine of R500

The Bill includes the chief administrative officers of local authorities, i e town clerks

The Act

They will enjoy the protection of the Act but not the collective bargaining rights in regard to remuneration provided for in the Act

He raised the question of the much-disputed definition of an 'unfair labour practice' and the criticism against the Industrial Court in certain quarters

'On these issues the department will have to be led by the comments which are received in the recommendations of the National Manpower Commission on the Industrial Court,' he said.

The growing number of matters referred to the Court is an indication of the need for such a body as a last avenue to resort to when formal or informal discussions and conciliation have been exhausted, he said.

 CAPE Times 6/6/84

Ill-fed children: No valid estimates

HOUSE OF ASSEMBLY — The government has no "general and valid" estimate of the number of children in South Africa suffering from malnutrition, the Minister of Health and Welfare, Dr Nak van der Merwe, has said in a written reply to a parliamentary question

Dr Van der Merwe told Dr Marius Barnard (PFP Parktown) that because the term "malnutrition" was ill-defined, and the standards used to assess it were not "universally applicable", there were "no general and valid estimates of the number of children suffering from malnutrition per population group" in South Africa. — Sapa

PFP attacks 'big stick' labour bill

(132)

Political Staff

HOUSE OF ASSEMBLY — Apart from two minor amendments, a controversial new labour law has been left basically unchanged by a parliamentary select committee.

The Labour Relations Amendment Bill will make most agreements between unions and employers unenforceable in courts, including the industrial court, and it will make it a criminal offence for employers not to submit particulars of agreements to the Department of Manpower

The bill was attacked by a number of unregistered unions when it was first introduced.

Yesterday, the Progressive Federal Party spokesman on manpower, Dr Alex Boraine, MP for Pinelands, said the decision to go ahead with the bill was "cynical in the extreme".

One of the changes proposed by the select committee is that "particulars" of agreements will have to be provided to Department of Manpower inspectors instead of copies of agreements, as originally proposed

The other change is that employers or employer groups will be responsible for forwarding these particulars and they will have 90 days to do so, instead of 30 days

In the original draft "parties" to the agreement had to forward copies of the agreements

Dr Boraine said the government action was "bad planning" and a "stupid way" to deal with labour legislation

"This can only antagonise workers, who will see it as an attack on them and as an attempt to control them, although the government continually states it believes in freedom of association in labour matters"

He did, however, welcome the changes that had been proposed by the select committee

In future, agreements, unless they complied with the regulations, would not be enforceable in any court, including the industrial court

"I think that is pathetic and a cause of trouble," Dr Boraine said

He was also strongly opposed to a provision in the bill which will enable the minister to order all or any of the provisions of agreements to be inoperative if he considers it to be "in the interests of employers or employees or in the public or national interest"

Dr Boraine said this gave the minister new powers, which were essentially political, and the select committee had refused to change this

"In general, the big stick is still in the proposed law instead of the carrot

"They are taking a strange step to deal with a small part of the labour movement, and it seems to me they are merely trying to please the right-wing trade unions

"A large number of bodies, including the Federated Chamber of Industries, sent memoranda to the select committee, asking the government not to proceed with the measure.

"If the government is committed to industrial peace they are going about it in a very funny way and if they are to continue the enlightened approach of Wiehahn, they have a very remarkable way of showing it," Dr Boraine said

RDM 7/6/84 (132)

Bosses told to talk to unions

Financial Reporter

SOUTH AFRICA has a proliferation of trade unions, inexperienced management and an over-reactive Government, according to Mr Peter Morum, executive vice-chairman and managing director of Firestone.

He told a Natal Chamber of Industries seminar on industrial relations in Durban yesterday that SA was in an almost identical position to that of the US in the 1930s

"In the US the government initially tried to get into the act, but then left it to employers and the unions to resolve their differences

"This is the true free-market approach and I believe we should adopt exactly the same attitude here."

Mr Morum said those involved in the evolution of industrial relations realised that they had barely started on the road towards enlightened negotiation

"What is needed is persistence and consistency to ensure that the message from the top is the same as that being disseminated on the ground floor"

It was imperative that industry talk to the unions regularly to assess grievances and to accede to change where necessary, while ensuring concessions were won from the unions where justified

"Negotiations when the pressure is off ensures cool heads prevail and settlements are satisfactory to both sides.

"Too often, management will not address itself to issues that should be conceded or changed until they become items that have to be settled immediately to avoid a strike This is where one-sided concessions are hammered out."

Mr Morum said industry should be doing everything to develop technically qualified blacks to ensure the future and competitiveness in international markets

Quoting figures tabled by the Minister of Manpower, Mr P T C du Plessis, in Parliament in March, Mr Morum said 79,04% of apprentices were white, 11,66% coloured, 4,04% Asian and 5,24% black

"All we have to do is run these figures against the demographics of the population and we see how far we have to go and how we must work to reduce the size of the credibility gap which exists between management, be it industry or the Government, and the workers represented by the unions."

For SA to have an industrialised future it was imperative that an export base be developed for finished or semi-finished goods

"Our labour costs in relation to our major competitors are already out of line Developing more qualified artisans is a step along the way to containing some of these labour costs," said Mr Morum

CAPE TIMES 8/6/84

Go-ahead for 'half-baked' bill

Political Staff

HOUSE OF ASSEMBLY —"The government yesterday pushed ahead with the controversial Labour Relations Amendment Bill, in spite of calls from two opposition parties and the Federated Chamber of Industries for it to delay the measure

The chief Opposition spokesman on manpower, Dr Alex Boraine (PFP Pinelands), said during the second reading debate of the bill that it was not only "premature and illogical" but also "potentially disruptive"

He also said it was "half-baked and quite out of step with the spirit of legislation which has been introduced into this House since the appointment of the Wiehahn Commission"

Dr Boraine called on the government to postpone consideration of the proposed legislation until after it had received representations on the 400-page National Manpower Commission report on trade union affairs

In his speech, he quoted telegrams from the Federated Chamber of Industries and the Transvaal Chamber of Industries also calling on the government to defer the bill until after comments had been received on the Manpower Commission report

The FCI had said it was "unwise" to proceed with the measure, particularly in view of the need to maintain labour peace in South Africa and the TCI had said it was "illogical" to proceed with a measure which could be changed after representations on the Manpower Commission report had been considered

Dr Boraine accused the government of using "the big stick of compulsion" instead of the "carrot of encouragement"

He was supported by the New Republic Party spokesman on manpower, Mr Ron Miller, MP who said there was tangible evidence that it was premature to proceed with the bill until the commission report had been considered

Replying, the Minister of Manpower, Mr Pietie du Plessis, said one of the basic issues was whether one wanted orderly coexistence in South Africa or not

The vast majority of unions in South Africa complied with the minimum requirements of the law but there were about six unions who refused to do so, Mr Du Plessis said

The government did not want to perpetuate permissiveness in the labour field and it wanted to establish order

The established unions had asked "why must we comply with the regulations but you allow these unions to do what they want"

Mr Du Plessis accused Dr Boraine of pleading for organizations "which do not want to do anything at all to comply with the requirements of the law"

These unions wanted to sign agreements and enjoy the benefit of the law but they did not want to comply with the requirements of the law

The government did not prohibit anyone from signing agreements, but these agreements should be in accordance with the provisions of the law

Asked by Mr Miller what would happen if the new law led to illegal strikes, Mr Du Plessis replied "If they take part in illegal action they know they are heading for trouble"

He also said the cornerstone of the measure was that it was reasonable and in keeping with the feelings of the majority of people who wanted peace in the labour field In particular, the bill was welcomed by established unions, Mr Du Plessis said

"If we just let this matter die, we are going to get chaos in the labour field"

S. Times 10/6/84 (132)

Employers told to establish credibility among their workers

By MIKE PEIRSON

A WARNING against too much pre-occupation with the legal aspects of industrial relations instead of the realities of engendering good employee relations and thus avoiding unnecessary conflict, was issued by Rod Ironside, president of the FCI this week

Summing up as chairman of a two-day industrial relations seminar organised by the Natal Chamber of Industries, Mr Ironside said from their various standpoints, virtually all speakers emphasised the apparent reluctance of too many employers to recognise the dynamics of the workplace and to be "proactive" in their approach to establishing their credibility with the workers, thus creating a climate of co-operation

There was, nonethless, a greater awareness by employees of the complexities of the industrial relations spectrum in this country but the situation was bedevilled by a dearth of trained and properly qualified practitioners in the field who were capable of understanding and functioning within the rules of the game.

Mr Ironside acknowledged the need, stressed by a number of speakers, of increasing worker participation. But he raised the question as to whether or not management prerogatives (the right to manage the business) were in danger of being eroded. Careful consideration would have to be given to the proper balance between the obligations and responsibilities of both parties

"Are management prerogatives given sufficient attention and exposure in the appropriate forums?" he asked. Was the industrial relations debate going on in the board rooms?

"If it is not, the risks are high and the potential consequences deserve critical examination if private enterprise is to survive and succeed in attaining the considerable economic growth and employment targets expected of it in the decades ahead"

The outlook, Mr Ironside went on, was that pressures from labour organisations would increase and employers would have to become better informed, listen a great deal more and temper their reactions with the need to be fair and reasonable.

"Leadership, managerial confidence and firm and fair direction are the watchwords since there is little promise in unilateral action," he said. "Equally little purpose will be served if delegates to this highly informative conference do little or nothing to identify and take positive action that will improve their own capabilities and contribute to more orderly and constructive management in this vital area of people relationships"

As management and workers clash, it's

132 S-Times 10/6/84

Bloody bosses and damn trade unions

By Angus Macmillan

NO matter how responsible you think you're being, from the other side of the industrial relations fence your actions epitomise irresponsibility.

"My employees are being irresponsible", "The damn union is acting irresponsibly" or "How can management be so irresponsible?" are common enough utterances in the discussion on labour relations

Before making such sweeping statements, all parties in IR would do well do understand the other side's motivation and value system, says an industrial relations consultant

Moral issue

One side brands the other with the irresponsible tag when it acts in contrary fashion to its needs and desires Responsibility is a moral issue, although cynics would retort that few morals exist in the battle between boss and worker

IR consultant Andrew Levy labels irresponsibility as a term masquerading for a set of values that one party uses to discredit the other

"In other words, it is a way of saying they are not behaving the way you would like

"Any party which has a predisposition for getting involved in conflict is accused of being irresponible The union is responsible to its members for strengthening, not weakening their position through conflict, and management is acting anything but responsibly if it takes a hard line for the sake of it"

Workers who think the revolution has arrived, giving them the go-ahead for 100% wage increase demands, are not acting responsibly — at least in the eyes of the employer

What about the workers?

But it is not that simple Such demands often come from workers, not the unions, and highlight their lack of understanding of the ins and outs of business

Returns on capital employed, contingency reserves, cash flows and interest payments are unlikely to be in the vocabulary of the average miner, metalworker or canteen cashier To a worker with five children, a 100% increase must seem like a necessity

Hazy

According to Eddie Nicholson, who compiles Industrial Relations Trends (IRT) with Professor Willie Bendix from Stellenbosch University, the identity of the stirrers of labour unrest is often hazy

Mr Nicholson says "The personality of unions is mixed up Is it the shop stewards, the union leaders or the workers stirring? In the British coal miners' dispute there is doubt Is it Scargill, picket organisers or the ordinary union members who are the prime movers behind the strike?"

He says 20% of South African strikes in the past year took place without direct union involvement Union members may have been involved, but the union was not the trigger

Own ends

Unions invariably take the rap for employee behaviour To most managements, they are the bad guys But often the union is the calming influence on members who are more militant than their leaders

The whole question of irresponsibility and how it is defined boils down to what is good for one is not so for the other

Mr Nicholson says "One pursues one's own ends in labour matters and the end is often irresponsible action A union plugging away for an extra 2% in wages could be defeating job creation"

Industrial relations is an ideological war of attrition It has been said that unions which do not exploit the exploitable are dumb unions — on the other hand, referring to the fortunes of unemployed Zimbabweans, the Economist suggests that being exploited can be preferable to not being exploited

Recession

"What about the workers?" cries Emma Mashanini, general secretary of the Commercial Catering and Allied Workers Union (Ccawusa)

"Workers are called irresponsible when they ask for more money in recession But what do they get in boom times?"

She suggests that if management deems its employees irresponsible for wanting more money in bad times, it is equally irresponsible for management not to fatten pay packets in a boom

Another management irresponsibility she identifies is the too many chiefs syndrome

"A worker is given an instruction by a manager and is expected to carry it out Then another manager will give a different order and expect it to be fulfilled"

Definition

To further confuse matters, there is no legal definition of irresponsibility A labour lawyer suggests that maturity is a better word — he defines it as meaning all parties being committed to negotiating to exhaustion before contemplating industrial action

The lawyer says "The law avoids substantive details It focuses on procedural compliance and does not expect workers to be so objective as to take into account matters that are the reserve of management"

In spite of the occasional valid interpretation, irresponsiblity is a word that has lost its meaning on the shopfloor and in the boardroom

Govt presses ahead with unpopular Bill

RDM 11/6/84 (132)

Is the the reintroduction to Parliament last week of the Labour Relations Amendment Bill the beginning of a tougher line by the department towards emerging unions?

LABOUR WEEK
By PHILLIP VAN NIEKERK

DEPARTMENT of Manpower-watchers keen to figure out the direction of the department under its new ministerial head, Mr Pietie du Plessis, are even more in the dark after the reintroduction to Parliament last week of the Labour Relations Amendment Bill.

The Bill has re-emerged from a parliamentary Select Committee with only two minor changes

Its most important feature is that it seeks to prevent unions who do not submit certain information to the department from having recognition agreements enforced in court

The Bill provides that "particulars" of all recognition agreements must be submitted to the department It also contains a provision enabling the Minister to declare an agreement inoperative if he "considers it to be in the interests of employers or employees or in the public or national interest"

At the time it was first tabled it was pointed out that the Labour Relations Act already compels unregistered unions to submit this information and they can be prosecuted anyway

The reintroduction of virtually the same Bill four months later appears even more lacking in reason than than when it was first tabled

Apart from trade union opposition to it, the Bill has been strongly criticised by nearly all the leading employer groups, including the Federated Chamber of Industries

The main criticism is that, in direct contrast to the department's stated policy in recent years of employer-employee self-governance in industrial relations, the Bill extends Government interference into the area of employer-trade union agreement

In Parliament, the Progressive Federal Party — who often voted on the same side as the Government on labour issues during the Fanie Botha era — have vociferously criticised the Bill

And in the interim, while the Bill was apparently gathering dust with the parliamentary Select Committee, the department has called for comments on the National Manpower Commission's report on collective bargaining and related matters, which should lead to major changes in labour legislation

Thus, without even waiting for the process which they themselves set up to be completed, and in the face of criticism by just about all concerned, the Government is pressing ahead with this Bill Why?

Even Mr Du Plessis concedes most unions in South Africa comply with the regulations — and the new legislation is, in his own words, aimed at just *six* "undisciplined" unions

The inference can be drawn that the new Bill is the beginning of a tougher line by the department towards emerging unions, and this can be backed up by his rhetoric in Parliament

If that is the case the Minister has not started moving in his new direction in the most consistent, clear or effective manner.

(3) (174)

Bill may lead to strikes

THE controversial Labour Relations Amendment Bill passed its final stage yesterday with the official Opposition and the New Republic Party warning that it could lead to increased strike action.

The Bill provides, among other matters, for agreements between trade unions and employers, under certain circumstances, to be unenforceable in courts, including Industrial Courts

The Progressive Federal Party and the New Republic Party opposed the Bill, while the Conservative Party supported it

Speaking during the third-reading debate yesterday morning, Dr Alex Boraine (PFP Pinelands) said the Bill struck at the freedom of contract for both workers and employees

Certain of the clauses of the Bill, which he described as "premature, ill-timed and half-baked", were "conducive to conflict rather than labour peace"

One of the contentious provisions takes away from the Industrial Court appeals by persons who feel aggrieved by any decision of an Industrial council and empowers the Minister to handle such appeals

Dr Boraine warned that the labour field was "sensitive and volatile" and urged the Government not to wreck the excellent developments that had taken place over the past years with unnecessary action

Militant

He warned the Government not to be lulled into a false sense of security because of the decline of strike action recently

"When the upturn in the economy comes it is possible that we will be faced with a militant labour force," he said

Mr Ron Miller (NRP Durban North) said his party agreed there was a need to regulate trade unions but they disagreed that the Bill would do what it purported to do

The Bill would cause more discontent than solve problems, he said

It would not persuade unregistered unions to register but would rather "drive them into a corner" and they would resort to strike action, he said

Replying, the Minister of Manpower, Mr Pietie du Plessis said the Bill would have the effect of forcing trade unions to comply with the law and would help to achieve the ideal of total registration

Rejecting Opposition arguments, he said the Bill would result in "orderliness" and would force trade unions to "play according to the rules"

The Bill did not detract from collective bargaining It would in fact, protect workers and employers Employers would now know who they were dealing with, he said

Sowetan 13/6/84 (132)

Call to resist Labour Bill

THE BLACK Allied Mining and Construction Workers' Union (BAMCWU) has called on the black community and organisations to resist the Labour Relations Amendment Bill which puts stricter control on trade unions and employers.

By JOSHUA RABOROKO

The resolution was taken at the union's national congress held at St Peters, Hammanskraal at the weekend

In terms of the Bill, all recognition agreements will have to be submitted to the Department of Manpower, and will have no force in law unless the relevant unions have submitted certain information to the Department

The emotion-charged congress said that it noted the latest ploy by the State to further entrench itself in worker organisations as shown by the Bill

Resist

"We call upon all black worker organisations and the black community to resist such inroads into the freedom of the workers," the resolutions read

The congress also strongly condemned the latest exploitation and oppression of black workers It committed itself to resisting new forms of exploitation, especially low wages for workers

Referring to a trade union federation, BAMCWU said it fully supported the initiative of forming a principled alliance with other worker organisations

BAMCWU is one of the seven trade unions which established a new alliance of unregistered, independent trade unions

Diseases

Among resolutions passed at the congress was one noting the high rate of diseases caused by the environment at workplaces

The newly re-elected president, Mr Letsatsi Mosala, told The SOWETAN yesterday that the union was committed to working closely with other unions The union's strength was growing rapidly and "we intend signing recognition agreements with several companies where we have membership"

New office bearers are Mr Mosala, president, Mr M Rakoena, senior vice president, Mr W Mashigo, vice president, Mr P Nefolovhodwe, general secretary, Mr W Mafifi, national organiser, Mr Simon Mokoena, second vice president, Mr M Mokhine, publicity secretary, Mr Patrick Make and Mr W Mbalane, committee members

Unions warn of unrest

By JOSHUA RABO-ROKO

MOST black trade unions fear the outbreak of labour unrest if the Government implements the new Labour Relations Amendment Bill passed in Parliament this week.

Unions sources say they believe the Bill is a move against and aimed at controlling independent and unregistered trade unions in the country

The Bill was passed after it was considered by the select committee amid wide-spread outcry from opposition parties, the Progressive Federal Party and the New Republic Party.

In terms of the Bill, all recognition agreements will have to be submitted to the Department of Manpower, and will have no force in law unless the relevant unions have submitted certain information to the Department.

The conditions include supplying the Department with details of constitutions, head office addresses, names of office bearers and officials, maintaining a register of members, keeping books of accounts, preparing annual financial statements, having books audited, and submitted annual financial statements to members

The Bill also says that if parties do not submit details of any agreements they have reached to the Department within 30 days of concluding them, they will be guilty of a criminal offence.

It furthermore states that if employers' organisations or unions do not comply with certain conditions laid down in the Act, any agreements they reach will not be enforceable in any court, including the Industrial Court

Members of the National Manpower Commission, which makes recommendations to the Government on labour matters, have expressed their dismay that they were not informed about the Bill, sources say

The commission's report, which was tabled in Parliament earlier, deals with the levels of collective bargaining and works councils, the registration of unions and employers' organisations and other related matters and the Industrial Court

One of the recommendations of the commision is that the Labour Relations Act should be repealed as far as registration is concerned, and be replaced by a system in terms of which all unions and employers' organisations should comply with certain minimum requirements

However, a spokesman for the Department of Manpower said there had been no time for consultation. The Bill will ensure that unions showed their "bona fides"

The Department wanted to see agreements so it could get a full picture of unions and employers throughout the country, the spokesman said

Unrest

In the meantime key unions have reacted strongly against the Bill which they say will spark-off labour unrest in the country as it will sow seeds of discontentment.

The Black Allied Mining and Construction Workers Union (Bamcwu) has called on other trade union movements to resist the Bill because it will interfere with the freedom of association of workers

The African Allied Workers' Cunningham Ngeukana said the Department was endangering the trade unions because they will first have to get permits before operating

This is a contradiction of Section 78 of the Labour Relations Act which deals with the freedom of association The new Bill will violate that clause.

Fosatu said that the Bill showed that Government moves on labour were aimed at controlling unions and not reforms

The general secretary of Councils of Unions of SA (Cusa), Mr P Camay, said this could be the first step towards control of agreements Next they will want to control what they contain, he said

Unions are unhappy to reveal information because they are private and have nothing to do with the State, a union spokesman said

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MANPOWER REPORT

Collective criticism

The National Manpower Commission (NMC) report on collective bargaining and related matters continues to arouse controversy

The report was tabled in Parliament a few weeks ago It covers levels of collective bargaining and works councils, the registration of trade unions and employers' organisations, and the Industrial Court At that stage government took the laudable step of announcing that it would not publish its response in a White Paper before it had received comment from labour circles. It is now becoming clear that at least some sectors have serious criticism of the recommendations

Many of them were aired last week in a debate at the SA Institute of Race Relations NMC chairman Hennie Reynders fielded questions on the report from labour lawyers, trade unionists, employer representatives and academics.

The questions centered mainly on the two most controversial aspects of the report those relating to the registration of trade unions, and proposals to tighten up the definition of an unfair labour practice in the Labour Relations Act (LRA)

Race out

The majority of the commissioners recommended that the Industrial Registrar should not take race and representativeness into account when considering applications for trade union registration This is generally seen in a positive light But it was also recommended that unions should not be able to operate and participate in collective bargaining unless they comply with certain minimum requirements These include supplying the Department of Manpower with basic information about union constitutions, the scope and purposes of the organisation, office addresses, membership, and lists of office-bearers Proper accounting procedures would also have to be complied with.

These requirements are essentially the same as those laid down in the LRA at present. Most unions comply with them. But the sting in the tail introduced in the NMC report is that the commission has recommended that unions which do not comply with them will be liable for prosecution. Despite denials, this has been widely interpreted as a move to clamp down on unregistered unions — some of which have a high profile outside the workplace in the political arena

At present an unfair labour practice (ULP) is very loosely defined in the LRA Unions have taken full advantage of this. Assessing allegations of ULPs has become a major part of the Industrial Court's work and unions have won significant victories through this mechanism. The NMC has recommended that the definition should be narrowed and has listed a number of examples of what should in future be regarded as ULPs.

Legal Resources Centre attorney Geoff Budlender asked a number of key questions in the Race Relations session He pointed out that since the publication of the Wiehahn commission's reports, and the subsequent changes to legislation, a new era of accommodation had come about in the SA labour field. Government appeared to be endorsing the view that there should not be

Reynders ... defending NMC report

State interference in union-management relationships What had happened in that time, he asked, that influenced the NMC to propose making fundamental changes to the system by requiring a tightening-up on registration?

Reynders replied saying that in ideal free enterprise societies individual employees and employers should be allowed to negotiate work contracts between themselves In line with this, he said that trade unions *per se* are inimical to free enterprise societies because — as they have scope to operate in specific areas or industries or for specific types of workers — they can create a monopsonistic situation While the NMC accepted that they had a right to this, it felt that if unions wanted to participate in collective bargaining they should comply with the minimum conditions laid down in the report The aim was primarily to protect union members as well as society in general

Grinaker Holdings group manpower consultant, Theo Heffer, had strenuous objections to this view Heffer argued that there are situations in which workers are happy to join unregistered unions voluntarily and in which management is prepared to recognise such unions once their representivity has been tested The NMC recommendations, he said, appeared to be designed to protect such union members from themselves As such, he found it difficult to reconcile them with statements from the Director-General of Manpower that the age of paternalism in labour was dead

Objections

Other speakers raised numerous objections to the NMC's examples of proposed ULPs A number of the labour lawyers objected to the fact that many of the instances of ULPs which have been upheld in the Industrial Court were not included in the NMC's list

Attorney John Brand objected to one of the proposed ULPs This proposal states that the unjustifiable dismissal with the replacement of an employee by an employee of another population group, where the ostensible purpose is to provide less favourable terms and conditions of employment, should be regarded as an ULP Brand said he did not know of any cases in the Industrial Court regarding ULPs in which these particular points had been contested.

Objections were also raised to the NMC's proposal that "union interference with employer affairs" should be an ULP In the debate, it became apparent that if unions take up any issue which management regards as its own prerogative, and which it has not agreed to negotiate with unions, this could be an ULP Brand said union challenges of management prerogative are the essence of collective bargaining If that was to be regarded as interference, there would be nothing left to negotiate, he argued

Another NMC proposal debated was that "the abuse of its organisational or negotiating power by a trade union to the detriment of other groups" should be an ULP The NMC qualified this proposal by stating that it should apply in situations of "unions using their bargaining power to compel an employer to deal with it only and not to negotiate with a minority union" Many emerging unions demand that employers negotiate only with majority unions Brand said the proposal was intended to protect minority racial unions, without stating it openly

Reynders conceded that the present wording of the ULP proposals created room for misunderstanding But he stated the prosposals were merely guidelines If they were finally accepted by government legal experts would have a hand in drawing up and clarifying them He appealed to the participants not to be too sceptical about them as faults would be ironed out in the drafting process

(132) FM 15/6/84

LABOUR LEGISLATION

A troubling change

The basis for the fragile peace in labour relations in SA could well have been broken by the adoption of the Labour Relations Amendment Bill in Parliament this week

At present the Labour Relations Act (LRA) requires both registered and unregistered trade unions to comply with certain minimum requirements These include supplying the Department of Manpower with details of constitutions, head office addresses, names of office-bearers and officials as well as financial information The most contentious aspect of the amendment is that if unions do not comply with these minimum requirements, any agreements they reach will not be enforceable in any court, including the Industrial Court

Not only were there sharp divisions about whether or not to proceed with the Bill, but the warnings about the negative effects among workers — by bodies like the Federated Chamber of Industries (FCI) and opposition manpower spokesmen — were ignored

Moreover, it is by no means clear why it was necessary to proceed with the legislation now As both PFP and NRP manpower spokesmen Alex Boraine and Ron Miller pointed out, government has asked for comments on the National Manpower Commission (NMC) report on collective bargaining and related matters — which covers some of the same issues — before it publishes a White Paper on the report The FCI made the same point in a telex sent to the Select Committee which considered the original draft of the Bill

Boraine lashed out during this week's Parliamentary debate "Government is using a large hammer to deal with a problem which has the signs of working itself out I say that the stubborn determination to proceed with this Bill at this stage is not helpful to the maintenance of labour peace in SA"

Miller was equally emphatic "Inevitably there are going to be more strikes in the future, as a result of this clause (dealing with the non-enforceability of agreements) In the final analysis, those trade unions will resort to strike action, which in itself will be illegal We are, however, leaving them no alternative We are driving them into a corner and when they are in a corner and have nothing to lose, they will go for illegal striking"

But Manpower Minister Pietie du Plessis — who has said that the new law would only apply to "five or six" unregistered unions who refuse to comply with the LRA's minimum requirements — would not back down

He argued that these unions wanted to benefit from the advantages of the labour relations system but refused to accept any of the obligations that went along with it This "permissive" situation could not continue It was necessary to have "order" and "discipline" to ensure compliance with the minimum requirements of the law He also said that both the Wiehahn Commission and the NMC had recommended compulsory registration

In many cases, he said, the Manpower Department and factory workers did not know the *bona fides* of these unions Yet their officials acted on behalf of workers "They could be ordinary agitators or people who have motives other than the advancement of the interests of the employers They could be people with strange motives who want to slip in through the back door to achieve certain political objectives by making use of the machinery which has been introduced into the labour market," Du Plessis said The Bill would be a protection to workers and union members

While no one would argue that the minimum requirements demanded of unions are excessive, the Bill does amount to compelling unions to register In the labour field — which Du Plessis himself has described as "sensitive" — such a move could turn out to be dynamite

THOSE FOR AND AGAINST

Unusually, the report of the select committee which considered the original draft of the Labour Relations Amendment Bill was not published before the measure was debated in Parliament

Chief Opposition labour spokesman Alex Boraine, describing this as an "undesirable state of affairs," said "One would have thought that under normal circumstances a report of a select committee would be available when one was debating a new Bill that emanated from that committee"

By the time the debate was over, the select committee report still had not been published

But another Opposition MP, Nic Olivier, gave an indication of the division of opinion about the measure

He said those who had submitted evidence in support of the Bill included the Department of Manpower; Motor Industry Employees' Union, Transport Owners' Association, Mine Workers' Union, National Union of Furniture and Allied Workers' Union, Industrial Council for the Clothing Industry of the Cape, Sigma Motor Corporation, Textile Workers' Industrial Union, SA Confederation of Labour; and the SA Police

Olivier said those who had opposed the measure included the Steel and Engineering Industries' Federation of SA, General Workers' Union, Leyland SA, Natal Chamber of Industries, Federated Chamber of Industries, Midlands Chamber of Industries, Transvaal Chamber of Industries, Mine Surface Officials' Association, Assocom, Food and Canning Workers' Union, University of Cape Town's Graduate School of Business; University of Port Elizabeth's Industrial Relations Unit, Premier Group Holdings, SA Bus Employers' Association, SA Labour and Development Research Unit, as well as the Association of Attorneys and other bodies

Sowetan RDM 18/6/84 (132)

Bosses 'should help to educate workers'

By THELMA TUCH

EMPLOYERS should face the critical need for worker education by pooling their resources to provide educational opportunities for their employees

This is suggested by the Continuing Education Programme (CEP) which is to be launched as a national project this Thursday

It is to be sponsored by the Urban Foundation in association with the Manpower Management Foundation of South Africa and the Institute of Personnel Management

The first CEP was established in 1979 on the East Rand with 18 participating companies Since then a centre has been running in the Waltloo area, Pretoria, for three years and one recently started in Spartan Another centre is due to take off in Port Elizabeth this month

With the support of the Urban Foundation the CEP intends to increase its operations in industrial and commercial areas throughout South Africa

It will also review existing syllabuses aiming to develop them to the needs of working adults

In a CEP groups of companies combine resources to provide venues and qualified teachers to educate their workers on a range of subjects at different levels

The programmes are conducted within the framework of various national education bodies, using their syllabuses and following their examination requirements

The managing director of the Urban Foundation, Dr Robin Lee, will be present at the launch which will be held at a Johannesburg hotel on Thursday afternoon

Guest speaker Mr Dennis Etheredge, recently retired executive director of the Anglo American Corporation, will talk on the importance of worker education for manpower planning and industrial relations

This will be followed by a presentation on how companies can participate in the CEP to provide the vitally needed adult education for their workers

For further information contact Mrs Jenny Stacey or Mrs Gail Cretchley at (011) 728-1296/7

Poll to 'confirm' Rene

VICTORIA — A one-party election to confirm socialist president Mr Albert Rene as Seychelles leader entered its final day yesterday with results expected today

Voter turnout on the main island of Mahe was heavy on Saturday, with most polling stations registering a turnout of over 90%, officials said

About 24 000 of the 30 000Seychellois eligible to vote live on Mahe Altogether there are 65 000 Seychellois, most of whom depend on tourism for a living

Polling began on Friday on the inhabited outlying islands of the 92-island archipelego, which lies between the Kenyan coast and the United States naval base at Diego Garcia

Inhabitants of the inner islands began voting yesterday

Mr Rene came to power in 1977 when supporters of his People's United Party ousted pro-Western president Mr James Mancham — UPI

Embryo dilemma for doctors

LONDON — A couple who died in a plane crash left two frozen test-tube embryos in an Australian medical centre, posing a unique moral and legal problem, a London newspaper reported yesterday

It said the existence of the embryos raised the question of whether they should be destroyed or raised to maturity and receive a share of the couple's estate

The paper said Mr Mario and Mrs Elsa Rios had left the embryos in suspended animation at the Queen Victoria Medical Centre in Melbourne, a renowned test-tube baby centre, where they had come in June, 1981, to try and have a baby

The implantation in 40-year-old Mrs Rios' womb failed, but two other embryos were frozen and the couple said they would come back to try again, the report said

But they were killed when their light plane, with Mr Rios at the controls, crashed in Chile last year

The report said the Me bourne medical team, headed by Professor Carl Wood, had no idea until a few days ago of the tragedy, and was now seeking advice from its medical ethics board

The paper said the affair had "brought doctors face to face with the ost agonising dilemma r ted by opponents of st-tube baby boom"

T nes are cre- a nating a fe- lass dish and g it in the her-to-be

Sheriff jailed fo

NEW YORK — A Knoxville, Tennessee, sheriff who won an award for his services in 1980 has been jailed for 15 years for trying to sell cocaine from a roadside bar frequented by prostitutes, officials said.

Officials said at the weekend that the Anderson county sheriff, Dennis Trotter, 62, entered a surprise plea of guilty on Friday and became the fourth east Tennessee sheriff to face prison for drug trafficking since 1982

A United States district judge, Mr Thomas Hull, gave Trotter, who won Tennessee's Outstanding Sheriff of the Year Award in 1980, the maximum 15-year sentence and ordered him to report to prison on July 31

A m hav dent gling a Trotter charged in a with conspirin cocaine from a drugs and prosti available"

The indictment also monthly bribes of at leas last September in return for drug dealing and prostitut Lakefront Tavern

FBI agents found bank certifi worth about R93 000 and R1 400 in c

The police liaso

Profile may n a rapi

London Bur

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LABOUR UNDER SCRUTINY

NMC could change the face of worker power

THE NATIONAL Manpower Commission's recommendations making it compulsory for trade unions to register are a threat to the continued existence of those choosing not to register.

By JOSHUA RABOROKO

They are also a threat to those who might not be willing to register in the future — failure to do so will lead to prosecution.

These views are expressed by the assistant director of the South African Institute of Race Relations (SAIRR), Ms Sylvia Gon, in a report released to The SOWETAN last week.

The report, which is an analysis of some of the key points in the report of the NMC on collective bargaining and related matters, is critical of some of the issues.

Adaptations

The NMC report — On collective bargaining and works councils, the registration of trade unions and employers' organisations and related matters — was released by the Minister of Manpower, Mr P T C du Plessis in Parliament recently.

It made wide-ranging recommendations on adaptations to South Africa's trade union and collective bargaining system, including the Industrial Court.

Interested persons or bodies have been invited to submit comment on the recommendations in the report for guidance in the drafting of a White Paper, which would give the Government's stand on the report.

However, the commission's report was pre-empted by the Government when it passed the Labour Relations Amendment Bill, which deals mainly with the areas the commission was investigating.

"We shall wait and see what happens because we are part of the bodies that submitted comments on the NMC report," Ms Gon said.

The NMC recommends the scrapping of trade union registration for a new system of minimum standards for all trade union and collective bargaining bodies.

In place of the present system, the commission recommends the issuing by the Registrar of Industry, of acknowledgement or confirmation of compliance to a set of conditions to be made compulsory for all organisations involved in bargaining in the labour field.

Referring to registration the SAIRR says although this section of the NMC report deals with "bodies" and "organisations", the commission had obviously aimed at trade unions rather than employers.

"The NMC seems to have in mind a 'certification' process rather than registration," Ms Gon says.

"The recommendation makes certification mandatory and is a threat to the continued existence of those unions who choose not to register at the present time and may not be will to apply for 'certification' in the future."

Restrictions have already been placed on some organisations receiving funds from outside sources in terms of the Fund-Raising Act.

Blocked

Regarding unions having the right to negotiate check-off facilities, she says the "uncertified" unions would be blocked from using statutory machinery for dispute resolution. This appears to be another way to pressurise the present unregistered unions to participate in the statutory system.

"This intention reflects the 'view of some respondents to the NMC who felt that any form of statutory representation of employees ... should not be allowed unless the institution is registered or certified in the prescribed manner".

The NMC report also makes detailed recommendations on the establishment of an Industrial Court, to be known as the Labour Court, and for a Labour Court of Appeal.

It states that although the unregistered unions — which constitute about 40 percent of the old black associates — often lack the established leadership and infrastructure of the traditional unions, they are a very active group, strongly asserting their presence and influence.

Commenting on the Industrial Court recommendation that provision should be made in all cases to appoint assessors to advise the court, the SAIRR says this point implies the removal of the present restrictions in the Labour Relations Act in terms of which an assessor must be either an employer or an employee concerned in the matter of dispute.

On the whole the report compliments the NMC

The analysis is available from the South African Institute of Race Relations, 68 De Korte Street, Braamfontein, PO Box 97, Johannesburg 2000. It costs 50 cents or 80 cents when posted.

Firms urged to use new scheme

23/6/84

By RAYMOND MASHAO

A CONTINUING Education Programme (CEP) to help educate workers, sponsored by the Urban Foundation, has been launched

The CEP provides a model and the expertise necessary to establish an adult education scheme for the workers

The Manpower and Management Foundation (MMF) and the Institute for Personnel Management (IPM) are also active supporters of the scheme.

In his speech at CEP's launch at a Johannesburg hotel, the executive director of the IPM, Mr Wilhelm Crous, urged companies to join the CEP in order to upgrade education for their workers

"The CEP has proved to be an easy way in which relationships between employers and employees could improve, and I am appealing to you tonight to join," he said

The CEP's project manager, Mr Clive Acton, spoke about the importance of the CEP scheme and how companies could unite and establish education centres in their area

"These centres are funded by contributers from the companies and must be registered as adult education centres

"Each centre is independent and can tailor the scheme to suit its own requirements," said Mr Acton

The CEP project co-ordinators in Johannesburg are available to help in estabishing centres and for consultation afterwards

An organisation structure for CEP centres was suggested as follows

- Liaison officer — a representative from each company usually the personnel or training manager;
- Management committee — controls and manages the programme. Members comprise company liaison officers,
- Co-ordinator — a part-time or full-time co-ordinator can be appointed to manage everyday administrative and education matters,
- Tutors — qualified local teachers appointed on a part-time basis,
- Venues — company training rooms, conference rooms and suitable canteens,
- Time — most efficient times found to be 4 to 6pm, Mondays to Thursday, throughout the year Companies usually release workers an hour early, and workers contribute an hour of their time

SUNDAY TRIBUNE
24/6/84 (132)

No racism in new SA worker system says lecturer

By LUKE ZEEMAN

SOUTH Africa has for the first time a system of worker representation in which there is no racial discrimination, according to a senior lecturer at the University of South Africa.

Dr P S Nel, of the Department of Business Economics, has made a study of worker representation and believes the country now has a system probably equal to that of any other country in the world.

Writing in the university's publication *Dynamica*, he says this has come about because of all the recent legislative changes and although he adds that some refinements are needed, he says the system now has the following characterstics:

- No racial discrimination exists. This is a feature of all present labour legislation and is positively supported by the Government.
- A unitary system of worker representation exists, which means one system of representation, within or outside of the enterprise, is applicable to all workers in the country.
- Regulations which were racially discriminatory regarding trade unions registration as well as the system of worker representation within the enterprise have been totally removed from the statute books.

It is now most probably in line with the standards set by the International Labour Organisation regarding Convention Nos 87 of 1948 and 98 of 1949.

Major issues

Dr Nel adds that it was, however, obvious that one of the major issues in the future concerning the labour relations field in South Africa pertained to worker representation within and outside enterprise.

The emphasis appeared to be primarily on worker representation within the enterprise, however, where in terms of the Government's present policy no clear objectives were stated.

With regard to possible future developments, he predicts that these could take place along the following lines:

- The fundamental principle for the effective regulation of labour relations is an integrated labour relations system, incorporating both the trade union and committee system.

Although such an integrated system already exists, it will most probably be refined, which should enhance the principle of self-government in industry within and outside of the enterprise.

- The maintenance of the committee system within the enterprise with possible modifications of its functions. Such modifications could be to confer statutory bargaining powers on workers' committees or works councils where no industrial council is registered in an enterprise or industry and where the wage Act No 5 of 1957 does not apply.
- The absence of plant level bargaining by workers committees and works councils where an industrial council is registered in respect of an enterprise and an analysis into recognition agreements between trade unions and individual enterprises. In tracing the background to developments in the system, Dr Nel says in 1981 the Government wisely decided it was time to opt for a unitary system of worker representation and to break away from the dual system which was still statutorily applicable.

SONIA BENDIX ... on the Industrial Relations Scene

S. Tribune 24/6/84 (132)

Manpower labour probe fails to resolve the real problems

THE impressively titled report of the National Manpower Commission "into the levels of the collective bargaining and works councils, the registration of trade unions and employers' organisations and related matters and the Industrial Court" fails to live up to expectations

Numerous important issues are touched upon, but then deserted, shelved or not dissected with sufficient incisiveness, while some irrelevant matters are discussed at length

Recommendations are often somewhat vague or inconclusive and, particularly as far as the Industrial Court and the unfair labour practice are concerned, may not succeed in resolving actual, topical issues and problems

Among the most concrete recommendations is that relating to the registration process The suggestions for simplication of the procedure, the removal of race as an interest and the cancellation of an already existing union's right to objection will probably be welcomed by many

The scaling down of requirements could well encourage more unions to register, as will the cancellation of the objection provision.

The commission has not only proved that it does not fear multi-unionism, but has also separated registration, a technical administrative process, from representation, which becomes an issue only when a union desires participation in collective bargaining, at whatever level

However, the recommendations concerning registration also contain the suggestion that no organisation should be permitted "to operate as a trade union" or to "participate in the process of collective bargaining at any level (within or outside the Act)" unless it has complied with the minimum requirements for registration

In this respect the commission appears to have exceeded its mandate It contradicts its often-reiterated support of the voluntary principle and appears to have lost sight of the main purpose of the Labour Relations Act This is not so much to prescribe who should engage in collective bargaining and how much bargaining should be conducted, but rather to provide a legal framework for those wishing to bargain under the Act and thus to obtain the statutory protection of the industrial agreement concluded in these terms

The LRA can provide that no unregistered union should have access to its structures, but it should not, according to its spirit, be in a position to prescribe to those not using its structures Nor can it interfere in essentially private relationships or infringe upon the common right of parties to conclude private contracts

The recommendation made by the NMC is even more forceful than the controversial Labour Relatons Amendment Bill, according to which agreements concluded with bodies not complying with the stipulations of the Act should not be enforceable in any court of law

Like the Bill, the NMC's recommendation also ignores the predicament of an employer faced with a non-complying, unregistered, but representative and powerful worker organisation The proposed, more neutral registration process has been correctly compared with company registration

To carry the analogy further, non-compliance with the stipulations of the Company's Act would not exclude a group of individuals from conducting business and concluding contracts valid in terms of common law principles, and such contracts from the adjudication of the civil courts

Similarly, and while the Amendment Bill is pending — it has been referred to a select committee — an unregistered and "non-complying" union still has access to the civil courts and could take a disputed contract there for adjudication, the lengthiness, complications and, therefore, inadvisability of such procedure notwithstanding

The majority of the commission's recommendations concern the Industrial Court In fact, mainly because of the controversy surrounding the unfair labour practice concept and the Status Quo Order provision, the emphasis in restructuring our industrial relations has disproportionately shifted to this court, as is once again proved by the NMC report

The predicament in which the Industrial Court finds itself may be traced to the following

- ☐ Notions that the concept of fairness can form the basis of labour legislation in South Africa and be successfully neutralised in this industrial sphere and thus be separated from different concepts of fairness and balances of convenience in other legislation
- ☐ The lack of a clearer differentiation between disputes of rights and disputes of interest
- ☐ The misplacement of provision for "possible" worker rights into an Act intended primarily as a framework for collective bargaining and collective relationships
- ☐ The principle that equality in relationships can be enforced by legislation
- ☐ The overlapping of the negotiating and legal machineries
- ☐ The vague definition of an unfair labour practice and the onus of discretionary interpretation placed upon the court

The report touched on, but failed to resolve, most of these issues The NMC, by not questioning, in principle, the place of the unfair labour practice in collective labour legislation, believes that the Industrial Court, through the major instrument of the unfair labour practice, can encourage "fairer" practices and equalise the balance of power between employers and worker collectives

The report does suggest a list of unfair and fair practices but the practices enumerated are mostly irrelevant to the present controversy

Furthermore, some confusion between disputes of rights and disputes of interest seems still to exist

On the one hand, the commission differentiates between disputes of right as those concerning already established legal rights, and disputes of interest as these concerning non-established rights It states categorically that the ULP should not involve disputes of interest

On the other hand, it suggests at the same time that the ULP's primary purpose is the "creation of new rights"

The more logical approach might have been to consider the complete cancellation of the unfair labour practice from the Labour Relations Act and the entrenchment of additional, clearly defined rights in the form of minimum standards — in the Basic Conditions of Employment Act, if these are individual worker rights, and in the LRA, should they concern bargaining structures and procedures or the collective relationship

This would leave the Industrial Court free of the obligation to "create" law by precedent and to encourage "fairness" by its judgments The latter function should be bestowed on another body, which is not a court and which could also deal with disputes of interests

The content of disputes brought to this body might, and probably would, provide guidelines for new legislation entrenching additional rights

RDM 25/6/84 □□□ 132

THE International Confederation of Free Trade Unions (ICFTU) has expressed its concern at the growing use of security legislation against striking workers

This trend has been becoming more and more apparent in recent months

The ICFTU has especially noted the case of Mr Leonard "Skakes" Sikhakhane, the general secretary of the Food Beverage Workers' Union, who is facing charges under the Internal Security Act along with 26 workers at Chubby Chicks Poultry Farm in Potchefstroom

While the case was under way in the Potchefstroom Regional Court last week, police were busy detaining 17 striking workers at Union Carriages in Nigel and charging them under the Intimidation Act.

RDM 25/6/84 □□□ 132

THE common employer practice of selective re-employment during a strike has been challenged in the industrial court in Durban.

An application for a reinstatement order has been brought for four former employees of Ninian & Lester, a Pinetown textile firm, following a strike at the firm in March this year in which only 75 out of 80 workers were reinstated.

The case is complicated by the company's argument that the workers were dismissed in terms of an agreement with the National Union of Textile Workers and senior shop stewards

The presiding officer could restrict his judgment to considering the fairness or unfairness of the dismissals in terms of this aspect

However, the workers' legal representatives have argued that the concept of selective re-employment is itself unfair.

If a ruling is made on this then the case of Mr Ephraim Hlophe and others versus Ninian & Lester could join the two or three other landmark judgments of the industrial court which have seriously limited the powers of management

RDM 29/6/84 (132)

STANDING OF INDUSTRIAL COURT

By BRENDAN RYAN

THERE is an urgent need to clarify the status of the Industrial Court, according to the directors of Anglo American Corporation.

In their review for the year to end-March they say the Industrial Court must be more fully integrated into the judicial system

"An equally pressing requirement is that of clarifying the court's role in the settlement of disputes and collective bargaining

"An important step in this process would be a clearer definition of the 'unfair labour practices' concept," they say.

"This is likely to prove complex and difficult — should the court deal only with conflicts of rights or also conflicts of interest?

"How are the two important characteristics of justice, namely certainty (clear knowledge of what is unfair) and equity (the judgment of fairness in a particular set of circumstances) to be reconciled in this area?"

Anglo's directors say the corporation strongly supports the need for a branch of the judiciary that specialises in industrial relations

One of the functions of the court is to adjudicate on allegations of unfair labour practice while, at the same time the court was created, legislation concerning unfair labour practices was introduced

The Anglo directors say this legislation is extremely widely defined There was a significant decrease in both the frequency and intensity of strikes during 1983.

"Even though deteriorating economic circumstances will have played a role, this decline is also related to increased use of dispute-resolution machinery in the form of industrial councils, conciliation boards and, especially, the Industrial Court "

The directors say a multiplicity of unions is likely to persist in mining for some time as the unions presently work on ethnic an occupational lines.

"Although the existence of a number of unions does not in itself create difficulties, the mining industry currently lacks a collective-bargaining structure to enable parties to bargain in a common forum," they add

Labour relations training 'top priority'

(132) Star 29/6/84

By Carolyn Dempster, Labour Reporter

Labour relations training must be of "outstanding quality" because of the potential for conflict in the workplace, the chairman of the National Training Board, Mr S C M Naude said in Pretoria

He was speaking at the launch this week of a document drawn up by the NTB which contains a set of guidelines for training in labour relations in South Africa

Mr Naude said it had long been recognised that South Africa lagged behind in industrial relations training

The Wiehahn Commission had recommended that the government encourage training in this field by formulating a broad set of guidelines.

As a result of these recommendations, a working committee composed of specialists from the private sector, trade unions, state and public sectors was appointed

The guidelines had been drawn up with a dual purpose in mind, to serve as an aid in the compilation of training courses and to establish minimum standards

Target groups include employers, employer organisations and their staff on the one hand and employee organisations and their members on the other hand.

The document, which is available from the Department of Manpower, deals with the economic system in South Africa, labour law and legislation, organisation and structure of the industrial relations system, underlying principles of labour relations, procedures and processes, negotiation, collective bargaining, dispute handling, communication and agreement administration

Mrs Val Mickleburgh, accepting a copy of the guidelines on behalf of the business sector said it was significant the document stressed a need for knowledge of the free enterprise system Industrial relations training in the past had tended to place an emphasis on negotiating

Sigma's pay-for-productivity won't pay

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Industrial Relations

Star 30/6/84

By Malcolm Fothergill

Sigma is heading for a crash with its pay-for-productivity plan announced recently, predicts mining industry consultant Mr Tom Grant

There's nothing wrong with paying for productivity, he says, but unless the plan is put together with great care it can backfire, encouraging an increase in absenteeism and sending productivity figures plummeting

"To pay a guy is only a pleasure, provided he produces," says Mr Grant

"The danger is that you could end up paying people for doing nothing."

He quotes the experience of the Chamber of Mines in the mid-1970s, when it decided to introduce attendance bonuses

Full attendance for a month rated a cash bonus, one shift missed cut that bonus, two shifts missed cut it even more

"The net result was that absenteeism went up. The mines were paying for people to stay away from work.

"What you want is for people to come to work all the time, over extended periods"

Mr Grant believes a system he devised and patented 14 years ago has the answer

Its objective is simple — to get people to come to work every day and to encourage them to work safely once they are there

At its lowest level, that of the team leader — the first line of management on a mine — the system involves each team leader in placing a white washer on a board every day before he goes underground

This, it is explained to him, is not only to record his attendance, it is also his pledge to work safely for that shift

Each month he works without missing a shift and without an accident entitles him to a cash bonus, which is given to him, along with a handshake from a senior official, separately from his pay packet

As the number of shifts worked without any absenteeism goes up, the team leader moves through a series of premium levels, each marked by a different colour of washer on the board, until he reaches gold after 80 shifts

Once on gold he stays there until he misses a shift

After a year he gets a special prize — a watch, perhaps, or a radio

For bonus purposes, Mr Grant's system recognises no varieties of absenteeism — if a man is not at work, for whatever reason, he is registered as absent and has to start climbing the premium ladder again

"The system works because it has a simple objective — getting people to work, and getting them to work safely," he says

"It's precise, practical, personal, participative, profitable and people-oriented

"It encourages enthusiasm because each team leader keeps his own record and because the rewards become greater with time

"The amount paid for each premium level means nothing What does the trick is putting the washer there."

The system works in a similar way for the second tier of mine management — shift bosses and mine captains — except that instead of putting washers on a board they fill in blocks on a piece of paper

First the miner fills in one block to register his pledge to work safely for the shift, then, at the end of the shift, his shift boss fills in an adjacent block in a different colour to register that he worked an accident-free shift

Although Mr Grant's system is used only on mines at the moment — not always with his approval, he says, which is why he has spent R60 000 so far this year on legal fees, fighting people he alleges have broken his patent — he believes it could be applied with equal success in other fields

One of his first successes was his daughter He put up a board to record her attendance at school and whether she believed she had learnt anything each day and created so much enthusiasm for studying that she is now a final-year law student.

ike Old Nick, he has been blamed for it all

By KAY TURVEY

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e spirit of Wiehahn, and because
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made to manage and contain industrial relations differences Recognition agreements, conciliation boards, arbitration and mediation, industrial councils, the Industrial Court, and even training schemes, are the institutions in which all races and classes, and all political persuasions, are found

There they all are, a sociologist's dream, legitimately at each other's throats, battling for ascendancy The essence of Wiehahn's plan has come together

These industrial relations institutions are far from perfect and need to be altered, at least everyone agrees on that Understandably, everyone disagrees on what those changes should be and how they should be effected There is the possibility that those who have the Government's ear

There is no doubt that some unions, and their leaders, express themselves in a style like something out of a Cliff Saunders nightmare Yet was it necessary to ban them as the unstable Sebes have done to SAAWU? Is it necessary to make unregistered unions' recognition agreements unenforceable in courts, as the Labour Relations Amendment Bill now proposes?

Many of the new breed of industrial relations managers would argue that these steps are unnecessary, and doomed to fail They have realised that the ability to sing freedom songs and make stirring speeches does not make a strong union Thousands of workers, at best without pension benefits, at worst without jobs, will also realise this

Unless these unions can pull something new out of the bag, increasingly sophisti-

In any case, it is precisely the radical sounding unions who should be persuaded to use the system, Wiehahn would argue

Industrial relations differences, the rationale goes, need to be expressed within the system If they do not, they will express themselves in less regulated and more unpredictable ways Ways which enlightened management has realised and Wiehahn argued, could well disrupt capitalism in South Africa In order for the spirit of Wiehahn to survive, for Wiehahn's plan to come together, the collective bargaining structures must remain open to all, from the ultra-right to the ultra-left

In a number of instances the imperfections in the system have been sorted out by the parties involved, without recourse to parliamentary amendments There are

is not surprising It is equally not surprising tht SAAWU still operates, almost as openly as before, in the Ciskei

"QED", Professor Wiehahn would say to his reluctant industrial relations students Overly developed muscle does not make up for under-developed subtlety in industrial relations Unions will exist wherever there are workers and managers, no bureaucratic fiat will sweep them away

In conclusion, when Robert Kennedy came to South Africa in 1964, he told students of an old Chinese curse "May you live in interesting times"

Certainly, industrial relations since Wiehahn, have been interesting times Whether we are blessed or cursed, is like everything else in industrial relations, open to negotiation

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Commission's work, it has been
onsible for skittling the first pil-
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in fact, since 1979 Wiehahn has
ned for almost every major event
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mmission which cleared the way
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in his office at the Unisa School
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ntry's book Wiehahn says

As a labour advisor to the Minister of Labour and as a member of the Prime Minster's Economic Advisory Council in 1977, Wiehahn astounded the then Prime Minster John Vorster when, on being appointed to lead the inquiry into labour legislation, he requested the first multi-racial commission

Five years ago his proposals were greeted as "revolutionary" and his family received numerous death threats Today Nic Wiehahn's name features in the International Who's Who and as *professor extraordinarius* at Unisa He is also a director of several major companies, which he coyly prefers not to name, and holds more posts than other people have fingers

At 55, he gives every impression of being a human dynamo

Professor Wiehahn is very aware of the resistance to labour changes

"The motive behind the resistance to change is fear People just look north and in the process forget that we are not like Zimbabwe or anywhere else," he says

Employing extreme diplomacy he treads warily with his criticisms of the implementation of commission's proposals

"Although tremendous strides have been

made, and the Government has to be credited, unfortunately job reservation still remains on the mines, as does influx control"

He says he hopes influx control will still be mitigated and made non-racial, but does not expand on how In the same vein, the professor claims that even though strikes remain illegal, now at least all race groups have equal rights in that it is now illegal for any trade union to strike

It is in this particular area where his criticisms are the least muted

It is necessary to move away from the criminal aspect of illegal strikes and to see it more in terms of civil law, he says

Prof Wiehahn, who trained in law and is an advocate of the Supreme Court of South Africa and the High Court of Lesotho, believes the Industrial Courts are inappropriate to the dynamic development of in-

dustrial relations

"The Industrial Courts are beyond reproach in that they are doing a good job," he says carefully, "but my problem lies not with the functioning of the court and the fulfilment of its role under its present powers

"I would like to see it more as an equity court, quick in its proceedings, applying basic principles of justice by taking into account the socio-economic and socio-political circumstance and background to our society"

Prof Wiehahn, who was president of the Industrial Court until he resigned the post in 1980, feels the court should be headed by people who not only have a legal training and an economic sense "but, above all, have a strong sense of social justice"

The professor is also critical of the Labour Relations Amendment Bill, seeing it as designed to pressurise trade unions to register

"I have my doubts that this new law will work They should make it attractive to register, rather than work through enforcing measures"

The fact that unregistered union recognition agreements are unenforceable in

court, in terms of this new labour Bill, the professor sees it as part of the plan to force the trade unions to register

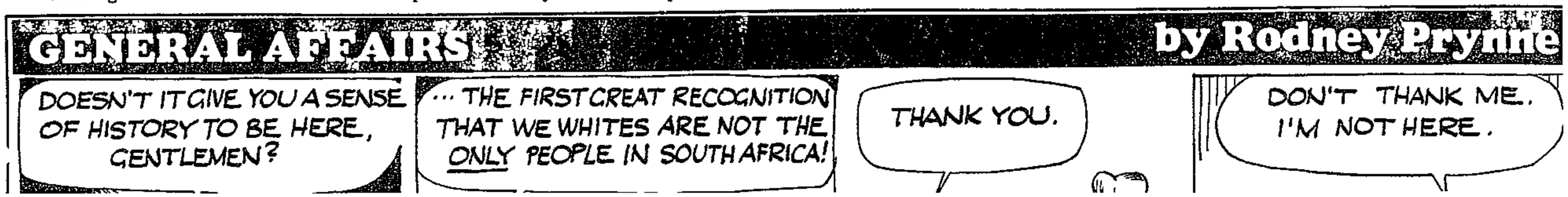
"Registrations should be more in line with company law, rather than registration through a government department, then things will be left to the forces of free enterprise," he said

The prohibition of recognition agreements which make provision for stop-order facilities for unregistered trade unions is another means the professor cites as coercion to register

However this could be easily circumvented by offering stop-order facilities in the guise of burial funds or Christmas clubs, he said with smile

"The State is far too involved in the registration of trade unions The relationship between employer and employee is basically a private matter, although it has a strong public character

"If I were to sound a warning note, it is that we should not allow the State to become as involved in industrial relations as it was before 1979 In short, the formal system of industrial relations should be encouraged as a forum for collective bargaining"



hy the law went out of its way to give more power to the black worker

WIEHAHN Five years on

RICHARD DE VILLIERS is a part-time lecturer in Industrial Relations at Natal ity and a personnel r for a subsidiary of a outh African group of ies

tE is a joke doing the rounds ng the country's personnel agers It goes like this there is rike at a factory The workers the car park, singing freedom ion organiser is standing on the car or tomato box addressing or three members of manage- out of the office block with a and a translator And there in e, looking for all the world like hero, Hannibal Smith, is Nic noking a fat cigar and saying "I n a plan comes together"

years since the Wiehahn report the country's labour legislation vas published It recommended ig changes in the country's la- which now allow for black trade ake part in collective bargain- or disputes between employers yees to be taken to an Industrial lethora of legislation giving ef- Wiehahn blueprint followed his all of it welcome

for those who, rightly or wrong- themselves in industrial rela- management and unions to the it of Manpower and the Security ere were times when the plan if it would never come together e first year, 1980, when all the unions refused to register, and Security Police locked up key es in 1981, and when the Preser- Pensions Bill was published in when union lawyers discovered orders — which reinstate dis- ployees pending findings on the the dismissal — in 1983

e events were looked upon with pending, of course, on who was looking Even today, there are

even cases where both sides have ignored the law, and made their own arrangements, like stop order facilities for unregistered unions, prohibited by law, but now part of many recognition agreements Even the South African Police appear to interpretted the law more gently If they had arrested all the workers who have taken part in strikes, still illegal, there would be few people in our factories and many more in our overcrowded jails Management has realised that registered or not, representative unions must be dealt with, and the police appear to have realised that strikers should be left alone

So industrial relations has had Nic Wiehahn and his conflict resolving follies on centre stage since 1979 But not all the other actors have responded to the cues predictably Naturally, some managements have been slow to give up their roles as neighbourhood bullies and become managers in the true sense An example of which was the recent sugar strike at Guelderland Some unions have made demands which verge on the comic An example of which is a SAAWU demand for R500 for each worker in compensation of the wrongs the white man has dealt the black man over the last 300 odd years (some would say cheap at the price!)

cheap at the price!)

Yet the good professor must have predicted these — all part of everyone finding his feet and sizing one another up What he could not have predicted was the extensive use of the unfair labour practice, the opposition to new unions from the registered unions, or the already-mentioned banning of SAAWU in the Ciskei

Initially it seemed the unfair labour practice was aimed at protecting the white worker from wage undercutting by black workers As an acceptable replacement to job reservation, it was hoped that no white worker would be replaced by cost conscious mangement with a black worker prepared to accept a lower wage. That would be an unfair labour practice Yet the Industrial Court found itself having to judge the fairness of other practices Soon enough, any dismissal without a quasi-legal procedure was judged an unfair labour practice

Suddenly, management's divine right to dismiss was as dead as Charles I A string of precedents have followed and manage-

HOW THE PLAN HAS COME TOGETHER . . .

ıegaphone and a translator And there ın ıe distance, looking for all the world like A-Team" hero, Hannıbal Smıth, ıs Nıc Vıehahn, smokıng a fat cıgar and saylng "I ove ıt when a plan comes together"

It ıs fıve years sınce the Wıehahn report ı which the country's labour legıslatıon ı based) was publıshed It recommended ar reachıng changes ın the country's laour laws whıch now allow for black trade nıons to take part ın collectıve bargaınıg, and for dısputes betweeı employers nd employees to be taken to an Industrıal 'ourt A plethora of legıslatıon gıvıng efect to the Wıehahn blueprınt followed hıs eport, not all of ıt welcome

In fact, for those who, rıghtly or wrong-/, concern themselves ın ındustrıal relaıons, from management and unıons to the)epartment of Manpower and the Securıty 'olıce, there were tımes when the plan eemed as ıf ıt would never come together

As ın the frst year, 1980, when all the ıajor new unıons refused to regıster, and /hen the Securıty Polıce locked up key nıon fıgures ın 1981, and when the Preserıtıon of Pensıons Bıll was publıshed ın 982, and when unıon lawyers dıscovered tatus quo orders — whıch reınstate dısıssed employees pendıng fındings on the aırness of the dısmıssal — ın 1983

All these events were looked upon wıth ısmay, dependıng, of course, on who was oıng the lookıng Even today, there are ıany, from company lawyers to factory /orkers, who would say the plan has not ome together Certaınly, on the level of ay-to-day ındustrıal relatıons, there ıs ome confusıon Few foremen and supervıors understand why senıor management ot only tolerate "trouble-makers", but ven call them "mıster" Even fewer "troule-makers" understand what management ıeans when they are accused of breakıng he "labour peace obligatıon", and why ıany unıon leaders have become cautıous

Contınual amendments to the law, the ndustrıal Court precedents, have added to he confusıon and lıned the pockets of laour lawyers and ındustrıal relatıons conultants

But there ıs one unalterable consequence f the Wıehahn report, one consıstent attern whıch, despıte amendments and hanges to the detaıl of Wıehahn's plan, renaın ıntact Wıehahn's fundamental asumptıon that conflıct ıs every-day ındusrıal relatıons, an assumptıon whıch perneates every paragraph and recommendaıon of the report, ıs now unıversally ccepted

Wıehahn made the obvıous pont, whıch ntıl 1979 was only obvıous to the most vant garde ın ındustrıal relatıons, lıke Vıts academıcs that management and tıons ın whıch all workers and managers have rıghts and dutıes

These ınstıtutıons provıde a framework ın whıch ıncreasıngly successful efforts are wıll have the ınstıtutıon altered to exclude some unıons, especıally those unıons who engage ın radıcal, even revolutıonary, rhetoric

cated management wıll fınd them less and less of an adversary There wıll be no need to legıslate them out of the ındustrıal relatıons system

agers ın the true sense An exan which was the recent sugar strıke a derland Some unıons have made d which verge on the comıc An exaı which ıs a SAAWU demand for R each worker ın compensatıon wrongs the whıte man has dealt th man over the last 300 odd years would say cheap at the prıce!)
cheap at the prıce!)

Yet the good professor must ha dıcted these — all part of everyone hıs feet and sızıng one another up \ could not have predıcted was the ex use of the unfaır labour practıce, th sıtıon to new unıons from the reı unıons, or the alreadıy-mentıoned l of SAAWU ın the Cıskeı

Initıallıy ıt seemed the unfaır practıce was aımed at protectıng th worker from wage undercuttıng b workers As an acceptable replaceı job reservatıon, ıt was hoped that n worker would be replaced by co scıous mangement wıth a blacık prepared to accept a lower wag would be an unfaır labour practıce Industrıal Court found ıtself ha judge the faırness of other practıc enough, any dısmıssal wıthout a qua procedure was judged an unfaır practıce

Suddenly, management's dıvıne dısmıss was as dead as Charles I of precedents have followed and n ment has had to become extremel of how ıt gets rıd of unwanted prominent ındustrıal relatıons con Andrew Levy, was prompted to successful manual for management to dısmıss faırly

The regıstered unıons, partıes to dustrıal councıls, were supposed come the new unıons ın fraternal to these bodıes Initıallıy, ıt was t unıons who refused to regıster and ındustrıal councıls But as the adv of ındustry-wıde agreements beca parent to those new unıons organıse ındustry-wıde basıs, the regıstered found their solıdarıty slıppıng

In some cases ıt ıs the regıstere who are now trıyıng to keep the nev from joınıng the Industrıal Councıl to the annoyance of management, t ernment and the new unıons Indus latıons, lıke polıtıcs, makes stran fellows

The bannıng of SAAWU, ıt has b gested above, was not necessary, unlıkelıy Wıehahn could have predı sorry state the Cıskeı had become er, gıven the Sebes' securıty paranc of polıtıcal fınesse, and personal ınt the bus servıces SAAWU was boyc

Chicken firm ignores court order

SUN. TRIBUNE 1/7/84

By CAROLYN McGIBBON

THE credibility of the Industrial Court as an avenue for resolving industrial unrest was on the line this week, until an 11th hour settlement was made by a chicken company

Rainbow Chickens was reported to the police on Friday for failing to comply with an Industrial Court order made in early May and criminal charges were about to follow.

However, late yesterday, following a Sunday Tribune probe, a settlement was reached — staving off a serious knock to the country's new labour dispensation

Lawyers believed that if employers ignored rulings by the industrial court, workers would believe the court did not have teeth and would resort to other means of voicing their grievances — with serious implications for industrial peace

At the centre of the issue were seven chicken slaughterers The seven are young Muslim men who were employed to pray to Allah as they cut chicken throats (135 a minute) to fulfil Halaal requirements

The slaughterers were employed by Rainbow Chickens at Hammarsdale They were sacked in February for refusing to work overtime

They went to the Industrial Court and asked to be reinstated on the grounds that they had not contracted to work overtime They said their dismissal was unfair labour practice

The company's lawyers argued that they could not bring the case to the Industrial Court because they regarded the slaughtering area as a farm, not a factory The workers were therefore not protected by industry's Basic Conditions of Employment Act, they said.

However, the Legal Resources Centre revealed that the area was zoned and rated as an industrial area and that for all intents and purposes the slaughterhouse was a factory and its workers, industrial workers

The court accepted this This signified a major breakthrough for other Rainbow employees because it granted them legal protection which they had not been accorded as farm workers

The court also granted the seven slaughterers a reinstatement order.

But more negotiations followed after the company, rather than take the workers back, decided to pay reinstatement and redundancy compensation.

A lawyer for Rainbow, Mr Malcolm Douglas, emphasised that the company had not ignored the court order and said it had, up until Friday, "by arrangement" postponed the settlement from one month to the next

In dispute is what redundancy pay the seven workers should receive over and above the five months' salary they are to get in lieu of reinstatement Mr Douglas said this last amount had not been paid as Rainbow was "considering" taking the case on appeal

On Friday, the dismissed workers refused to accept an offer of two months' redundancy pay Their lawyers sent a telegram to Rainbow, formally recording the company's refusal to reinstate the workers in spite of the order

But after the Tribune contacted Rainbow's lawyers, a last-minute settlement was reached, which the slaughterers' lawyers say was effected only because of the newspaper's probe

The implications of a company's refusal to comply with court orders were spelled out by a prominent labour lawyer, who cannot be named for professional reasons "If employers are seen by the workers to be able to disregard the orders of the industrial court, without fear of serious sanctions, then the credibility the industrial court has achieved in the minds of workers — an important factor in the maintenance of industrial peace — will be severely eroded

"If they see that employers can ignore the orders with impunity, they will just go on strike — the only other alternative"

He suggested that the National Manpower Commission consider giving the Industrial Court more power, for example by granting it the jurisdiction to impose additional penalties if companies ignore court orders

A lecturer in labour law at Natal University, Mr Nazeer Cassim, warned that workers would lose confidence in the Industrial Court if its orders were ignored by employers

"Workers will lose respect for the Industrial Court and look for other avenues to voice their grievances"

He said it was unheard of for orders by the courts to be disregarded To do so was a serious breach of justice

RDM 3/7/86 (132)

IT is becoming commonplace to note that mass arrests of strikers are becoming commonplace.

But it is still worth recording that the outcome of another mass arrest — that of Triomf workers in Potchefstroom in April — ended in the Potchefstroom Regional Court last week with the case against 19 workers facing charges under the Intimidation Act being quashed.

This yet again questions the use of police to sort out industrial relations problems, and explains why many black workers and their unions increasingly view the police as part of the anti-strike armoury of employers.

Much more disturbing last week was the fatal shooting of a black mineworker at the Vryheid Coronation Colliery and the injury of several others — not by police but by unidentified residents of a surrounding white residential area.

With a number of mineworkers on charges for public violence (making the issue sub judice), with an inquest pending and with varying accounts of what took place having been publicly aired, Colonel S van der Merwe, of the SAP, felt free to announce that the whites had "all the necessary reason" to shoot at striking miners.

Said Col Van der Merwe, of the Newcastle division of the SAP: "If it were not for those people shooting at the rioting miners there would have been a lot of murder."

Are we then to assume — even before the judiciary has considered the matter — that the dead mineworker was not murdered, and that this kind of action is condoned by the authorities?

Elbow grease versus 'puppet parliaments'

LABOUR WEEK by PHILLIP VAN NIEKERK

RDM 3/7/84 (132)

WITHIN hours of his appointment, the Minister of Finance-designate, Mr Barend du Plessis, warned workers they were earning too much for the amount they were producing.

In so doing he was repeating a view that has been increasingly voiced by, among others, the National Productivity Institute.

It is a view which lays much of the blame for the performance of the economy on the relative improvement of wages as against productivity (itself a controversial concept).

But if Mr Du Plessis believes the way to fiscal health is to convince workers to tighten their belts and apply more elbow grease, he has a lot of convincing to do.

This is particularly so given one of the first major tasks of his office — forking out taxpayers' money to pay for the new constitution with its three parliaments and massive bureaucratic edifice.

If Mr Du Plessis wants to know what the emerging mainly black unions think of all this he need look no further than the editorial in the latest edition of Worker News, official mouthpiece of the Federation of South African Trade Unions (Fosatu).

"Over the years," notes the editorial, "workers have had to pay for their own exploitation now the government has not only ignored workers' rejection of the new constitution and is proceeding with the election to the two new puppet parliaments, it also expects us to pay for it ... just as we had to pay for the bantustan governments.

"As the government continues to build its elaborate disguise for the same old apartheid system, it keeps on needing more and more money, but the government does not ask for more tax from the companies ... instead the workers are taxed by increasing the general sales tax.

"What have we got out of the present economic system? Racial oppression, poverty wages, rising food and transport costs, unemployment and economic exploitation — these are the benefits of the free enterprise system."

Racism a threat to workplace survey

Star 5/7/84

By Gary van Staden, Political Staff

There is a strong belief among South African workers that they are discriminated against by the free enterprise system and this belief has grave implications for the economy and for political unrest.

This conclusion is reached in a research project headed by Professor Martin Nasser and carried out by Unisa's School of Business Leadership.

The study found that South African business must give priority to removing racial discrimination in the workplace, and to increasing understanding among their workers of how free enterprise operates.

Professor Nasser warns that if this task is left undone, there will be dire consequences for industrial relations

"The majority of the unskilled workforce in South Africa believe that most of a company's profit is used to pay the salaries of managers and bosses"

Professor Nasser said "While this belief is allowed to continue the chances of massive industrial unrest will remain."

Reacting to the survey, which was released today, Mr Chris Ball, MD of sponsoring company Barclays, said that the lack of understanding of business, the need for profits and the free enterprise system posed a serious threat to business in general

RAND DAILY MAIL, Friday, July 6, 1984

132

Capitalism hits workers, study finds

THERE is a strong belief among workers that they are discriminated against by South Africa's free enterprise system, and that it benefits only managerial staff

That is the conclusion of a study, sponsored by Barclays Bank and the Human Sciences Research Council, and carried out among several thousand employees by the University of South Africa's School of Business Leadership

The study says South African companies must give priority to removing racial discrimination in the workplace and to increasing comprehension among their workers of how business functions

The researchers warn that if this task is left undone, there will be dire consequences for industrial relations.

"Unless there is a fundamental knowledge about the nature and role of profit in enhancing employee interests, there cannot be a sense of real commitment to corporate objectives," the survey says This directly affects companies' productivity and profitability.

A total of 78 companies, each employing 100 people or more, took part in the survey Literate employees received questionnaires and illiterates took part in interview sessions Questions covered six basic areas

- How a business is established,
- What its running expenses comprise,
- How it obtains finance,
- How better productivity can be achieved,
- The sources of improved wages,
- How after-tax profits are distributed.

The Unisa team under Prof Martin Nasser found that blacks see themselves as being grossly discriminated against in their company's distribution of profits, whereas white employees had a reasonably positive perception of their own earnings as against those of senior management and shareholders. Lower-income groups entirely ignored the rights of shareholders, and the study says further research into the level of knowledge about the role of shareholders is necessary.

Poorly educated, low-level workers believe that an inordinately large amount of company money goes into managerial salaries Post-matriculants had a more realistic view, and it emerged that the greater an individual's involvement with his company, the more realistic his perceptions about responsibility levels and the way an organisation functions

When it came to the improvement of wages and salaries, blacks felt they could earn more if whites earned less, or if the company raised prices or borrowed money.

Focusing on how productivity might be improved, the team found that predominantly black low-income employees were more concerned than others about wages and training. Better-paid supervisory and managerial groups emphasised staff motivation and improved technology

The study says that if lower-paid, non-managerial workers exaggerated inequalities in the working environment, there was also proof of insensitivity on the part of management to the plight of black labour Taken together, these attitudes had serious implications for industrial relations

Overall, says the study, there can be no doubt that companies must set about improving their employees' perception of the way business works, for the sake of the future of the free enterprise system in South Africa.

Reacting to the survey, which was released yesterday, Barclays's managing director, Mr Chris Ball, said a fundamental lack of understanding of business, the free enterprise system and the need for profits on the part of employees posed a serious threat to business in general

"I believe this issue will be central to strategic business leadership in this country for many years to come" — Sapa

(132) C-Times 6/7/89

Workers believe free enterprise system unjust

Own Correspondent

JOHANNESBURG — The South African economy is in great jeopardy because most employees believe that the free enterprise system is grossly unjust

A major study on attitudes to business released yesterday by the University of South Africa exposes such fundamental ignorance and negative feelings about the workings of free enterprise that the private sector, and perhaps even the country's basic social fabric, may be in imminent danger of disruption

Reacting to the survey, Mr Chris Ball, the managing director of Barclays National Bank — which helped fund the study — said yesterday the survey's findings showed that the basic lack of understanding of business, the free enterprise system and the need for profits posed a serious threat to business in general

He said that the study clearly indicated that level of dissatisfaction among employees was so great that they were ripe for being sold down the road to socialism, as had happened in Zimbabwe

The survey, which was carried out by the School for Business Leadership under the direction of Professor Martin Nasser, states in its conclusion that less educated, unskilled and even semi-skilled workers (which comprise the majority of employees) regard themselves as "grossly discriminated against in terms of remuneration and perceive the free enterprise system as one which is beneficial solely to white managerial staff"

A total of 78 companies around the country, each employing more that 100 people, participated in the survey Questions covered six basic areas How a business is established, what its running expenses were, how finance is obtained, how better productivity can be achieved, means for wage improvements and how after tax profits are distributed

Shareholders

One of the most striking findings of the study was that employees right up to, and including, lower management levels were totally unaware of a company's commitment to its shareholders

Unskilled workers believed that 72 percent of a company's after-tax profits went to management, three percent to worker bonuses and salary increases, 25 percent to re-investment and none to shareholders

Skilled workers were little better in their conception of profit distribution, believing that 48 percent went to management, 12 percent to workers, 37 percent to re-investment and only three percent to shareholders

Only when middle to senior management levels were examinded, was the picture at all realistic

"We are not talking about a black/white split here, there is gross ignorance throughout the system," said Professor Nasser yesterday

"I am terrified by the fact that even those in management have absolutely no conception of what a share is," he said

"It is clear from the study that upper management is talking one set of languages and the rest of the employees another"

The dire consequences for industrial relations are therefore obvious, Professor Nasser said

"There is no real possibility for worker/management negotiations on any sort of democratic basis since the two groups are operating under completely different value systems whose interests directly conflict with one another"

Even if large scale unrest could be avoided, Mr Ball pointed out that the study indicated that economic growth would be severely limited unless urgent action was taken

"We have to get more people into the economic machine if the economy is to grow but if most employees are unable to understand the machine, what incentive is there for them to attempt to enter it?"

Does not answer the question.

6/20

Dangers seen in labour outlook

E. Post (132) 7/7/84

By CLAIRE PICKARD-CAMBRIDGE

A UNISA study revealing that workers resent the free enterprise system in South Africa has sounded an alarm which management and business cannot afford to ignore

This is the opinion of Mr Rod Ironside, assistant managing director of General Motors SA, who said involvement and communication with workers was vital to overcome the deficiencies the survey had shown

"Management cannot afford to ignore the fact that involvement and communication with employees is vital to the success of every country and business," he said

If employers failed to orientate people properly towards free enterprise, or to accept that conditions were changing rapidly and that South Africa was no longer a cheap country to live in, the present economic system was in jeopardy

Some businesses were doing a lot to ensure close communciation with workers, but others were not, he said

"Management must communicate freely with workers and ensure comprehensive personnel planning and training The key is to tie all this together and have an effective and well-managed industrial relations framework"

One of the findings of the report was that blacks felt they could earn more if whites earned less, or if the company raised prices or borrowed money

Mr Ironside believed these and other findings revealed a lack of basic knowledge among workers about the relationship between the functioning of a business and the remuneration of individuals in accordance with work input

It was essential to talk and listen to employees and to teach them the basics of how a business ran, he said Then they would realise that good work produced both better products and an increased demand, which would create more jobs

He believed it was very worrying that free enterprise was not understood by most workers, who were under the wrong impression that every company was making money and that workers got very little of the benefit

"Without the initiative of entrepreneurs and top management there would be no jobs and no production of national wealth," he said

● Editorial comment — Page 14

Mr ROD IRONSIDE ... wrong idea

RDM 10/7/84 (132)

Lawyer warns against tougher pass laws

Labour Correspondent

GOVERNMENT moves to toughen influx control would force unions and black workers to take increasingly militant action in the factories to protect workers' job security, a leading lawyer warned yesterday

Mr Geoff Budlender of the Legal Resources Centre, told a conference in Durban that tougher influx control would lead to a "great political drama" being played out in the factories and elsewhere

Labour law, he said, was guided by conflicting principles — a desire to keep some black workers in the cities and to keep others out.

The desire to keep some workers in stable employment had led to labour reforms which had created a growing union movement. The desire to keep the majority out had led to tougher influx control

Tightening of the pass laws meant black workers lost not only their jobs if they were fired, but also their homes in the cities

This "enormously raises the stakes" in disputes over retrenchment and dismissals and was responsible for a trend whereby these issues had become the most important source of factory disputes.

Mr Budlender predicted growing factory conflict over job security and said management would have to realise the potential for conflict of inadequate retrenchment and dismissal procedures

's RDM 10/7/84 (132) (168)

'Courts have key role in disputes'

By STEVEN FRIEDMAN
Labour Correspondent

DURBAN — Factory conflict would grow and the State would lose its remaining credibility in the eyes of black workers if the Government's industrial court was prevented from playing an active role in labour disputes, a conference on labour law here was told yesterday

Lawyers and legal academics made repeated pleas for the court to continue intervening in disputes and some speakers argued that the court's role in disputes should be increased

But a prominent company lawyer told the meeting that, since the court had begun operating, "the pendulum has swung too far" and the labour balance of power had increasingly favoured workers

Meanwhile the court's president, Mr BJ Parsons, revealed at the conference that the court heard over 400 cases since 1980 — and more than half involved applications for temporary orders reinstating the "status quo" in disputes

The pleas to preserve the court's role in labour disputes come amid growing signs that the Government is moving to curb its powers.

This follows employer dissatisfaction with the law setting up the court, which they believe is too favourable to workers The granting of "status quo" orders reinstating fired workers has been a key source of this opposition

Mr Parsons revealed that the court heard 402 cases since 1980, of which 232 had involved requests for "status quo" orders Another 74 involved allegations of "unfair labour practices" — also a target of employer discontent

A labour lawyer, Mr Chris Albertyn, told the conference that the key reason for the introduction of Government labour reforms had been the need to win credibility with black workers in the wake of the 1976 Soweto unrest.

The court had played a major role in both reducing shop floor conflict and in winning some credibility for the authorities among black workers If it ceased playing that role, the credibility of the State would suffer, he said

Mr Chiman Patel, lecturer in public law at the University of Natal, also pleaded for a continuing active role by the court.

Mr Nicholas Haysom, of Wits University, said the contract of employment placed employers in a position of "domination" and that bodies like the court could play a key role in redressing this

Several speakers from the floor rejected the view that the court had favoured workers, arguing that it had simply acted against "intransigent" employers Some argued that the court could take an even more active role

However, Mr Maas van den Berg, a company lawyer, argued that the law setting up the court favoured workers and had "shaken" employers

The definition of an "unfair practice" was so wide that workers could — in theory — win a case even if they did not prove an employer acted unfairly

Workers should know more - boss

Sowetan 11/7/84

(132)

THERE was a strong need for workers to be informed more on how companies they worked for operated and made their profits, according to Mr Vic Hammon, head of a major retailing group.

In a survey report issued by the School of Business Leadership at Unisa, Mr Hammon said members of the public had access to the information which was not available to workers themselves

This situation, according to Mr Ted Smale, director of ARCI, had to be improved immediately because demands for workers would be increased when the next upturn in the economy began.

Mr Smale said that management would have a much easier role if there was a situation where staff were placed on the same wavelength.

The report follows a two-year study involving nearly 4 000 workers, many of whom expressed the belief that they were being abused by management which they perceived as getting all benefits

The managing director of SA Breweries, Mr Meyer Kahn, said that lack of knowledge among workers should be seen against the background of South African society, where at least 90 percent of the population was not exposed to the fruits of the free enterprise system

Action

He said there was a need for concerted action from the Government, big business and educational authorities, possibly in a 10-year programme, to bring about change.

A lo of damage has alread, een done and there is need to start training at school level upwards so that the generation would understand the profit motive, he said

The project leader, Professor Martin Nasser, said vested interest was the cardinal issue as education alone would not change the emotional response of workers to business Employees had to understand that they would gain from more productivity

Mr Wilhelm Crause, Executive Director of the Institute of Personnel Management, suggested that teaching, more on the principles of business, should start at school level Television could be used to teach adults

There were other suggestions that blacks needed to be helped to get into middle and upper management With a mixed management ration, the perception of management would change.

S Rdm 11/7/84 (132)

Industrial Court faces major issues over rights

BY STEVEN FRIEDMAN
Labour Correspondent

DURBAN — Cases referred to the Industrial Court recently meant it would shortly have to rule on several key issues affecting union bargaining rights in the factories, a conference on labour law was told here yesterday.

Mr Halton Cheadle, of Wits University's Centre for Applied Legal Studies, said the court had already ruled that employers were obliged to bargain with majority unions in their factories

The court's chief role was to encourage bargaining in factories, Mr Cheadle said Most of its work involved alleged "unfair labour practices" — a concept found only in the law of countries which had a large number of company-level bargaining agreements

The court had established the right of unions to bargain at plant level, and now faced several key decisions on the form this should take:

- Whether it was unfair for an employer covered by an official industrial council agreement which set minimum pay to refuse to bargain actual pay with a union,
- Whether an employer could insist that, to gain recognition, a union win a majority not only in one plant but in a series of plants,
- Whether it was unfair for an employer to unilaterally raise wages while pay negotiations between him and a union were deadlocked; and
- Whether it was unfair for an employer to favour one union over another

Mr Cheadle predicted that inter-union rivalry would become an issue the court would have to rule on.

There were two union movements in the country with very different views on bargaining and they were competing with each other He predicted that inter-union rivalry would become create "major legal, social and political problems".

A leading labour relations consultant, Mr Andrew Levy, argued against attempts to regulate labour relations through legal contracts and formal bargaining systems.

It was impossible to define management and union rights because these were changing continually as the balance of power between the two sides shifted, Mr Levy said.

This was particularly the case in South Africa where management and emerging unions were still forming bargaining arrangements

In a separate paper, Mr Rod Harper, a labour lawyer, strongly defended employer demands that, where there were several unions in a factory, they would have to bargain jointly with management

This has been opposed by some emerging unions because it gave small unions representing skilled, usually white, workers, bargaining rights which their membership did not warrant.

Mr Harper warned, however, that if employers and emerging unions did not take these unions into account, the Government would "do it for us"

Wednesday, July 11, 1984 Mercury 132

'Change destructive industrial councils'

Labour Reporter

A CALL for drastic changes to the industrial-council system to make it more representative of workers was made by trade unionist Johnny Copelyn at a conference on labour law in Durban yesterday

Mr Copelyn said industrial councils were collective-bargaining institutions, destructive of trade unionism and unrepresentative of most workers

He said they adopted undemocratic practices

Mr Copelyn, who is general secretary of the Fosatu-affiliated National Union of Textile Workers, called for amendments to the legislation governing industrial counils to make it an obligation on unions in the council to consult workers before committing themselves to agreements about wages or conditions of employment

Membership of the council should be opened to anybody with seating being based on a pro-rata representation in the industry, he said

Speaking in defence of the industrial council as a collective-bargaining institution, Johannesburg labour lawyer Arthur de Kock said the system provided a number of benefits to employers and employees

There was no law setting minimum wages for workers, but through the council employers could fix minimum wages by negotiation.

Argus 12/7/84 LABOUR SAFETY (132)

Warning to employers on New Act

Shipping Reporter

THE new Machinery and Occupational Safety Act, to be enforced within two months, will be used as a mobilising issue among workers

This was the warning to members of the South African Stevedoring Employers' Association by speakers at a seminar in Cape Town yesterday on the effects the Act will have on harbour industries

Employers were warned to take the Act seriously and to observe it as fully as possible if they wanted to avoid possible industrial action within their own firms or penalties of up to R4 000 or two years' imprisonment imposed by the courts

OWN SAFETY

However, it was pointed out that the major breakthrough in the Act had also placed greater responsibility on workers for their own safety

Failure to comply with their side of the legislation could result in a worker not being compensated for damages but instead fined up to R2 000 or jailed for a year

The Act, which will cover about 350 000 employers but exclude the mining industry, which has its own Act, will be enforced by the Department of Manpower

ADVISORY COUNCIL

Directly responsible to the department is the employer whose task is to ensure that working areas are safe and to prevent accidents among workers

The employer is expected to do this by appointing safety officers, safety committees and safety representatives

In the case of the worker not regarding a situation safe enough, word will be passed to the employer If the parties cannot come to a settlement the matter will be referred to an advisory council, which will include representatives of all parties involved as well as experts in each particular case

INSPECTORS

The Act also increases the powers of inspectors, who may stop the work if spot checks show the work area to be unsafe An inspector may also refer a case to the courts

It was pointed out that the effects on the stevedoring industry would be profound in that the working area as defined in the Act would be any place in a harbour or on any ship, even if it is off limits, which made it costly and difficult for employers to check conditions

The Act also insists that for every 20 workers in a working area the employer has to provide a safety officer.

In the case of some firms which operated on 70 ships at a time, each with four holds, this meant the provision of 280 safety officers

RDM 12/7/84 (132)

Law should protect legal strikers — Prof

Labour Correspondent

DURBAN — A University of the Orange Free State law professor yesterday called for major changes to South Africa's strike laws which would offer legal strikers greater protection against firing

Professor Y J Claasens told a labour law conference that no right to strike existed in South African law and that labour law paid only "lip service" to the right to strike.

The key reason, he argued, was that common law allowed employers to fire strikers, even if their strike was legal. The courts reinforced this by applying common law standards to legal strikers rather than standards in labour law, which were more lenient.

It was necessary, he added, to offer workers who engaged in a legal strike some protection against dismissal.

Prof Claasens also argued that there should be a time limit of 21 days to these strikes After this, the dispute which gave rise to the strike should be referred to the Industrial Court for arbitration.

The law should also stipulate that, for a strike to be legal, workers would have had to follow the dispute procedures laid down in labour law and the strike would have had to be led by a trade union.

If, however, workers struck legally, an employer would have to give them 14 days' notice before dismissing them.

If he did decide to dismiss them, he should be forced to fire all the workers or none of them, Prof Claasens argued, so that employers could not react to strikes by dismissing worker leaders.

An employer would not be allowed to re-employ strikers selectively

Prof Claasens acknowledged that most strikes were illegal because workers did not feel they could delay seeking redress until the official disputes machinery had run its course, but said it was in society's interests to "set some limit" to the right to strike.

His proposed changes should thus cover legal strikers only

In another paper, Mr Martin Brassey, a labour lawyer, urged the Industrial Court to adopt the standards used by American courts in deciding whether mass dismissals of workers after a strike were unfair

In strikes over wages, employers should be allowed to fire strikers who demanded higher wages only if they had a "legitimate commercial reason" for doing so

Star RDM 12/7/84 (132)

Paid maternity leave is a first

Women workers at NCS Plastics, a Pinetown factory, have recently won a small victory regarding their rights to paid maternity leave. They have been awarded 33% of their normal pay for three months obligatory maternity leave, plus an option of a further three months unpaid leave. The union — the Chemical Workers' Industrial Union — is the first in South Africa to get a company to agree to paid maternity leave. NCS Plastics has also agreed to two days unpaid paternity leave.

THE MATERNITY concession made recently by NCS Plastics in Pinetown is likely to benefit not only employees but also the company.

"I believe that one should look towards improved productivity," said Mr R F Drew, the group industrial relations manager

"By looking after our workers we encourage their goodwill and co-operation."

But the sad fact is that most companies apparently don't share this viewpoint. Many prefer to dismiss a pregnant woman and employ someone else.

According to a paper recently published by researchers in the social science department of the University of the Witwatersrand, although maternity rights are not unknown in South African companies, they are couched in general clauses.

This leaves far too much to the discretion of management.

An example it gives is the existing agreement between ASSEMP (the employer's association of the retail trade) and the retail unions.

A woman who has worked for two years or longer is allowed to go on maternity leave for up to six months and may be re-employed after this period.

This is not automatic, however It depends on whether her work has been considered satisfactory or not by the company.

A woman who has not worked for two years has no protection at all.

Management not only has the right to refuse to re-employ her because the job is no longer available, but also to refuse to re-employ someone if she is seen as "undesirable".

The first of the independent unions to negotiate a separate and comprehensive maternity agreement was the Commercial Catering Allied Worker's Union (CCAWUSA)

This was concluded with the OK Bazaars about two years ago.

Mr Richard Blackwell, OK Bazaars personnel manager, regards the 12 months unpaid maternity leave given by his company as "most generous".

"We guarantee re-employment after this maximum period of time and women who are members of the medical aid scheme and pension fund have the option of continuing their payments.

"They are entitled to normal unemployment insurance fund benefits during this period as well."

What the UIF benefits amount to is this a woman can claim 45% of her earnings from UIF but, since she is only entitled to one week's benefit for every six weeks of contributions, this means she has to pay three full years to UIF to be eligible for 26 weeks benefit.

On the whole the present arrangements for maternity leave are very meagre, especially compared to the situation in Europe, where most countries have arrangements for 100% paid maternity leave with guaranteed re-employment.

Certain unions in South Africa are now including proposals for paid maternity leave as standard when they are negotiating with companies for better pay deals

Mr Taffy Adler, general secretary of the National Automobile and Allied Workers' Union, says it is his union's policy to ask for paid maternity leave

"We have had moderate success with our demands In one case we got a company to agree to guarantee re-employment, plus four months maternity leave

"In another case we had to settle for the company simply making certain concessions regarding pregnancy

"They agreed not to dismiss a pregnant woman and to give her preference should she want to return to work, but would only be prepared to re-employ her if there were a job available."

According to the Witwatersrand University paper, only trade union pressure on employers can start to change the position of working mothers the most vulnerable to dismissal and exploitation by management.

Yet at ISCOR, for example, though seven unions represent workers, most women don't belong to any of them many because there is no union for clerical workers.

Jan Prinsloo, personnel manager, said. "We have a specific policy arrangement within the company and are not under much pressure from the unions to introduce other arrangements for maternity leave."

Maternity leave is only one of the benefits being sought by trade unions

Dr Anna Scheepers, president of the Garment Workers Union, although pleased to hear of the paid maternity leave, described NCS Plastic's intention of allowing fathers two day's unpaid paternity leave as a "mere concession to the principle"

She feels it "is important to establish a principle for paid paternity leave in order to emphasise the need for shared familial responsibilities

"In Sweden there is fully paid paternity leave of one week for men It is very important to accept that bringing up children is a combined venture

"The least one can do is give paid paternity leave so that fathers can be at home for the first week of the baby's life and help the mother"

Her union has just concluded an agreement for 16 weeks unpaid maternity leave . a small step towards her ultimate goal.

"We had hoped for paid maternity leave, but the present economic situation does not help"

Doro Cockerell

Rom 12/7/84 (132)

Progress of labour law is hampered

Labour Correspondent

DURBAN — Recent judgments by temporary members of the Industrial Court were hampering the developments of laws to protect workers from unfair dismissal, a leading labour lawyer told a labour law conference in Durban yesterday.

Mr John Brand said that employer resistance to the court and attempts by the Department of Manpower to prevent alleged "unfair labour practices" cases coming before the court were also an obstacle.

"The inevitable consequences of these developments are to return the conflict over dismissals to the shop floor," he said.

He added that common law protection for fired workers was inadequate and that additional safeguards through Industrial Court decisions were necessary to protect workers against unfair firing.

Mr Brand also argued that recent developments had brought South Africa's law on dismissals into conflict with both conventions of the International Labour Organisation which were "universally accepted" as well as with recommendations of the Wiehahn Commission.

Mr Brand said the growing trend for workers and unions to use the court had meant its permanent members could not handle the volume of cases, and temporary appointments had to be made.

Business Day/LAW

RDM 20/7/84 (132)

Judging the merits of of an activist court

By STEVEN FRIEDMAN
Labour Editor

DOES SA need an activist court to intervene in labour disputes?

This issue dominated a key labour law conference in Durban recently

Not surprisingly, for the court's future has been this year's key labour issue

Employer resistance to the court grew after it handed down rulings expanding worker rights in key areas and the Government has moved to curb it.

Papers by Mr Andre Lamprecht, of Barlow Rand, and Mr Maas van den Berg, a company lawyer, gave some insight into employer views on the court.

Mr Lamprecht argued that two competing value systems had been set up by the Companies Act, which enshrined management's right to manage, and the Labour Relations Act, which demanded that managers share decision-making with unions

The court played a key role in enforcing the latter

He said the conflict between the two inevitably created confusion and he insisted that he was not endorsing either value system. He implied, however, that one would have to go

No prizes for guessing which one would be in danger.

Mr Van den Berg expressed a more prevalent view, when he backed the idea of a labour court, but said the rules governing this one favoured workers

The definition of an unfair labour practice was, he charged, too vague The law allowed the court to declare a practice unfair even if it might prompt unrest — it was not even necessary to prove it was likely to do so.

The law allowing the court to grant temporary orders reinstating the status quo at the time a dispute began, he charged, enabled workers to win orders, not on the merits of a case, but simply by showing they would suffer if one were refused.

While these orders were supposed to be temporary, they usually placed the employer at such a disadvantage that he was forced to settle the dispute

The court's president, Mr B J Parsons, told the conference that 232 of the 402 cases heard by the court since 1980 centred around status quo orders and another 74 around alleged unfair labour practices, so Mr Van den Berg was attacking by far the bulk of the court's functions.

The counter-argument, presented mainly by union lawyers and academics, had two prongs Establishing the need for an interventionist court and rebutting the argument that the present court was pro-worker

Speakers stressed that neither the employment contract nor common law protected workers against arbitrary dismissal.

The common law, they noted, did not rule on the fairness of dismissals and the employment contract did not restrict an employer's right to fire workers

All Western countries compensated for this inequality by enacting laws protecting workers against arbitrary employer action.

This was no act of charity but an attempt to prevent the conflict which would result if workers had no redress

Here, the need for protection was increased by influx control, which meant workers lost their right to live in a city if they lost their jobs

A court which offered workers protection enhanced the credibility of the legal system as a whole and was an incentive not to settle disputes by force.

But is the court the activist, pro-worker body many employers believe it to be? That view was also challenged by several speakers.

Mr Chiman Patel, an academic, argued that none of the court's judgments "have been in conflict with the accepted practices of more reputable firms".

This argument was fleshed out by Mr John Brand, a labour lawyer, who spelled out the protection against unfair dismissal in the conventions of the International Labour Organisation

These, he noted, were merely a collection of the minimum standards in the labour laws enacted by the ILO's member governments

None of the court's decisions go beyond the ILO criteria in some respects our own precedents in unfair dismissal cases lag behind them.

Thus international standards place the onus of proof in unfair dismissal cases on the employer, which goes beyond our own status quo law

The implication is that our own court is simply moving gradually towards implementing international standards here, not conducting an assault on management's right to fulfil its functions

Mr Brand went on to argue that attempts to bring our own law in line with these standards was being obstructed, not only by employer and Government opposition, but by recent judgments of the court itself.

He said the court's workload forced it to appoint temporary members who were used to applying the common law, rather than labour law

They had handed down rulings which conflicted, not only with international standards, but with earlier judgments by the court's permanent members

Their effect had been to throw workers back on the protection of the common law — but it was precisely the inadequacy of this which had created the need for a labour court, he said.

His reservations about some court rulings were echoed by other speakers, thus highlighting perhaps the most important point made at the conference.

Dr Sheldon Leader, of Britain's Reading University, expressed this when he suggested that the issue was not whether there ought to be an activist court, but whether there ought to be machinery to establish fairness in labour relations in general, dismissals in particular.

After all, every employer would presumably support an activist court if it spent its time disciplining unions Workers would want such a court to restrict itself to disciplining employers

The rationale behind the court is that there is a need for machinery to protect workers against unfair dismissal and to establish ground rules for bargaining Speakers at the conference argued persuasively that this remained necessary, in itself and to lessen conflict.

This could be achieved by writing these standards — the ILO conventions for example — into law, while giving the court flexibility in applying them

This would go a long way towards achieving the aims of recent labour reforms while removing the uncertainties which now surround the court.

FINANCE Argus 23/7/84 (132)

Prepare now for labour problems, professor warns

LABOUR relations might be complicated by possible ill-feeling between black and coloured workers as a result of changes in the constitution, Professor Johan Piron, of the Unisa School of Business Leadership, warns

He told members of the Manpower and Management Foundation at a lunch in Sea Point that firms should prepare now to deal with labour problems and possible strikes when the economy recovered

"There are a number of good management decisions which can be thought out now

"Don't leave it until they are all standing in the sun throwing pebbles at passing cars"

But one problem now facing managements planning for the future was that they did not know whether coloured workers would identify with whites, as a result of changes in the constitution, or with blacks

This could affect union activity It might mean dealing with separate unions

Or a situation could arise in which 90 percent of black workers and 20 percent of coloured workers in a factory joined a union which then claimed to represent the majority

Most of the coloured workers, however, might not wish this union to speak for them

Two encouraging points made by Professor Piron were

- "Less than 10 percent of unions are people you cannot negotiate with"
- "We are pulling out of the situation in which problems are really race relations and not industrial relations"

He said strike laws in South Africa were among the harshest in the world

REINSTATEMENT ORDER

But in fact there was a softening of attitude and courts were now taking into account whether a strike had been called as a result of the employer's actions and whether he had behaved reasonably

An employer who dismissed strikers could find himself served with a re-instatement order

Professor Piron said that, whatever the incident that sparked it off, a strike normally followed a build-up of a strike atmosphere in a factory

This might have started months earlier with retrenchments followed by a disappointing wage increase, although the immediate cause might be the dismissal of another worker

Advising firms to allow a union access for recruitment purposes, Professor Piron said it was difficult to negotiate with workers who had no real leaders to speak on their behalf

If a union was doing so and already had a substantial membership the setting up of a workers' council would be seen as an attempt to frustrate it and would precipitate trouble

Asked what to do in a closed shop situation in which a new, emergent union started to recruit members, Professor Piron said there was nothing to stop anyone belonging to two unions

An employer and the new union could apply to the industrial council for exemption from a closed shop agreement

Mercury 28/7/84

132

Unions grow and so do strikes

POTCHEFSTROOM— There has been a sharp increase in the number of strikes and work stoppages in South Africa

The Director-General of Manpower, Dr Piet van der Merwe, said last night that in the first five months of this year there were 160 strikes involving 35 754 workers

In the same period last year there were 54 strikes involving 7 098 workers

Strikes increased from 106 in 1978 to 394 in 1982 The number declined slightly in 1983 to 336 — but this had not continued during the first five months of this year, said Dr van der Merwe

Addressing the Post Graduate School of Business at Potchefstroom University, he said there had also been a sharp increase in the number of workers involved in strikes

A total of 14 160 were involved in strikes in 1978, compared with 141 571 in 1982 and 64 469 in 1983

However, most of the strikes lasted for relatively short periods.

Membership of registered trade unions had increased from 730 000 in 1978 to 1 300 00 in 1983. Black workers in particular had been joining unions.

A torrent of abuse

'I was called a kaffir and fired'

Mr KUBHEKA: Called kaffir and then dismissed.

A WORKER at Dominec, an electrical light fitting company in Benrose, has claimed that a white supervisor threatened him with assault and said he and his parents were "kaffirs" before dismissing him for latecoming.

Mr Elijah Kubheka, who has worked for the company for over four years, told **The SOWETAN** that the supervisor told him: "Your mother and father are kaffirs and you are also a kaffir" and challenged him to a fight if he objected to what he had said.

He said several of his colleagues were also dissatisfied with Mr Hank Ferreira's attitude towards black staff members. He used "derogatory and hurtful remarks" when addressing them. Many did not object for fear of losing their jobs, Mr Kubheka said.

The company's manager, Mr J Fullback, denied the claims but added that if workers were belittled during the process of their work, "then I will investigate the matter immediately."

He said Mr Kubheka had been warned on several occasions about coming to work late. He had been given a final warning "but it seems he did not want to listen.

"When he came late again on Friday he was reminded of the warning he had been given earlier and he challenged us to fire him and we had no option but to dismiss him because we were aware he was no longer prepared to work for us," said Mr Fullback.

Mr Kubheka denied that he had been coming to work late.

Bitter

A labour lawyer has indicated that it might be an "unfair practice" for an employer or his representative to refer to a worker as "kaffir, boy, girl or to use any derogatory remark in his address to the worker."

Mr Kubheka said a bitter encounter between him and Mr Ferreira started when he was about to clock his card in on Friday morning.

He said the supervisor got hold of him and said "kaffir jy is laat" (kaffir you are late). When he objected to being called a kaffir, the supervisor threatened to assault him and said he was a "kaffir" in the same way as his father and mother were "kaffirs".

Mr Kubheka said he was extremely upset by Mr Ferreira's behaviour

RDM 2/8/84 (132)

Tucsa unions seek rejection of reforms

By STEVEN FRIEDMAN
Labour Correspondent

THE Trade Union Council of SA (Tucsa) is to debate two resolutions at its annual conference in September which reject reforms of the Government's controversial union registration system proposed by the National Manpower Commission (NMC)

Both reject a suggestion by the NMC that registered unions should lose their right to attempt to block applications for registration by rivals

Last year, Tucsa adopted a resolution calling for the outlawing of unregistered unions

The NMC, which advises the Government on labour issues, has compiled a report on registration which calls for major changes in the present system

Among its recommendations are that unions which do not win approval from a Government registrar be outlawed

But it also suggested that the present law, which links registration to the representativeness of a union, be changed

It noted that this allowed registered unions to block or delay the registration of rivals on the grounds that they were not representative In some cases, this objection has been on racial grounds

A first agenda for Tucsa's conference reveals that the Garment Workers Union of SA will propose a resolution calling for union representativeness to "remain a key factor in their registrations" This is necessary because there is a need "for strong unions to represent workers"

A second resolution, by the Mine Surface Officials Association (MSOA), urges that representativeness "should continue to be (a factor) in the registration of trade unions"

But, unlike the Garment Workers Union resolution, it recommends that this should be "determined on a non-racial basis"

Both resolutions, however, back the right of registered unions to block attempts by their rivals to gain registration

The MSOA resolution also seeks continued clamps on the right of "general workers unions" to register

It wants the "present restrictive definition" of a union in labour law to be retained

At present, a union is defined in the law as any number of workers in "any particular undertaking, industry, trade or occupation". The NMC urged that the word "particular" be deleted

RDM 2/8/84 (132)

Cogs whirr in labour disputes

Labour Correspondent

THE number of applications to the Department of Manpower this year for official conciliation boards to settle labour disputes is already higher than the total number of boards appointed during the whole of 1983 — which was itself a record year for use of the boards.

And the number of industrial court cases launched this year has also already broken 1983's record

This was revealed by the Director-General of Manpower, Dr Piet van der Merwe, in a recent speech in which he quoted figures for the number of conciliation board applications and court cases this year

Both the boards and the court are key elements in the disputes machinery set up by labour law and, in his speech, Dr Van der Merwe said the figures indicated a much greater use of the official machinery provided by the law

Conciliation boards are appointed when a formal labour dispute is declared They must attempt to settle the dispute and, if they fail, a legal strike or industrial court case can be launched

The figures on the use of the boards and the court also come in the wake of official figures revealing a threefold rise in the number of strikes during the first five months of this year compared to the same period last year and a fivefold increase in the number of workers involved in strikes

According to Dr Van der Merwe, the department received 123 applications for conciliation boards this year and 175 industrial court cases have been launched.

During 1983, 119 boards were appointed and 170 cases were referred to the court

The increase in industrial court cases also comes at a time when the department is preventing many cases in which "unfair labour practices" are alleged from reaching the court and amid indications that the court's powers are to curbed.

RDM 3/8/84 (132)

Solution to industrial disputes lies in collective bargaining

OPINION

A WEEKLY FEATURE PRESENTING A WIDE VARIETY OF VIEWS

LOET DOUWES DEKKER

Lecturer in industrial relations at the University of the Witwatersrand Graduate School of Business Administration

THE PRESENT disputes and potential further industrial unrest in the mining as well as steel and engineering industries centre round the question of the level at which collective bargaining should take place

But the fundamental issue is whether the peace obligation will remain an institutionalised industrial relations principle

The acceptance of this principle by unions and employers has been part of South Africa's collective bargaining procedure since 1924, that is, both parties undertaking that for the duration of the agreement there will be no strike or lock-out action on disputes arising from laid down wage rates and working conditions

However without structural reform of the industrial council system and other centralised forums through which employers' associations and trade unions have traditionally negotiated, this peace obligation principle will be eroded.

Disorder will then increasingly manifest itself in the work place The spread of disorder is a slow process and difficult to halt

Emphasis is placed by black unions, correctly so, on report back to members, irrespective of the level of bargaining This democratic practice ensures support for the peace obligation when the agreement negotiated by the leaders is finally accepted

If, however, union leaders cannot report back on satisfactory progress, a deadlock in the negotiations will be declared

Such a situation must be followed by a meeting to vote on strike action or not and, if so decided, actual entering a trial of strength situation of striking.

If this cannot occur then the requirement of industrial action only following due procedure will be questioned by workers.

Why should workers accept control over the use of their power through collective bargaining, if managers implement wage rates which employers' associations have unilaterally decided?

The dogmatic demand by employers' associations that collective bargaining only takes place at the central level between unions and themselves and not at work place level between management and a representative union, is undermining the role of union leaders

Workers will increasingly believe that it is better to stop work first

The negotiations for a new 1984 wage agreement in the steel and engineering sector did not satisfy two black unions representing unskilled and semi-skilled workers

These were the Steel and Engineering and Allied Workers Union, and the Metal and Allied Workers Union (MAWU), and the multiracial SA Boilermakers Society (SABS), which accept members at all skill levels SEAWU subsequently reluctantly signed the agreement.

Its membership is now bound by the peace obligation The other two unions have not been mandated by their membership to accept an agreement which appears to follow the pre-Wiehahn tradition of favouring skilled — and hence white — workers

The SABS stated "We believe the agreement as it stands is imbalanced and does not provide for fair increases in wages throughout the scale

"SEIFSA (the Steel and Engineering Industries Federation) has said there is an across-the-board increase But the distribution heavily favours the highest paid workers who are already paid twice or more the basic wage agreed upon.

"The increases provide very little relief for workers at the bottom of the scale" (Financial Mail, June 22, 1984)

Mawu stated that Seifsa had not even considered its demand for R2,50 per hour for the lowest paid job The wage agreed to by the other established unions, of R1,73 per hour for unskilled workers, is less than the inflation rate and does not increase the workers' standard of living.

Why not both levels? Workers know that employers can and do pay wages above the minimum negotiated at centralised level.

When then, when workers have taken on the status of a union member should it be suddenly stated, as Seifsa has done, that the industrial council wage is a maximum rate?

Why, now that unions are gaining a power base in the place of work, do Seifsa and the Chamber of Mines instruct their members not to negotiate further with any signatories to an agreement?

No wonder the SABS refused to sign the agreement which would have bound them to a peace obligation clause, and prevented negotiations with individual employers

Collective bargaining will inevitably occur where the union can express its power That dynamic will determine the level at which the process of give and taken on wage demands and counter offers is compromised and a settlement is reached

For black unions it is the shop floor, for established unions it is the industrial council. As Mawu and SABS warned, they will, where they have membership support, table demands on those companies for wage increases over and above the industrial council minimum rates

Such a step will not endanger the peace obligation. In fact, that principle can be built into the procedural arrangements of the recognition agreement Further, the bargaining for actual rates will only affect a small number of companies in the engineering industry

But if unions cannot negotiate wages at the level of the work place where they have majority membership, disorder will occur

What structure should be considered by both unions and employers' associations?

At the centralised level of a sector, the unions and the employers' associations will negotiate both the minimum and maximum rates But only the minimum rates will be implemented

The employer faced with no union majority presence will be free, as at present, to unilaterally pay more depending on criteria such as profitability, performace appraisal, merit increases within job grades, incentive scheme, etc.

At the company where the union is representative and the collective bargaining agent, negotiations with the employer will take place to determine the actual wage rates to be paid

These wage rates would then however not be more than the maximum established at the sectoral or industrial council level

That maximum will be a limit to be based on overall profitability in the industry

The range between the minimum and maximum will provide an opportunity for both the unions and management to negotiate, as part of the plant-level agreement, on issues such as wastage; job specifications and standards, quality; rejects and incentive schemes as well as crucial concerns of workers about the quality of their work life

These problems could be tackled by [illegible] and should preferably be laid down by the parties during the negotiations at the sectoral or centralised level

This approach will ensure that the negotiated increases of actual wage rates are related to improvements in output or service rendered.

More crucial, such an agreement would re-institutionalise the peace obligation into South Africa's industrial relations system, provided the right to strike and lock-out as last resort weapons were openly acknowledged

Mawu announced, within the first month of the new minimum wages having been published for the iron and steel industry, that it had negotiated increases over and above the minimum levels of the industrial council rates at ten factories.

Three other companies refused to do so. Obviously the stage has been set for confrontations and hostilities.

What understanding about the importance of centralised sectoral collective bargaining and the joint peace obligation can emerge among workers and line managers if it is a system which each year creates mistrust, anger and fear instead of facilitating expressions of unionism in the work place?

How can Mawu and SABS as well as SEAWU leaders maintain among their members respect for collective bargaining and the advantages of that process as well as the importance of joint social security schemes if each year negative report backs have to be made?

Why should the important principle of employer solidarity be endangered by employers' associations demanding that no plant-based bargaining takes place?

The above brief outline of integrating the two levels of collective bargaining obviously requires elaboration and discussion between employers associations and unions

But broad rules to integrate the two levels of negotiations can be formulated.

If consensus on certain rules can be reached, the energy necessary for workers to resort to industrial action, and for employers to [illegible]

lies in collective bargaining

OPINION

A WEEKLY FEATURE PRESENTING A WIDE VARIETY OF VIEWS

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THE PRESENT disputes and potential further industrial unrest in the mining as well as steel and engineering industries centre round the question of the level at which collective bargaining should take place.

But the fundamental issue is whether the peace obligation will remain an institutionalised industrial relations principle.

The acceptance of this principle by unions and employers has been part of South Africa's collective bargaining procedure since 1924, that is, both parties undertaking that for the duration of the agreement there will be no strike or lock-out action on disputes arising from laid down wage rates and working conditions.

However without structural reform of the industrial council system and other centralised forums through which employers' associations and trade unions have traditionally negotiated, this peace obligation principle will be eroded.

Disorder will then increasingly manifest itself in the work place The spread of disorder is a slow process and difficult to halt.

Emphasis is placed by black unions, correctly so, on report back to members, irrespective of the level of bargaining. This democratic practice ensures support for the peace obligation when the agreement negotiated by the leaders is finally accepted.

If, however, union leaders cannot report back on satisfactory progress, a deadlock in the negotiations will be declared.

Such a situation must be followed by a meeting to vote on strike action or not and, if so decided, actual entering a trial of strength situation of striking.

If this cannot occur then the requirement of industrial action only following due procedure will be questioned by workers.

Why should workers accept control over the use of their power through collective bargaining, if managers implement wage rates which employers' associations have unilaterally decided?

The dogmatic demand by employers' associations that collective bargaining only takes place at the central level between unions and themselves and not at work place level between management and a representative union, is undermining the role of union leaders

Workers will increasingly believe that it is better to stop work first.

The negotiations for a new 1984 wage agreement in the steel and engineering sector did not satisfy two black unions representing unskilled and semi-skilled workers

These were the Steel and Engineering and Allied Workers Union, and the Metal and Allied Workers Union (MAWU), and the multiracial SA Boilermakers Society (SABS), which accept members at all skill levels SEAWU subsequently reluctantly signed the agreement.

Its membership is now bound by the peace obligation. The other two unions have not been mandated by their membership to accept an agreement which appears to follow the pre-Wiehahn tradition of favouring skilled — and hence white — workers

The SABS stated "We believe the agreement as it stands is imbalanced and does not provide for fair increases in wages throughout the scale.

"SEIFSA (the Steel and Engineering Industries Federation) has said there is an across-the-board increase But the distribution heavily favours the highest paid workers who are already paid twice or more the basic wage agreed upon.

"The increases provide very little relief for workers at the bottom of the scale" (Financial Mail, June 22, 1984)

Mawu stated that Seifsa had not even considered its demand for R2,50 per hour for the lowest paid job The wage agreed to by the other established unions, of R1,73 per hour for unskilled workers, is less than the inflation rate and does not increase the workers' standard of living.

Why not both levels? Workers know that employers can and do pay wages above the minimum negotiated at centralised level.

When then, when workers have taken on the status of a union member should it be suddenly stated, as Seifsa has done, that the industrial council wage is a maximum rate?

Why, now that unions are gaining a power base in the place of work, do Seifsa and the Chamber of Mines instruct their members not to negotiate further with any signatories to an agreement?

No wonder the SABS refused to sign the agreement which would have bound them to a peace obligation clause, and prevented negotiations with individual employers

Collective bargaining will inevitably occur where the union can express its power That dynamic will determine the level at which the process of give and taken on wage demands and counter offers is compromised and a settlement is reached.

For black unions it is the shop floor, for established unions it is the industrial council. As Mawu and SABS warned, they will, where they have membership support, table demands on those companies for wage increases over and above the industrial council minimum rates.

Such a step will not endanger the peace obligation. In fact, that principle can be built into the procedural arrangements of the recognition agreement Further, the bargaining for actual rates will only affect a small number of companies in the engineering industry.

But if unions cannot negotiate wages at the level of the work place where they have majority membership, disorder will occur.

What structure should be considered by both unions and employers' associations?

At the centralised level of a sector, the unions and the employers' associations will negotiate both the minimum and maximum rates. But only the minimum rates will be implemented.

The employer faced with no union majority presence will be free, as at present, to unilaterally pay more depending on criteria such as profitability, performace appraisal, merit increases within job grades, incentive scheme, etc.

At the company where the union is representative and the collective bargaining agent, negotiations with the employer will take place to determine the actual wage rates to be paid.

These wage rates would then however not be more than the maximum established at the sectoral or industrial council level.

That maximum will be a limit to be based on overall profitability in the industry

The range between the minimum and maximum will provide an opportunity for both the unions and management to negotiate, as part of the plant-level agreement, on issues such as wastage; job specifications and standards; quality; rejects and incentive schemes as well as crucial concerns of workers about the quality of their work life

These problems could be tackled by managers and shop stewards at monthly meetings after the negotiation of actual wage rates.

The broad parameters of any incentive and quality of work life schemes should preferably be laid down by the parties during the negotiations at the sectoral or centralised level.

This approach will ensure that the negotiated increases of actual wage rates are related to improvements in output or service rendered.

More crucial, such an agreement would re-institutionalise the peace obligation into South Africa's industrial relations system; provided the right to strike and lock-out as last resort weapons were openly acknowledged.

Mawu announced, within the first month of the new minimum wages having been published for the iron and steel industry, that it had negotiated increases over and above the minimum levels of the industrial council rates at ten factories.

Three other companies refused to do so. Obviously the stage has been set for confrontations and hostilities.

What understanding about the importance of centralised sectoral collective bargaining and the joint peace obligation can emerge among workers and line managers if it is a system which each year creates mistrust, anger and fear instead of facilitating expressions of unionism in the work place?

How can Mawu and SABS as well as SEAWU leaders maintain among their members respect for collective bargaining and the advantages of that process as well as the importance of joint social security schemes if each year negative report backs have to be made?

Why should the important principle of employer solidarity be endangered by employers' associations demanding that no plant-based bargaining takes place?

The above brief outline of integrating the two levels of collective bargaining obviously requires elaboration and discussion between employers associations and unions

But broad rules to integrate the two levels of negotiations can be formulated.

If consensus on certain rules can be reached, the energy necessary for workers to resort to industrial action, and for employers to maintain a dogmatic stand, can be focussed to tackle problems of the quality of working life, increases in standard of living as well as improvements in production and services.

1984 may be a year of labour strife

RDM 6/8/84 (132)

LABOUR WEEK

STEVEN FRIEDMAN

STRIKES and labour disputes this year may reach levels not seen for decades.

According to Government figures, there were 160 strikes involving over 35 000 workers in the first five months of 1984 — three times more strikes and five times more workers than in the same period last year.

The figures are still below those for 1982, but they do not tell the full story.

The number of disputes declared in terms of labour law has reached record levels this year — as has the number of cases referred to the industrial court

Already, 123 applications have been made for conciliation boards to settle disputes and 175 industrial court cases have been launched.

In the whole of last year, which saw the highest-ever use of the disputes machinery, 119 boards were appointed and 170 cases referred to the court

Many of these disputes would otherwise have ended in strikes — as they did when unions shunned the official machinery.

So the number of disputes this year has already exceeded the figures for the same period in 1982 — if the official disputes are included.

The rest of the year may see even more conflict

The dispute over black mine wages could still end in strike action and wage talks in the East Cape motor industry are due next month

Unionists say workers are determined to push for high increases — which employers are certain to resist

The conflict is the result of worker attempts to win compensation for rises in basic prices Employers, hit by recession, are resisting. The trend may well grow.

The figures illustrate one other point. at a time when there is pressure to lessen the role of the court they show the extent to which strikes may have increased had unions not had access to it

Business Day/MANAGMENT RDM 14/8/84 132

No preparation for strikes

By PRISCILLA WHYTE

MANAGEMENT in South Africa reacts to strikes and work stoppages instead of being prepared for them, according to Dr E Schmikl, senior lecturer at Unisa's School of Business Leadership

Speaking in Johannesburg yesterday at a Management Manpower Foundation conference entitled "Beyond Crisis Management", he said

"Rather than spend, say R20 000, on a scientifically-useful industrial climate survey we prefer not to rock the boat and deal with a crisis if it comes," he said

According to official statistics, Dr Schmikl estimated that from January to April this year, there were 93 strikes involving 43 134 black workers and totalling 810 187 man hours

During the same period there were four work stoppages, involving 742 black workers and 1 387 work hours

Analysing the data, it appeared that strikes increased in frequency during the period 1977 to 1983 but that the duration of the strikes had shortened

In 1977 there were 91 strikes, which, on average, lasted for 5,8 days, compared to 1978, when there were 106 strikes of a five-day duration

During 1979 there were 102 strikes, in 1980 201, in 1981 284, in 1982 267 and 396 in 1983

Strikes lasted on average 4,5 days in 1979, 4,2 days in 1980, 2,4 days in 1981, 2,9 days in 1982 and 2,3 days in 1983

He believed that, economically, South Africa was not going to be "looking too bright", in the next three years and only the the best would survive the "crunch".

The survivors, he thought, would be those companies with informed management which had made contingency plans for industrial relations issues

He pointed out that strikes, work stoppages and sympathy strikes were all costly, created losses in productivity and were disruptive to the economy and society

Business executives should sit down and evaluate the costs, benefits and disadvantages of conducting regular surveys against having a strike or a work stoppage

He referred to recent studies conducted by the SBL at Unisa — Project Free Enterprise — which revealed the "alarming state of affairs within our organisations".

There was an appalling lack of concrete data about employee perceptions, levels of knowledge and understanding about both the nature of the organisation and the real impact of and reward for their contributions to organisational efficiency

One study carried out by Mr M E Nasser (1983) and the SBL team examined the misunderstanding of the concept of "profit" with employees of various educational levels

Mr Nasser believed that unless there was a fundamental knowledge about the nature of profit in enhancing both organisational and employee interests, there could not be a sense of real commitment to corporate objectives

It was thought that an employee's appreciation of the running expenses of a company were essential

These running costs included repaying loans, raw materials, Government tax, employees' salaries compared to management and investment in plant and machinery

Argus 15/8/84

Gloomy labour future predicted

(134) (132)

Professor Lawrence Schlemmer

Argus Correspondent

JOHANNESBURG — Only between 16 and 20 percent of South Africa's labour force belong to a trade union, says Professor Lawrence Schlemmer, director of the Centre for Applied Social Sciences

Speaking at a conference organised by the Manpower and Management Foundation, Professor Schlemmer said this figure could soon rise to between 40 and 50 percent of the workforce

Escalation of strikes was also predicted and unemployment would not drop significantly between now and the year 2 000

"Five percent growth"

"Only a five percent economic growth can guarantee a marginal reduction of unemployment," said Professor Schlemmer

An increase in trade boycotts and international trade unions' actions against South Africa was also a possibility, he said

Resettlements

"However I want to emphasise that resettlements, forced removals and the pass laws are the things that provide ammunition for anti-South African campaigns rather than individual performances by companies," he added

Professor Schlemmer said most industrial conflicts were caused by wage grievances and there was no sign yet that the rank and file black worker was shifting towards an ideological position

However wages were not the only factor of grievances Racial discrimination and lack of trust in management were among other problems that could lead to conflict

KDM 15/8/84 (132)

Labour experts give evidence

Labour Correspondent

TWO leading labour relations specialists — one of them employed by the Anglo American Corporation — yesterday gave evidence on behalf of a prominent black unionist who is charged with holding an illegal gathering

The case — in which the general secretary of the Food and Beverage Workers' Union, Mr "Skakes" Sikhakhane, is charged with addressing an illegal gathering of workers outside the Potchefstroom firm, Chubby Chicks, on February 23 — is regarded as a key test of union rights It is taking place in the Potchefstroom Magistrate's Court.

Mr Sikhakhane was arrested on charges of contravening the ban on open-air gatherings imposed by the Minister of Law and Order, and the Transvaal Ordinance prohibiting public meetings staged without the permission of a local authority

Yesterday counsel for Mr Sikhakhane called on Mr Bobby Godsell, of Anglo American, and Mr Loet Douwes-Dekker, of the University of the Witwatersrand's Graduate Business School to give evidence

RDM 20/8/84 (132)

Homeland residents must pay for SA civil actions

By JOHN MOJAPELO
Pretoria Bureau

CITIZENS of the independent "homelands" must first pay security before they can institute civil actions against South Africans because they are "foreigners"

Hundreds of people in areas like Ga-Rankuwa and Mabopane near Pretoria and Mdantsane near East London will be affected by this practice, said legal sources

Recently Mr Justice Kannemeyer ordered that nine Mdantsane men who wanted to sue for wrongful dismissal, must pay R4 500 security before their case could be heard in the Eastern Cape Supreme Court

Writing in a law publication, Mr Andrew Beck, a law lecturer at the University of the Transkei, said it was clear that the South African government was excluding large numbers of blacks from having the status to institute legal action

He suggested that because of emerging independent states some combined 'legislative intervention' was necessary

The Rand Daily Mail recently learned of a Bophuthatswana man who was ordered to pay security before he could sue the Minister of Law and Order

Mr X, of Thlabane near Rustenburg in Bophuthatswana, was allegedly arrested by the South African Police on February 28, 1981 He was detained at the Parktown, Silverton and Brixton police stations He sued the Minister for R12 525 for unlawful arrest

He paid R4 000 after the registrar of the Supreme Court stated that he was a 'foreigner' in the South African courts The registrar demanded the R4 000 security

A Pretoria attorney said plans were to bring a test case in the Pretoria Supreme Court on the security issue

LABOUR NEW
RDM 21/8/84

Labour issues under spotlight

(132)

Labour Correspondent

THREE key labour issues — bargaining between unions and employers, machinery for settling disputes and fair labour practices — are being investigated by the Government's National Manpower Commission (NMC)

A notice in last Friday's Government Gazette revealed that the NMC has drawn up a "working document" on these issues and is circulating this to employer associations, unions and other "interested parties".

According to the NMC's chairman, Dr Hennie Reynders, the investigation is a sequel to the commission's recent controversial report on union registration and other key issues

This report recommended key changes to the union registration system and called for unions to be outlawed if they do not receive Government approval.

However, it did not make recommendations on several key issues, leaving these open for further investigation. Dr Reynders said yesterday that the inquiry would deal with these issues.

The commission is expected to make recommendations on:

- Whether the "closed shop", whereby workers are forced to join unions, should be regarded as an "unfair labour practice".
- Whether certain strikes and lock-outs should continue to be crimes in terms of labour law.

Recognition agreements between employers and unions are also likely to form part of the inquiry

Firm bent on uplifting the workers

AS an equal opportunity company, VWSA are making a massive contribution towards the training, development and upliftment of their employees as well as the significant improvement of the quality of life within the local community.

The company known as Volkswagen of South Africa produced the first two black artisans in the motor industry in South Africa in 1981 The company has since trained many others

The Employee Advancement Programme, instituted in 1979, is committed to providing equal opportunities for all employees of the company Education and training are two of the fields where Volkswagen is making rapid strides in a bid to provide black workers with the skills necessary to meet the needs of a 200 million rand expansion programme

Apprentices

Their Apprentice Training Centre is at present training 36% of all apprentices in the motor industry in South Africa.

VWSA has 300 full-time trainees as against 124 in 1980 with training expenditure currently exceeding R5 million as against R1,3 million in 1980 In terms of apprentice recruitment, VW intentionally pursued the policy of selecting equal numbers of white, black and coloured apprentices and this highlighted certain inadequacies in the fields of mathematics and physical science during selection

As a result, VW co-sponsored a project whereby video training facilities were donated to black schools in the Uitenhage area

Centre

A similar endeavour saw the establishment of the VW/Goodyear Technical Centre in 1979 which is run by the Department of Education and Training

The Centre provides compensatory technical education for local black schoolchildren in standards four to eight Groups of children are transported to the centre on a daily basis to receive theoretical and practical training in bricklaying, welding, electrical work, metalwork and woodwork.

Educational assistance from Volkswagen also includes the donation of several libraries to black primary schools while black employees are given generous subsidies for the purchase of school books

Donation

A substantial cash donation towards the building of a black pre-primary school, a comprehensive bursary and scholarship programme, extra lessons programmes for matriculants and the donation of academic prizes are further examples of Volkswagen's educational assistance to the black community

The Volkswagen Housing Scheme, after an initial investment of one million rand in 1982, has already provided over 50 homes for employees in the black township of KwaNobuhle in Uitenhage

These upgraded facilities feature electricity and running water and are a significant improvement on existing homes in KwaNobuhle The total cost of this housing initiative has already reached 2,-9 million rand

An unexpected ancillary benefit has been the dramatic increase in the number of black employees who are utilizing the VW Home Improvement Scheme In this regard, VW provides both technical and financial assistance and the company is currently establishing a self-help building programme which will further serve to act as a catalyst to the housing activities

Concern

Volkswagen's interest and concern with matters relating to the quality of life of its employees and the local community is also reflected in the initiation of a number of projects

A sports complex presently being built in KwaNobuhle, the erection of bus shelters in the township, a new access bridge built over the Swartkops River, the maintenance of school playing fields and the electrification of the Limekaya High School are examples of these projects

While the above account is by no means exhaustive, it does serve to illustrate the philosophy and direction of Volkswagen of South Africa with regard to community matters outside the confines of normal day-to-day business

AN employee of VWSA receives the keys to his new house from Mr Peter Searle, Managing Director of the company The housing scheme of the company has already provided over 50 homes for black employees

Strike was legal, staff were fired

24/8/89 Star

Dispute process fails the worker

Within an hour of embarking on a legal strike 1 200 workers at a Natal company were fired en masse last week. The action has focused attention on a growing debate of critical importance in industrial relations: why should a union follow statutory dispute-settling procedures if an employer can still legally resort to mass dismissal — and what are the implications for the resolution of future industrial conflicts? CAROLYN DEMPSTER reports.

The face of South African labour relations has undergone rapid and dramatic change in the five years since Wiehahn, but one crucial feature remains unchanged

Under the Labour Relations Act, South African workers still face the threat of dismissal in the event of strike action — legal or illegal.

The lack of protection for the worker who has religiously followed the official dispute-settling procedures, only to be faced with firing at the end of the process, may be the rock on which a system of sound industrial relations will founder

There is growing consensus among labour experts that there is little incentive for unions to observe the legislation if they gain nothing by it.

To facilitate sound industrial relations, South Africa's strike law will have to change to afford some protection to strikers, and employers will have to recognise the employee's right to strike, they argue

At present employers can resort to lock-outs, mass dismissal and the threat of dismissal to coerce striking employees to go back to work.

This happened in South Africa in January this year when a national legal strike by 8 560 members of the SA Chemical Workers' Union (SACWU) was broken by threats of dismissal by AECI management.

SACWU general secretary Mr Manemi Samela stated the union's case simply "There was nothing we could do. The workers were in a position where they were not protected by legislation and management could have carried out the threat"

Last week at Dunlop Tyre in Durban 1 200 members of the Metal and Allied Workers' Union (Mawu) were fired shortly after embarking on a legal strike

"The fact that workers can be dismissed within the first hour of a strike in terms of the Labour Relations Act proves how totally inadequate current labour legislation is," said Mawu. "There is obviously little incentive for workers to follow the law in respect of strike action."

Professor Loet Douwes Dekker of Wits Graduate School of Business has said the practice of dismissing striking workers is unfair and the ability to strike must be protected

In a recent paper on "The right to strike" he says the AECI case demonstrated that employers in South Africa "are not prepared to grant workers the right to strike"

This runs counter to current practice in Britain and on the Continent where striking workers are protected against being dismissed although they do forfeit all pay and benefits for the period

In Professor Nic Wiehahn's view the dismissal of workers participating in a legal strike could be considered an unfair labour practice — of both the statutory and non-statutory kinds.

"If the employee has chosen the legal strike route he should be afforded some protection. I don't think we can allow a system in South Africa where there is no distinction between the effects of a legal and an illegal strike," he added.

Unions that faced the prospect of mass dismissal of their members on a legal strike should be able to challenge the dismissal in the Industrial Court and seek a Section 43 reinstatement order on the basis of an unfair labour practice Alternatively they should be able to seek damages and take the matter to the Supreme Court

The past few years have seen an increasing use by emergent and largely black unions of official dispute-settling machinery This trend could well change if unions see no point in following the lengthy procedures for dispute resolution, he said.

Professor Johann Piron of the University of South Africa's School of Business Leadership agreed that workers should have greater rights in a legal strike

"But you have to remember the whole industrial relations system in this country is in the melting pot Up until now strike law hasn't been touched."

Mr Clive Thompson, a prominent labour lawyer and lecturer at the Wits Centre for Applied Legal Studies, has said it is likely that unions, to guard against mass dismissal, will build some protection into recognition agreements with employers

However, this was likely to happen only with enlightened employers "The inadequacies of our law are not conducive to sound industrial relations"

S RDM 22/8/84 (132)

Illegal gathering: unionist found guilty

By STEVEN FRIEDMAN
Labour Correspondent

A PROMINENT black trade unionist, Mr "Skakes" Sikhakhane, has been found guilty by a Potchefstroom magistrate of holding an illegal gathering outside a factory in the area

Lawyers acting for Mr Sikhakhane are to appeal against his conviction, opening the way for a key Supreme Court test of police action against unionists who have addressed worker gatherings outside factories during disputes.

Mr Sikhakhane, general secretary of the Food, Beverage Workers Union — a member of the Council of Unions of SA — was convicted together with 26 workers at Potchefstroom firm Chubby Chicks

He and the workers were arrested outside the company's premises after Mr Sikhakhane had travelled to the plant in an attempt to settle a dispute

Sentence on Mr Sikhakhane and the 26 workers was postponed and is to be passed on September 10

Mr Sikhakhane's trial has attracted intense interest from unionists here and abroad as it is seen as a key test of the right of unionists to intervene in disputes

He was arrested outside the Chubby Chicks plant in February after allegedly adressing a group of workers who claimed they had been "locked out" by the company during a dispute which has since been settled

Police contend that, by addressing workers in the open air, Mr Sikhakhane contravened a blanket ban on outdoor gatherings imposed by the Minister of Law and Order as well as a Transvaal ordinance barring public gatherings without the permission of a local authority

At the time, several other unionists were arrested and charged with contravening the ban on gatherings while on union business, but none was convicted.

The trial was marked by the appearance of three prominent labour relations specialists, including former Government labour adviser Professor Nic Wiehahn, as witnesses on Mr Sikhakhane's behalf

Mr Bobby Godsell, of the Anglo American Corporation and Mr Loet Douwes-Dekker, of Wits University's Graduate Business School, also testified for Mr Sikhakhane

All three warned of the implications for labour relations should the police view be upheld

RDM 27/8/84 132

Case may curb right to fire strikers

EMPLOYERS' right to fire workers who strike legally may have been curbed by a key industrial court ruling.

The judgment came in a case brought by the white Council of Mining Unions It charged that a clause in miners' contracts, saying they could be fired automatically if they struck legally or illegally, was unfair.

It lost the case because the court refused to rule that firing legal strikers was automatically unfair.

But it did add that there might be cases in which it would be unfair to fire legal strikers

The fairness of these sackings, it said, could depend on the cause of the strike, how long it lasted, its consequences and whether the two sides had bargained "in good faith" after it began

Other factors which could have a bearing were the circumstances of both sides, the behaviour of workers during the strike and the terms of their contracts

So the court says it will judge on its merits each case in which legal strikers charge they are fired unfairly

This fell short of what the CMU — and other unions — wanted. Many unionists believe employers should be barred from firing legal strikers This, they say, is the only way to give workers an incentive to strike legally.

But it has been assumed up to now that employers have a blanket right to fire legal strikers and it is this that the ruling has questioned

It is unclear how the court would apply its guidelines in practice. But an employer who fired legal strikers the moment they downed tools — or refused to bargain with them after they struck — could face action in the court

An early test of the court's attitude may come soon. the Metal and Allied Workers Union says it will challenge the firing of strikers at Dunlop's Durban tyre plant last week, a move which Mawu says followed a vote by workers to turn their illegal strike into a legal one

Meanwhile, union attempts to have the law changed to bar the firing of legal strikers will continue.

RDM 28/8/84 (132)

Dunlop in court to halt strikes

By STEVEN FRIEDMAN
Labour Correspondent

IN A dramatic move, the Dunlop Rubber Company has asked the Supreme Court in Durban to prevent members of the Metal and Allied Workers' Union at two of its plants from striking in sympathy with strikers fired at its Durban tyre plant.

Its application is to be heard this morning.

It was launched on Friday, but Mr Justice Booysen postponed the case after Mawu said it had not had enough time to respond.

During Friday's hearing, Mawu officials undertook to ensure that workers did not engage in any illegal strike action before the case was resumed this morning.

Dunlop's action follows the firing of about 1 200 strikers at the Durban tyre plant who had downed tools in protest against disciplinary actions.

Mawu alleges the firings took place soon after workers had voted to embark on a legal strike and says it will challenge the dismissals in the industrial court.

The union also represents workers at a Dunlop plant in Ladysmith and at the Dunlop Sports plant in Durban, and the fired strikers called on workers at these plants to support them.

A second union, the Chemical Workers Industrial Union, represents workers at the Dunlop Industrial Products plant at Benoni Workers at this plant were also urged to back the fired men

In an apparent attempt to head off sympathy strike action at these plants, Dunlop launched a Supreme Court action in which it asked the court for an interdict preventing workers striking illegally.

A Mawu statement yesterday said the union had been served with papers by Dunlop on Friday, less than an hour before the court was scheduled to hear the company's application. The company's papers, setting out its case, ran to more than 100 pages, it added.

The union said it was unable to contact its lawyers before the hearing's scheduled start and two union officials had been forced to appear before Mr Justice Booysen to request a postponement of the case

The case was postponed until this morning, but the judge had asked Mawu's representatives to confirm that they would act lawfully "at all times"

RDM 3/9/84 (132)

Explosion in labour unrest looms

LABOUR WEEK

STEVEN FRIEDMAN

FACTORY conflict has increased sharply in the last two months and may be reaching crisis proportions.

It will be remembered that Government figures for the first five months of this year showed a sharp increase in strikes. When added to a record number of official disputes and industrial court actions, they pointed to a level of conflict not seen for at least a decade.

Now, respected monitors of strike trends say July and August showed a sharp rise in strikes compared to the first half of the year.

They say both the number of strikes and the man days lost through them are already higher than 1982, the country's biggest strike year for a decade.

If they are right, conflict this year could outstrip that in 1973 and make 1984 the worst strike year since the Second World War.

The reasons have been spelled out before: worker militancy has been fuelled by basic price rises and a stronger union movement, while employers are hamstrung by the worsening economy.

Thus, reports from various bargaining tables indicate that there is very little room for compromise

Employers are spelling out their plight and unionists are replying that, while they might understand, their members will simply not accept employer pay offers.

One management source says this is a standard bargaining tactic but adds "This time I think they really mean it."

In some negotiations, employers are offering workers non-wage concessions in the hope that unions can sell these to members But this seems to be limited, and to be having little success

The factory conflict also comes at a time of growing township unrest which is also partly the result of the state of the economy.

This prompted one manager to observe last week: "We'll be lucky if, by the end of the year, we only have a labour relations problem".

RDM 13/9/84 (132)

HSRC: Black workers happy

Pretoria Bureau

MOST black workers in the Pretoria and Port Elizabeth areas enjoyed working for their firms, according to a report by the Human Sciences Research Council

In a report entitled "Black Workers Perception of Problem Solving", the HSRC said wages were the main reason for the attitude towards work

"Although most of the workers enjoyed working for their firms, almost a third said certain aspects in the work situation bothered them and union members were more inclined to indicate troublesome aspects, of which personnel relations were the most important."

According to the report, most workers who had problems at work were convinced that management was aware of them, but yet did nothing.

Whether this belief was true or not was indicative of ineffective communication

Most workers interviewed showed a willingness to listen to management's point of view and conceded that problems could be solved after a reasonable period.

"These findings reveal a desire to discuss problems at plant level and indicate that workers (in cooler moments) are willing to be realistic about it," said the report.

Property Post . . . . . ☐

Business Post . . . . . ☐

Home Improvements . . . . ☐

Swop Column . . . . . ☐

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Anton Heard on radio . . . . ☐

Mickey Mouse . . . . . ☐

Juliet Jones . . . . . ☐

Blondie . . . . . ☐

Archie . . . . . ☐

Garfield . . . . . ☐

Andy Capp . . . . . ☐

Boner s Ark . . . . . ☐

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(Bus):

Wrong idea of business profits by black staff

132 E. Post 15/9/84

Weekend Post Reporter

RESEARCH recently completed by Unisa had revealed an "abysmal incomprehension" among the vast majority of black unskilled workers of business management and what business aimed to achieve

Businesses were, therefore, believed to be run "almost entirely for the benefit of the managing director and his immediate entourage and profits devoted almost entirely to bonuses for these privileged few, while workers had to be content with the scraps that fell from the rich men's table"

This was said by the Vice-Chancellor of Rhodes University, Dr Derek Henderson, at the second annual meeting of the Career Opportunity Research and Information Centre (Coric) in Port Elizabeth

He said it was because no link was seen between the individual effort and the ultimate reward in the form of promotion or greater pay packets that the importance of greater productivity was entirely unconvincing to the unskilled worker

"Greater productivity would seem merely to swell the bank balances of the 'fat cats' even further," he said

In an interview with the Weekend Post this week, Dr Henderson said ignorance about the inner dynamics of the industrial system often led workers to consider other systems such as communism

"For the 'have nots', communism may appear to be the way to get the goods delivered," he said

"But Mozambique and Tanzania are good examples of how attractive promises without individual understanding and effort can lead people to reject capitalism without putting it to work for themselves"

It was up to organisations such as Coric as well as individuals who have made the system work for them to help workers achieve a greater understanding of the dynamics of business

Dr Henderson said this would greatly benefit workers who wished to achieve success in their careers

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INDUSTRIAL RELATIONS

The trend in 1983

Increased union usage of the Industrial Court and worker concern about issues extending beyond wages, dismissals and industrial health emerged as key trends in SA labour relations last year.

These are the findings of a survey conducted by the Indicator project just published by the University of Natal's Centre for Applied Social Sciences. The survey was carried out by labour researcher Graham Howe, who submitted a questionnaire to 25 industrial relations specialists — among them lawyers, consultants, businessmen, academics and journalists. Howe also established that the participants had a distinct antipathy towards government interference in employer/employee relationships.

Notably missing from the list of participants were trade unionists. However, Howe says the intention was to get the views of commentators rather than directly involved protagonists. The businessmen interviewed acted in their capacities as industrial relations commentators.

The participants stated they had noted a "meaningful" shift in union strategy towards the use of statutory institutions, and especially the Industrial Court. But a number pointed out that the use of different channels was merely a new tactic to enforce worker demands rather than a method of obviating the need for strike action.

Pragmatic approach

Nevertheless, the main reason for the shift was seen as the need for a pragmatic approach during the recession, although a number of respondents saw it as a function of an increasingly sophisticated approach by unionists.

This, plus a more "conscientised workforce," were seen as the major causes of union interest in a wider range of issues. Wages, dismissal and retrenchment procedures; unfair and racist treatment; and industrial health were the major causes of conflict. But a number of new issues came to the fore. These included job insecurity caused by the migrant labour system, the desire for greater power in the collective bargaining arena, and protection from selective dismissal and re-employment in strike situations. Burning issues not related to collective bargaining included inter-union rivalry, union unity and political affiliation.

In response to a question about their views on labour legislation, most participants said there was already too much State intervention and argued that collective bargaining rules and methods should be left to employers and unions to work out for themselves. Many felt that legislation "should follow rather than pre-empt developments which emerge from the ... management/labour relationship."

LABOUR LEGISLATION

A flawed Act

Confusion, anxiety and a certain amount of cynical amusement have greeted Manpower Minster Pietie du Plessis's Labour Relations Amendment Act which came into effect on September 1 Employers and labour lawyers have pointed out a number of anomalies in the Act which contradict its original intentions One labour specialist also believes that some of the provisions are likely to hinder rather than help stable industrial relations in SA

The two most controversial provisions of the Act are that

☐ Any agreements reached between unions and employers or employer organisations will not be enforceable in court if either party fails to comply with certain requirements. These consist of supplying the Department of Manpower with details of their constitutions, membership, office addresses, names of office-bearers, and maintaining their financial affairs in good order; and

☐ A requirement that employers must submit details of agreements they have concluded with unions to the department.

Manpower's Du Plessis ... back to the drawing board?

The Act states that details of *all* agreements will have to be furnished to the department. In theory this covers even minor agreements such as those relating to the quality of food in a company canteen The *FM* understands, though, that the department "will not be too petty"

This assurance is bound to temper employer anxiety about complying with the Act. Initially it was feared that the department would be swamped with information. As one employer put it· "(The department) will have to take over a hangar at Jan Smuts airport to store all the agreements it receives."

Employer obligations

The publication of the regulations of the Act has further clarified employer obligations. In terms of the regulations, employers are merely required to complete a form providing the following details the nature of the agreement; the nature of the business, names and addresses of the parties to the agreement; the job categories and number of employees affected, the magisterial districts covered by the agreement, the wage regulating measures, if any, applicable to the business, the date on which the agreement was concluded, and its period of operation.

But even if this uncertainty has been removed, intense confusion reigns about Section 3(2) of the Act. Its present wording states that only details of *unenforceable* agreements need be submitted to the department. A departmental source tells the *FM* that this was certainly not intended It appears that this gremlin, as well as others, crept into the original Bill when it was referred to a parliamentary select committee earlier this year

Aside from this, other criticism has been levelled at this section of the Act. Chairman of the Associated Commercial Employers of SA, Michael Wright, says employers will submit information to the department — but he questions whether this will be of any inherent benefit to employers or unions

Another labour relations specialist argues that Section 3(2) will discourage many recently-established unions, which are extremely hostile to the State, from entering into formal relationships with employers They will be reluctant, he says, to conclude agreements if they know that employers will be obliged to divulge details about them to the department This will not apply to the longer-established emerging unions Although they, too, are critical of this requirement they have developed a familiarity with the way the State operates and will continue to negotiate agreements.

Reunert's industrial relations adviser Richard Schuster has drawn attention to another anomaly in the Act. He says a loophole would theoretically allow a union to deliberately fail to supply the department with required information if it was unhappy with an agreement (*Current Affairs* September 14) This would remove a company's right to take legal action in the event of a breach of the agreement. One industrial relations manager has described this situation as "absurd." Wright says it puts the employer at a disadvantage and a number of employer organisations are looking into the matter with a view to having it corrected

A department spokesman confirms this interpretation of the Act, but says it "didn't enter the minds" of its architects Parliamentary debate at the time indicated that the motive for the section was to penalise those unions which fail to submit to requirements of the law.

Labour adviser to the Johannesburg Chamber of Commerce André Malherbe says the Act is premature and poorly conceptualised "One would have expected (the department) to have waited for reactions to the National Manpower Commission's report which deals with union registration before pushing the Act through."

Malherbe says the Act has now created three types of unions. registered unions; unregistered unions which comply with the Act's requirements, and unregistered non-complying unions He points out that if employers sign a non-statutory agreement with the third type of union they have no legal remedy in the event of the union's non-compliance. The union, however, would retain the strike weapon if the employer fails to comply.

Despite these anomalies there is no indication as yet that the offending sections will be taken back to the drawing boards.

Departmental action may well depend on how soon employers and unions begin to take advantage of them.

LABOUR DISPUTES

Dunlop rehires

In a new development in the long-running dispute between the Metal and Allied Workers' Union (Mawu) and Dunlop, the company last week agreed to reinstate 1 400 workers at its two Durban plants who had been fired for striking over the dismissal of five colleagues. Another 600 workers at Dunlop's Ladysmith plant who had also struck, but who were not dismissed, have returned to work The 2 000 workers had been off work for a month.

The dispute continues, however, as the union is still demanding the reinstatement of the original five dismissed employees The union and the company will meet next week to discuss ways of resolving the matter.

A conciliation board has already been appointed to consider the dispute But Mawu branch secretary Geoff Schreiner says the terms of reference granted to the board by the Minister of Manpower have made it unsuitable for dealing with the dispute. Says Schreiner "The case of one of the workers is totally excluded from the terms of reference and, regarding the other four, the board may only 'look at and investigate the dispute revolving around levels of production and disciplinary measures related thereto' This excludes the possibility of taking up those dismissals as an unfair labour practice."

At next week's meeting, the union will offer the company the choice of reinstating the five or referring the case to arbitration or mediation According to Schreiner, a deadlock is likely to result in further worker action.

Two weeks ago, Mr Justice Booysen granted an interdict barring the union from organising or instigating illegal strikes at Dunlop plants A further court hearing to consider whether the strikes were lawful will be held some time in the future. Mawu's view is that the strikes were legal and that any future strikes will also be legal Dunlop has argued that the strikes were unlawful

Legal advisers have told the union it could take up to a year before the matter is finally decided Partly because it will take so long, Schreiner says "The struggle will be fought out at the level of power rather than in the legal arena"

☐ At the time of going to press, the *FM* was unable to obtain comment from Dunlop.

THE FRAME DISPUTES

Fairness questioned

In the second of two articles, the *FM* examines the background to the legal battles between the National Union of Textile Workers and the Frame Group.

Union recognition at the Frame Group's five-mill factory complex at New Germany is at the heart of its dispute with the National Union of Textile Workers (NUTW) Retrenchment has also emerged as a major issue. Frame's retrenchment policy has been challenged in a series of court cases which have proved to be just as complex and drawn-out as the recognition battle itself.

Frame has been retrenching on a large scale at New Germany since the beginning of last year. Hundreds of employees have been affected The group cites the recession, the introduction of more modern production methods, and attempts to improve efficiency and contain overheads to combat inflation as reasons for the programme.

Frame introduced a new retrenchment policy earlier this year which was negotiated with the Textile Workers' Industrial Union (TWIU) — NUTW's rival for recognition at the New Germany complex. It operates on the following principles·

☐ Unskilled employees are retrenched on the basis of last-in-first-out (lifo); but where possible, are offered other jobs within the group.

Acceptance of the offer is voluntary. However, if transfers are not possible, or are turned down, the workers are retrenched. Workers who accept transfers do so on the understanding that they are regarded as "last in" in their new departments — and are thus first in line for retrenchment, and

☐ All other employees are required to undergo competency tests In their case, retrenchment is on the basis that the least competent are retrenched first Where vacancies exist, offers of transfer within the group are made in order of scores in the competence tests. As with unskilled workers, refusal of a transfer, or lack of a suitable vacancy, leads to retrenchment.

Length of service is not a criterion unless workers of equal competence are involved — in which case lifo is applied Any workers who refuse to take competency tests are regarded as having accepted retrenchment.

NUTW takes strong exception to Frame's retrenchment programme Union general secretary John Copelyn says it is "subjective" and "grossly unfair" for the following reasons

☐ His union was not consulted even though NUTW members are affected by it;

☐ The coupling of transfers with lifo in their new departments has meant that some workers have moved only to be retrenched soon thereafter Copelyn argues that this reflects a high degree of cynicism on the part of management as they would have to have known beforehand that they intended to retrench in the new department,

☐ The measurement of competency can only be a highly subjective process and allows management to retrench at will without sufficient justification,

☐ Frame has not tried to introduce alternatives to retrenchment such as reducing overtime, or working short time,

☐ Management has not given retrenched workers any undertakings to re-engage them; and

☐ Unskilled employees have mainly been affected by the retrenchments placing extremely heavy burdens on skilled workers.

Frame Group joint managing director Selwyn Lurie denies Copelyn's allegations. He says that when NUTW members first challenged the group's retrenchment policy in court, counsel acting for them conceded that, given the state of the recognition dispute between NUTW and Frame at that time, it was not unreasonable for the group not to have consulted the union Lurie also says that when workers are transferred this is done with the object of avoiding immediate retrenchment and in the hope that their employment with the company will continue as long as possible However, if retrenchment subsequently becomes necessary in the new department, the workers already employed in that department would feel aggrieved if lifo was not used. He emphatically denies Copelyn's allegation about management cynicism.

Lurie states that employees' competence is easily assessed objectively by the tests used by the group If Frame was to accept NUTW's claim that lifo is the only objective criterion for the selection of all employees for retrenchment, the group would find itself with an inefficient workforce as workers with greater ability would have to be retrenched at the expense of those who are less competent

Lurie says Frame only retrenches as a last resort. Night work has been cut back and short time worked for many months. In addition, the group's mills have been shut down for short periods at various times in order to avoid short time and retrenchment Workers took unpaid leave during those times.

Further, he says, given that competence is one of the criteria used in the selection of employees for retrenchment, it would be

Departmental action may well depend on how soon employers and unions begin to take advantage of them

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Go for performance, not productivity

By Angus Macmillan

FORGET searching for productivity. What your company really needs is performance.

It is not merely a more attractive buzzword for the same elusive goal. There is a world of difference between producing and performing

Consultant Steve Buchholtz, of Wilson Learning Corporation in Minnesota, says most workers who have no say in corporate capers — South Africa is a prime example — merely comply with management to earn a buck.

They may produce to given standards, but will not go beyond that level In America they call it "malicious obedience"

Tricky

However, evolving a participative management style to coax performance from employees is tricky South African business automatically thinks of power-sharing and that puts its back up

Dr Buchholtz says "Participative management is the wrong term It has a bad connotation in South Africa What employers need to practise is employee involvement"

SA companies, and many of their foreign cousins, are not interested in diluting their decision-making powers But they have to do more than simply pay employees for their efforts

Dr Buchholtz says the secret is to involve employees in policy decisions without giving power away

Three groups

"Companies need not surrender power to empower their staff If they don't work out some sort of employee involvement, no matter how generous their tangible employment conditions, they will suffer"

He lumps workers in three groups Those who are satisfied and talk about it, those who are dissatisfied and have an outlet for their grievances, and workers who are dissatisfied and say nothing — or have no voice

"Management should be doing more asking and less telling Otherwise malicious obedience is all they will get."

The question of employee involvement in SA is blurred by a cultural barrier From school, through university and military service and into business, leadership styles are rigid

Children learn to do what they are told and are geared to be reactive not pro-active at work

When it comes to labour disputes, Durban-based industrial relations consultant Bruno Bruniquel thinks many employers put the cart before the horse

"They look for solutions before they have identified the problem Fact finding should be the first step, but they overlook it entirely"

Boozing

Like the company that set up a breathalyser to catch workers drinking on the job There was no attempt to find out why they were boozing at work — and 95% of the staff was alienated by the attempt to trap a few smelly breaths

Too often management provokes, or waits for, a confrontation Then it goes into battle armed with what it thinks is a strong case against its own workers and their unions

Many employers learn the hard way that the ill-educated employees they confront have better negotiating skills than they do — and they often come off second best

Mr Bruniqel says "African culture is built on negotiating If it isn't bartering cattle or crops, it's settling a lobola agreement"

In spite of industrial relations awareness — dozens of companies have appointed specialist IR managers in the past five years — there is still a communications gap

Ironically, the advances in labour relations since Nic Wiehahn's recommendations in 1979, have fuelled another problem

Keith Robson, managing director of TST Consulting, thinks relations between bosses and workers are becoming too compartmentalised

Policy

"It's all very well setting up specialised industrial relations departments, but the problems they are meant to solve invariably stem from personnel policy"

If a company's personnel house is not in order — and that means more than salaries and working conditions — the labour sharp-shooters could be banging their heads against an obstinate brick wall

REPORTS BY IVOR WILKINS

Survey says worker anger is now at an ominously high level

AS SOUTH Africa continues to reel under the worst black unrest since 1976, black worker anger is at an ominously high level

Two thirds of black blue-collar production workers describe themselves as either "unhappy" or "angry and impatient"

And, by far the largest group — 50 percent — place themselves in the "angry and impatient" category

This anger index has grown steadily in successive comparative studies

In 1977, the West German Bergstraesser Institute pegged the anger index at 39 percent.

Worse

In 1981, a study by Professor Schlemmer's Centre for Applied Social Sciences reported it had risen to 56 percent and another study in 1982 found it had climbed to 58 percent.

Two years later, it has jumped another six percentage points

The latest study found that three percent of blue collar workers described themselves as "very happy", five percent as "just happy" and 26 percent in a sort of emotional limbo as "happy yet not happy"

Of the 66 percent who were unhappy or angry, the majority, 76 percent, were trade union members, 74 percent were between 35 and 49 years old, 74 percent were from the West Rand, and 58 percent had reached education levels between Standard 1 and Standard 4.

Asked whether they thought life was improving, staying the same, or getting worse, a majority — 60 percent — said it was getting worse.

Only 16 percent thought life was improving, while 24 percent felt it was staying the same.

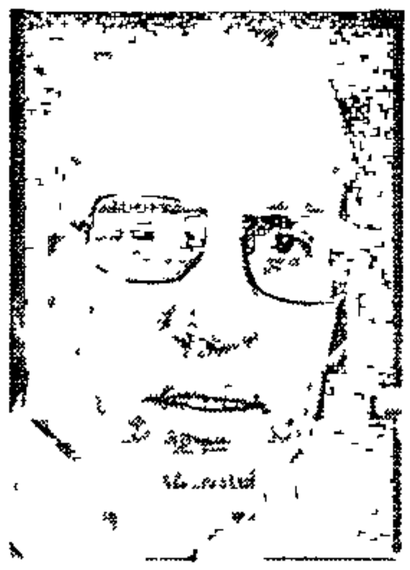
Costs

In an open-ended question, respondents were asked to say what factors in their lives had improved and deteriorated.

Under "Improvements", most, 22 percent, listed home ownership, followed by urban amenities and services (16 percent), business opportunities (15 percent), less discrimination (12 percent), education and training (11 percent), more and better jobs (11 percent), improved standard of living and wages (8 percent) and better welfare services (7 percent)

Under "deteriorations", the top item was rising costs (55 percent), followed by political grievances (50 percent), wages (48 percent), unemployment (42 percent), shortage of housing (30 percent), tax deductions and social conditions tied at 26 percent each, rent increases and education level-pegged at 9 percent and civil unrest and sabotage was mentioned by 8 percent.

In the above two questions,



PROFESSOR SCHLEMMER
Conducted the survey

the totals exceed 100 percent because more than one answer could be given.

Commenting on trends discerned in the black anger index, Professor Schlemmer notes that for the first time in many years of research, political grievances are now high on the agenda of ordinary production workers.

It would appear from his finding that politically-motivated anger is spreading from the well-educated elite down to a broader base in the black community — an ominous development.

Translating political grievance into support for one or other organisation brought a mixed-bag result that was regionally influenced.

The results in the Witwatersrand/Port Elizabeth sample differed considerably from the findings for Natal.

In the former case, most respondents — 27 percent — expressed support for the African National Congress (ANC), with the United Democratic Front (UDF) gaining 11 percent support.

Vacuum

But, out of a list of seven possibilities (See Table 2), 22 percent of black workers in the Port Elizabeth and Witwatersrand areas could not support any of the organisations mentioned

In his accompanying comments, Professor Schlemmer says this indicates that in these regions there is possibly a political vacuum for more pragmatically oriented workers

That vacuum is apparently filled by Chief Gatsha Buthelezi's Inkatha movement as far as Durban's black workers are concerned.

There, the majority, 54 percent, expressed support for Inkatha, followed by 23 percent for the UDF and 11 percent for the ANC

In an effort to assess black attitudes to armed confrontation in an objective situation, removed from their own circumstances, the study asked them their opinions on strategies for Namibia

The findings were that almost as many favoured armed confrontation (56 percent) as peaceful negotiation (67 percent) — again more than one answer could be given leading to totals exceeding 100 percent.

Militant

It also transpired that the youth (16 to 24 years) and better educated people and people living in Soweto and Pretoria were more militantly inclined.

The latest study also investigated the willingness of blacks to take political risks and found their numbers had grown compared with previous studies.

Now, 61 percent indicated such a willingness, compared with 45 percent in the 1982 Buthelezi Commission.

8 areas probed

THE INDICATOR South Africa magazine survey in the special issue Focus involved an exhaustive process of face-to-face interviews with respondents in South Africa's major industrial areas

The sample comprised 551 interviews, all separately

PERCEIVED ROLES OF TRADE UNIONS

Improve wages.....54%

ominously high level

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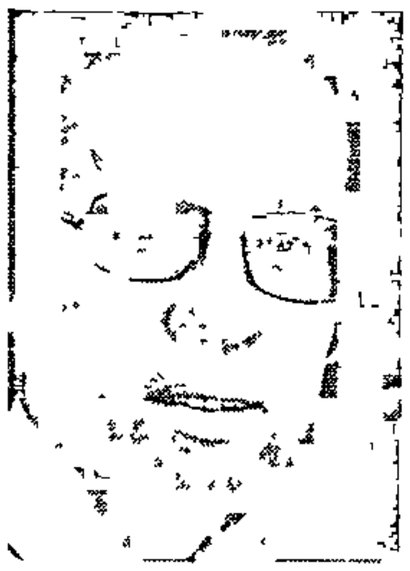

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PERCEIVED ROLES OF TRADE UNIONS

Improve wages	64%
Protect against dismissal/disciplinary action	26%
Improve management/worker communication	21%
Foster black job advancement	18%
Improve diverse working conditions	18%
Improve race relations	13%
Fight unemployment	13%
Improve community facilities	9%
Improve supervision	6%
Fight influx control	3%
Work for political rights	3%
Other	1%

8 areas probed

THE INDICATOR South Africa magazine survey in the special issue Focus involved an exhaustive process of face-to-face interviews with respondents in South Africa's major industrial areas

The sample comprised 551 interviews, all separately conducted in the language of the respondent's choice and in the privacy of their homes.

Each interview took about 110 minutes

The eight areas in which the survey was conducted were Johannesburg, Pretoria, the East Rand, the West Rand, the Vaal Triangle area, Port Elizabeth, Durban and Pinetown.

Cultural gap on the factory floor

Star 13/10/84

By Carolyn Dempster (132)
Labour Reporter

Communication breakdown is something most people think they understand So are cultural differences.

They form the basis of explanations advanced by managements when things start to go wrong, when people aren't functioning efficiently, when a black labour force behaves in a manner incomprehensible to a white management.

They also lie at the root of the sort of problems faced daily by businesses operating in a country of curious contrasts.

Trying to locate "where it hurts the company most", and treating the cause of the problem instead of the symptom is the way Mr Julian Bailey of Inter-Man sums up the objectives of his company

Inter-Man, a small, specialised training outfit, has developed a personalised, integrative approach which is best described as informal industrial relations

Instead of offering a quick, ineffectual balm to companies in the throes of personnel distress, Inter-Man designs its approach to fit the company, its workforce and the specific problem.

"We grapple with problems right across the board, from top managerial level right down to floor sweepers," ex plains Mr Bailey, a consultant and trainer

The most common area of "breakdown" he has encountered occurs at the white/black interface in a business.

The white supervisors or middle management men require feed-back from the black labour force They don't get it, and information that should be channelled down the management line is often communicated in the wrong way, says Mr Bailey

Cultural differences and an absence of business skills lie at the root of numerous problems, but companies seldom take this into account

Instead, companies complain of a lack of initiative or lack of responsibility among their black personnel, and they argue that the person is "not good material for advancement"

It is often because workers involved do not see the reason behind what they do, lack an understanding of the functioning of the company and have no concept of the ramifications of certain of their actions

Stepping into the breach requires tact and sensitiveness

"I always work on the assumption that every worker wants to be efficient," says Mr Bailey

It is on this premise that the Inter-Man team conducts what it calls a needs analysis of a company that has put out the call for help

"Sometimes I get a feeling of *deja vu*, I've seen the problems so many times before"

The needs analysis is a combination of one-on-one interviews to ascertain perceived problem areas and needs, testing and performance appraisals

Once this has been completed the company can decide whether or not it wants to solve the problem If it does, Inter—Man designs the course to suit, in literacy, communication, language or business orientation

Often it is purely a case of equipping employees with the skills they need to survive in an alien business world and culture

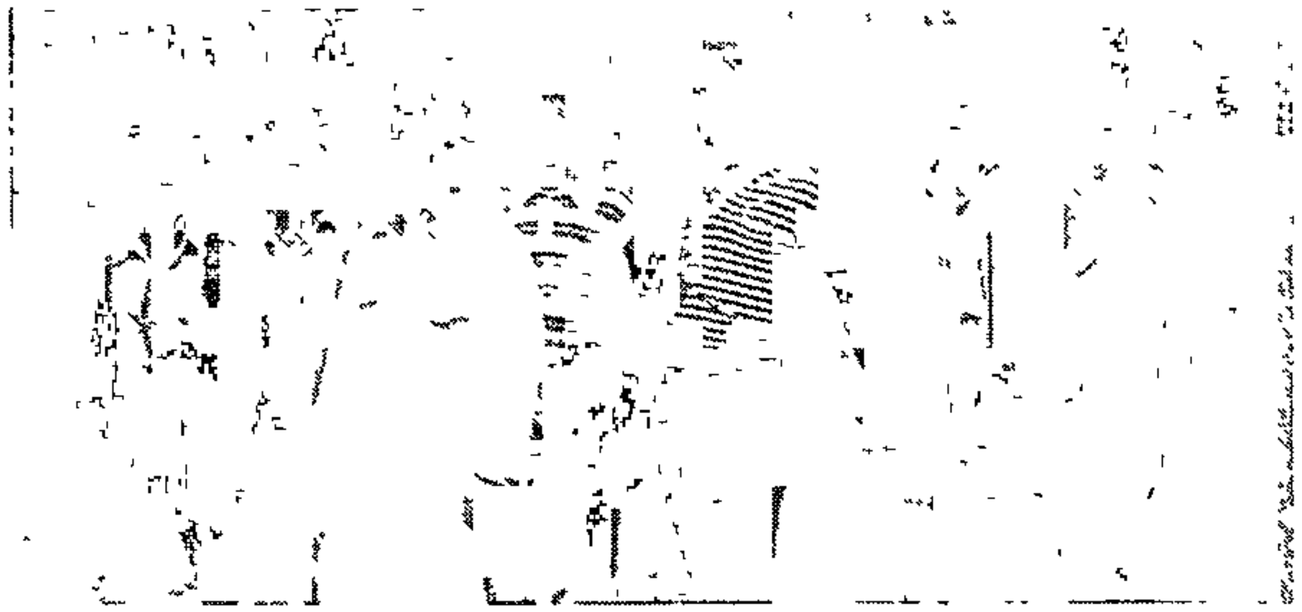
"It's a bit like putting a qualified person in front of a computer and not telling them which buttons to push to achieve the desired results," says Mr Bailey

"By isolating the problem and treating the cause, we give that kind of information."

Industrial relations in SA reach a crossroad

(132) S. Star 14/10/84

The economic slump has sharpened confrontation between black unions and management. As unions grow bigger and more militant, employers become less flexible. The economic downturn is hurting both sides. CAROLINE DEMPSTER reports.



AS 1984 draws to a recessionary close, the state of the art of labour relations in South Africa is reflected by the incessant and rapid rate of black unionisation

From the bewildered babe of the pre-1979 Wiehahn era, labour relations in South Africa have entered an adolescent phase

Membership of black and multi-racial trade unions has increased five-fold since 1971, and total union membership is doubling every two years, according to Department of Manpower statistics

Employers have had to contend with the militancy and increasingly sophisticated strategies of the multi-racial trade union movement, and in turn, emergent unions have been faced with a severe economic slump and a hardening of employer attitudes to test their new-found skills and strength

A new mould of labour relations is in the process of being cast with the State, Industrial Court, employers and emergent trade union movement active participants

At stake is the future of collective bargaining in South Africa, and the future of the economy

For the benefit of the uninitiated, including those hundreds of employers who have not yet encountered the new style and thrust of black worker mobilisation, industrial relations consultant Andrew Levy divides the trade union movement into the right wing white radicals (South African Confederation of Labour and Arrie Paulus's Mynwerkers Unie), established has-beens (Trade Union Council of South Africa), multi-racial militants (Council of Unions of South Africa and Federation of South African Trade Unions), independents (General Workers' Union, African Food and Canning Workers' Union, Commercial Catering and Allied Workers' Union and South African Boilermakers' Society) and fringe unions (SA Scooter Drivers' Association among many others)

Of these, the grouping held in highest regard and viewed with as much trepidation as respect by major employers is the Federation of South African Trade Unions (Fosatu)

With solid shop floor organisation and wide membership support, Fosatu's nine union affiliates have built up a formidable reputation in the labour field — as much for developing the art of labour relations as advancing the interests of black workers

Similarly, the fledgling National Union of Mineworkers (NUM) under Cusa's umbrella have earned the wary respect of the mining houses in a year fraught with disputes, and the country's first legal strike by black mineworkers

The broad-based unionisation of black workers has been marked by a sharp rise in industrial action and unrest, an increasing use of official dispute-settling machinery, use of the Industrial Court as an outlet for grievances, and an employer backlash as management prerogatives are challenged and eroded

From a state of fierce resistance to participation in the Industrial Council system and registration, many of the more militant unions have entered the system to effect change from within over the past two years

Similarly, employers' fierce antipathy towards plant-level bargaining has weakened and many have opened the doors at shop floor level to unions they would have attempted to bar four years ago

As employers have found to their cost, it makes little sense to heed the instructions of an employer body not to bargain at factory level when the union knocking on the door has the capacity to bring production to a grinding halt

The Industrial Court, a controversial body since its inception five years ago, has played a central role in determining the future course of labour relations and peaceful dispute resolution

Encumbered with the crucial task of establishing clear guidelines in such hazardous areas as unfair labour practice, fair dismissal and retrenchment, and the right to strike, the court has been subjected to intense pressures — mostly at the hands of employers who found themselves losing case after case

With the increasing intervention of the new Minister of Manpower in rejecting conciliation boards and circumscribing the jurisdiction of the boards, the future status of the Industrial Court is currently under intense debate

Unions have reached the stage where they are seriously questioning the efficacy of taking the conciliation route when workers are consistently frustrated in their efforts

Recent amendments to the Labour Relations Act have also drawn the ire of employers and employees who see the changes as unnecessary state intervention in the collective bargaining relationship

But as much as the route of labour relations is subject to these direct influences, the long-term success of trade unionism and collective bargaining should also be seen as part of the social fabric of South Africa

Business Day/LABOUR

RDM 15/10/84 132

Screenex ruling angers black union

LABOUR WEEK
By Phillip Van Niekerk

THE Metal and Allied Workers' Union's angry response, to the Industrial Court's judgement last week in the Screenex case, is a further sign of emerging unions' growing disenchantment with the official labour system

The Industrial Court is the carrot that was until recently enticing mainly black unions into making use of the system It was also criticised by employers as being too pro-union

Now it's looking less attractive

In the Screenex case Mr J A Erasmus found, in a dispute over the dismissal of 10 migrant workers, that the question of lay-offs did not arise for them because their contracts had expired

Thus, if this ruling is accepted, a migrant worker, who is always on a fixed-term contract, is not subject to the same criteria of "fair retrenchment" as other workers He is effectively denied the same security of employment.

Mawu attacked the judgement because, it alleged, it contained factual errors, placed migrants outside the protection of the law and denied them full trade union rights

Mawu said "The court's decision emphasises that migrant labour contracts are purely an instrument of repression of workers and give them no legal rights or protection Mawu believes that unions will have to re-evaluate their entire attitude to the Industrial Court in the light of recent judgements"

In fact, the union claimed, the Unemployment Insurance Commissioner had prejudged the outcome of this case a few months ago by including a provision in the UIF contributors card for "ending of contract" as a different reason for termination of employment than "retrenchment".

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AN UNDERLYING issue of the Screenex case is the credibility of the Government's official labour relations system

In a country where most representative black organisations refuse to have anything to do with the system, labour relations is one small island of participation some of the most fiercely independent unions have registered and joined industrial councils and routinely make use of the industrial court

The rewards of the system are, however, being increasingly questioned

Last month the National Union of Mineworkers (NUM), after the country's first legal black miners' strike, questioned the value of going through all the legal channels

The strike also brought to the fore the continuing contradiction between reform to labour relations — allowing unions to join trade unions and bargain wages — and other elements of the labour system, such as migrant labour.

Unions have also questioned the Minister of Manpower's decision to exclude from the terms of reference of conciliation boards the consideration of unfair labour practices

Other recent decisions of the court, the Labour Relations Amendment Act of 1984, the National Manpower Commission's report on registration and a host of other events, have led many unions to believe that a new wind of change is blowing

All of this coincides with turmoil in the black townships and a militant political climate.

336 strikes reported last year — drop of 15 percent from 1982

Argus 18/10/84 (132)

Labour Reporter

A TOTAL of 336 strikes were reported to the Department of Manpower last year — representing a 15 percent drop from the previous year

According to the annual report of the National Manpower Commission, the number of man-days lost through strikes had decreased by about two-thirds since 1982

About 65 000 workers went on strike last year and nearly 125 00 man-days were lost

RECESSION

The commission attributed the drop in strikes partly to the economic recession and partly to increased use of official dispute settlements

However there had been a "general upward trend in the number of strikes" over the past few years, which could largely be attributed to overall economic growth, to the increasing awareness of blacks of their bargaining position and to the "normal functioning of the labour market"

The NMC also reported

- A "considerable" increase in unemployment About 86 000 fewer people were employed in the non-agricultural sectors than in 1982 Structural adjustments to the economy were necessary to overcome unemployment in the long term
- The continued growth of the trade union movement, with blacks representing 39 percent of total union members

Dr Hennie Reynders, chairman of the commission, said in his introduction to the report that younger trade unions were "beginning to show greater balance in their demands"

- The report said Industrial Councils — described by Dr Reynders as the "essence of the system of collective bargaining' — were being subjected to 'critical examination" by the newer unions, as well as the established unions, employers and labour observers, and
- About 66 000 more contract workers from various homelands brought the total to about 1,4-million About 773 000 workers commuted daily from the homelands to their workplaces

304A (16)

Anderson

 RDM 23/10/84 (132) (151) (152) (213) (145) (134)

SA on path for record industrial action year

THE National Manpower Commission's annual report released last week reads like a litany of last year's facts and trends ... more than 10 months into 1984.

The report shows that during 1983 there was a drop in the number of work stoppages and strikes.

Already in 1984 this trend has been reversed and the country is well into a record year for industrial action.

The report shows an increase in the use of statutory machinery by emerging trade unions.

While this trend has continued into 1984, emerging unions are increasingly questioning the value of using this machinery and the trend could soon well move the other way.

The report notes that unemployment reached record levels during 1983, but that a turning point in the economic cycle had been reached, bringing with it a further improvement in the unemployment situation

That turning point did not last long. With hundreds of thousands of school-leavers flooding onto the job market, there is little doubt that the unemployment situation is worse now than it was a year ago.

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ONE thing to emerge from the report is that the NMC's long-awaited investigation into the conditions of domestic and agricultural workers is complete.

However, the report has been handed over to the Minister of Manpower and is unlikely to be made public before next year.

Farm and domestic workers are outside the ambit of the Labour Relations Act and are not protected by most of the legislation that governs workers in other sectors.

That this situation is unsatisfactory was recognised by Mr Fanie Botha, the then Minister of Manpower, when he launched the investigation almost three years ago.

From replies by Dr Hennie Reynders, chairman of the NMC, at a Press conference last week, it seems that the NMC is likely to recommend a mixed bag.

Because of the "peculiar" conditions relating to the employment of farm and domestic workers, they are unlikely to be neatly slotted into labour legislation alongside other workers.

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LABOURWISE, 1984 has belonged to mineworkers.

So one NMC statistic that makes interesting reading is the figure for strikes and work-stoppages. According to the report, the total number of workers in all sectors who went on strike during the whole of last year was 60 000.

In the National Union of Mineworkers' legal strike at six Anglo American mines last month at least 40 000 workers went out.

Add to that the miners who struck at Hartebeestfontein, Western Areas, West Rand Consolidated, Unisell and Durban Deep and you have a figure of more than 60 000 in one related industrial action alone.

And, in a reminder of the first dispute between the NUM and the Chamber last year, Rand Refinery workers stopped work last week.

They could return to a legal strike at anytime, while workers at the Johannesburg depot of Teba and at Rand Mines' Rietspruit and Duvha collieries are also entitled to take legal strike action.

After the failure of mediation, the NUM's dispute with the chamber over the wages of workers at the Rand Mutual Hospital has now been referred to arbitration.

So while the mining industry may have established something of a record for the number of workers out, the industry is not doing so badly for the number of disputes declared either.

'Don't lay all the blame at door of unions'

E. Post (132) 24/10/84

Professor Nic Wiehahn, who chaired the famous Wiehahn Commission, has been appointed Director of the Business Leadership School of Unisa. In this interview with JOE PODBREY he speaks frankly of the urgent need for labour reform in this country and of his part in it.

PROFESSOR Nic Wiehahn's name is about as inextricably linked to the famous Wiehahn Report as King John's is to the Magna Carta And, in the area of South African labour relations, it has about as much significance

Prof Wiehahn, whose curriculum vitae reads like the biographies of half a dozen distinguished academicians, is the newly appointed director of the School of Business Leadership at the University of South Africa His fields are in law (he is a Supreme Court advicate) and labour legislation.

His appointments include the directorship of the Institute of Labour relations, the Bureau for International Labour Affairs, member of the Prime Minister's Economic Advisory Council, President of the Industrial Court of South Africa and many more

There can be little doubt that Dr Wiehahn is pleased with the way his commission's report was received and implemented by the Government He pays generous tribute to the then Minister of Manpower, Mr Fanie Botha, who had the courage and foresight to appoint the commission at the instigation of Dr Wihahn himself

He recalls the occasion with obvious pleasure

"Back in 1977," he relates, "I was having a drink with my elder son and we spoke about the working conditions in this country. I said to him 'I think there should be a commission of inquiry into out labour laws', so the next morning I flew down to Cape Town and put the proposition to Mr Fanie Botha

"'I must consult the Prime Minister,' Mr Botha said A little while later he returned to say 'The PM says fine, but I want you to be its chairman' That is how it all began"

If you ask Dr Wiehahn what the most fundamental change his report brought about in our traditional labour policies, he will say it is the "deracialisation" of South Africa's labour laws

The removal of job reservation and the inclusion of the black worker in the definition of "employee" in terms of the Industrial Conciliation Act are probably the two most important steps in the process of this deracialisation

"I believe job reservation should be abolished on the mines, too, as soon as possible," he states emphatically "Unfortunately, it is the white mining union which stands in the way"

So how much further do we still have to go in our labour legislation? Again, says Dr Wiehahn, it is in the field of mining that we still lag behind.

"You must bear in mind that our mining industry has suffered the bloodiest history of all, dating back to 1884, through the Rand Revolt of 1933, to the present day

Now that black trade unions have been officially recognised, does he not foresee them presenting a political threat in the future?

"Politics and trade unionism have always had a close affinity Look at the British trade unions or Solidarity in Poland, for example It would be very naive of us to imagine that it will be different here

"If conditions in this country provide reasons for workers' discontent, there will be enough other organisations to take up the cudgels. We cannot lay all the blame at the door of the unions"

How do the Riekert and Wiehahn reports differ and how dependent are they on each other?

"My report," says the Professor, "is concerned with stabilising our 'vertical' labour mobility It seeks to remove the obstructions for job opportunities by amending our labour legislation.

"The Riekert Report is concerned with 'horizontal' mobility It is more involved with sociological and political issues, such as influx control

"I do not believe that we can implement the one without implementing the other"

How was it that his report, which contains so many revolutionary changes and improvements in our labour laws, so favourably received?

It was a question of timing, he thinks "My commission's report answered a need Other commission reports, like Erika Theron's for instance, was not implemented because they were, I believe, too advanced and too liberal for its time"

Prof Wiehahn laughs when questioned about his politics He has been accused by the conservative elements of being an arch-liberal, a super verligte, a destroyer of holy institutions.

"I suppose," he reflects, "that I probably did usher in the age of the so-called verligte That, too, was a movement whose time had arrived"

"But I am not a politician," he adds, "nor am I concerned with political labels I am proud of what I have achieved and I have no regrets whatsoever"

132 25/10/84 The Natal Mercury, Thu

S A heading for strike record

Property Editor

Kimberley—South Africa is heading for the worst strike year since World War II, delegates to the Building Industries Federation congress were told here.

A past president of the organisation, Mr John Barrow, said industrial conflict had increased sharply this year and it seemed likely it would increase even further

Mr Barrow said 1982 was the biggest strike year this decade and both the number of strikes and the man-days lost in the first half of this year were already higher than in 1982

Unions

The emerging unions, he said, represented mostly a labour force which was unskilled or semi-skilled and which lacked the background of labour experience and leadership, such as that offered by the artisan unions.

'They are therefore more militant in their methods. These unions normally draw their leadership from outside the union and not necessarily from within the membership,' said Mr Barrow

It would appear the unions were becoming more militant for the following reasons

● Worker militancy has been fuelled by basic price increases;

● A stronger union movement has developed while employers have been hamstrung by the worsening economy,

● Trade unions are getting involved in township unrest — for example they were involved in boycotting the coloured and Indian elections, and

● The new constitution does not provide for blacks and this could lead to the problem of emerging unions using trade unionism as a vehicle to achieve their aspirations

Mr Barrow said discussions between 24 trade unions have been taking place and a draft constitution for a federation has been drawn up

The unions are expected to use the legal system more and the Industrial Court could find itself inundated with applications for unfair labour practices.

Militancy

From the builders' point of view it was fair to assume that the larger employers of labour would suffer most and it was likely the small contractor might not be affected directly by militant trade union action

'However, it is fair to assume that the militancy of these unions will be influenced by the attitude of Bifsa and the industrial councils,' said Mr Barrow

'Perhaps we should be thinking of ways and means by which we could make closer contact with the responsible unions'

He said the small contractor was an integral part of the building industry

'He is here to stay and I don't believe that we could operate without him The number of small contractors in both the formal and informal sectors is likely to increase considerably'

Review

Mr Barrow called for the industrial council system to be reviewed to meet the needs of an industry, which was changing both in attitude and representation

'Possibly we will have to set up parameters within which the informal and semi-formal sectors could be permitted to operate Limitations such as the nature and value of the work could be defined

'A man's acceptability and ability to stay in business will then be determined by the consumer and will be dependent solely on his competence.'

Diversify

He called on the MBAs to reconsider their membership requirements with a view to improving their representativeness in the small contractor category, even if this meant establishing two levels of membership

Mr Neil Fraser, a divisional director of large contractor Murray and Roberts, said major companies had been forced to diversify to sustain dividend growth, because of the severe cyclical nature of the construction industry

Citing his company's annual report, Mr Fraser said only 41 percent of the group's R130 million operating profit came from its construction activities

He said in an appraisal of the role of the major contractor

☐ Insufficient time and energy have been devoted to industrial relations,

☐ Management is not developing skills among black employees,

☐ More research must be spent on research and development,

☐ Economic and financial skills must be honed,

☐ At least 4 300 non-white executives will have to be brought into the industry each year,

☐ There is little hope of alleviating the industry's skills shortage, especially among blacks,

☐ About 3,7 million houses will have to be built (at the rate of 200 000 a year) to accommodate the country's population of about 45 million by the end of the century

SA BLACKS Argus 25/10/84 (132)

Wages 'better than codes'

Argus Foreign Service, Washington

IMPROVING wage agreements could help South African workers more than codes of conduct such as the Sullivan principles, Dr P J van der Merwe, South Africa's Director-General of Manpower, said here.

Dr van der Merwe told a luncheon audience that most black workers were opposed to foreign disinvestment because it would harm them.

The Sullivan and European Common Market codes of conduct had served a purpose, he said But workers could be helped more by stipulating their benefits and conditions through employment contracts and wage agreements

Dr van der Merwe said the drift of blacks to urban areas was inevitable and could not be prevented, only controlled

Participation

In reply to a question Dr van der Merwe said the new constitutional dispensation would increase pressure in Parliament, within communities and in workplaces for a formula allowing more effective political participation by urban blacks

Dr van der Merwe said the challenge arising from the increase in strikes was not to curb strikes but to limit their duration and stop them growing into riots and intimidation

Sapa-Reuter reports that Dr van der Merwe said black workers in South Africa would exercise their strong economic muscle increasingly for broader political rights.

"Pressures for political participation (by blacks) will increase ...the problem will become more urgent"

No illusions

He said the pressure would be intensified by South Africa's recent constitutional reforms which granted limited political participation to Asians and coloureds but excluded blacks

"Politicians say one-man-one-vote can't work, but a real model will have to evolve," Mr van der Merwe said.

He said labour reforms allowing blacks to participate in trade unions had brought more strikes

"We had no illusions We knew it was coming and we were quite prepared for it," Mr van der Merwe said

He said the Government recognised strikes as a legitimate weapon and did not intend to deprive workers of that right

"It would be counterproductive and undesirable"

The main problem was to prevent labour unrest spilling into community violence, he said.

Mr Van der Merwe said he believed most black workers opposed disinvestment in South Africa by foreign companies. He said multinational companies were playing a significant role in improving work and environment conditions of blacks

Asked how far foreign firms could "push" to improve the lot of South Africa's blacks under current political conditions, he replied "Quite far I think there is room to push more if they want to."

"They have played, and still do, a very important role They are very much aware of foreign pressures They have to find answers for their involvement in South Africa," he added.

PEOPLE IN BUSINESS

Bryan Deans

Farm workers' unions under the spotlight

THERE are still some "holes" in the new labour laws One of these is the predicament of farm workers

The Labour Relations Act specifically excludes these workers from registering trade unions The issue is politically sensitive but I understand that the prohibition is being reviewed in Pretoria, although no conclusion has been reached

Baasskap is more entrenched on the farm than in any other sector of the economy The mind boggles at the reaction of many farmers — particularly in present economic conditions — to unions coming to negotiate the full panoply of disciplinary and grievance procedures, not to mention wages and conditions

In discussion with Professor Nic Wiehahn, architect in the late 1970s of the revised labour laws, I asked about the gaps which remained, specifically those involving farm workers

He pointed out that these people were not the only ones excluded The right of civil servants to strike was circumscribed Also workers at keypoints such as Sasol were not able to withdraw their labour legally

He added "I still believe agricultural workers should be included under the system The exclusion should be scrapped because those farmers who do not want trade union representation on their farms would still have the right of admission

"I doubt whether it is possible to organise farm-workers in the conventional, formal way, except possibly at estates such as Zebediela where there are hundreds of orange pluckers who have at present no way of negotiating a dispute"

Profesor Wiehahn observed that under the labour dispensation any discrimination on the grounds of colour, sex or race was prohibited If that were carried to the ultimate, to include the most under-privileged working group of all, it would be possible to make considerable "image" capital overseas

For Professor Wiehahn it has been an eventful month in which he has been appointed Director of Unisa's School of Business Leadership and has accepted the chairmanship of the Care Enterprises group

It seems likely that under his leadership Unisa's SBL will continue to have a high profile in human relations "After all, approximately 50 percent of management success depends upon how you handle people"

These people skills have to be applied more subtly in South Africa than anywhere else The responses of blacks, it has been proved, are totally different to those of whites

It was for this reason that "productivity" became such a dirty word because a concept which seemed reasonable to a white was seen by blacks, as Professor Wiehahn puts it, "more exploitation — management wants us to work harder"

Now a similar dilemma arises from the report "Project Free Enterprise" which also came out of a Unisa study and which showed virtually all blacks — and a good many whites — have rejected the capitalist system

Since that report came out in July, its co-ordinator, Professor Martin Nasser and some of the country's leaders have been engaging in think tanks to consider its implications

Professor Wiehahn says he has frequently been urged to start politicising the worker movement and explaining the benefits of free enterprise

The dangers inherent in that are great One can just imagine the glee of agitators if it were to be announced that private enterprise had voted R5-million, or whatever, to a campaign to teach the workers to love their managements

The answer to that particular dilemma will come, not from propaganda, but from sound industrial relations As a more equitable industrial system evolves — and great strides have been made — the labour force will feel in its living standards the reasons for liking capitalism

Asked about his private sector role with the Care Group, Professor Wiehahn explained "It is developing into an organisation exclusively concerned with human resources — medical care, personnel selection, employee benefits and training. Because it is a specialist group it can be prognostic and plan well ahead for the human resource needs of the future"

Employers 'Need common strategy on unions'

(132) 28/10/84.

EMPLOYERS should get together to thrash out a common strategy against unions, industrial relations expert Andre Jacobs of Sapoa told a recent conference in Johannesburg "Employers would do well to remind themselves that while it is acceptable and good to compete in the commercial market it spells disaster to sabotage each other in the labour field

"Employers have to get together *en masse*"

Those who decided on how to deal with unions in isolation "will find the current union tactics of 'leapfrogging' or indirect negotiations impossible to contend with"

Unions would increasingly gain concessions from individual employers and demand similar concessions from others through indirect negotiation tactics

Current labour relations suggested employers would increasingly face disputes and industrial action over issues that did not fall under their direct control or influence, Mr Jacobs said

Workers get help learning to read

Mercury Reporter

DURBAN companies are sincerely concerned over the plight of their illiterate workers and try to assist in their tuition wherever possible

According to Mrs Jenny Eriksson, representative of the Bureau of Literacy and Literature in Durban, companies sympathised with these workers and were always receptive to suggestions on how to overcome the seemingly insurmountable problems

'Unfortunately it sometimes happens that the illiterate man has to stand at a machine for eight hours a day, and if he is not there it could mean up to five people are unable to carry on with their work', she said

She added that a recent survey conducted by a Hammarsdale company revealed that more than 200 people wanted to learn to read and write or speak English as a second language.

Since then the company has made it possible that workers attend the course in the factory every Friday.

Salary

'Another well-known local company has handpicked five men who will get promotion after they have completed our course What better incentive can be given than that?' said Mrs Eriksson.

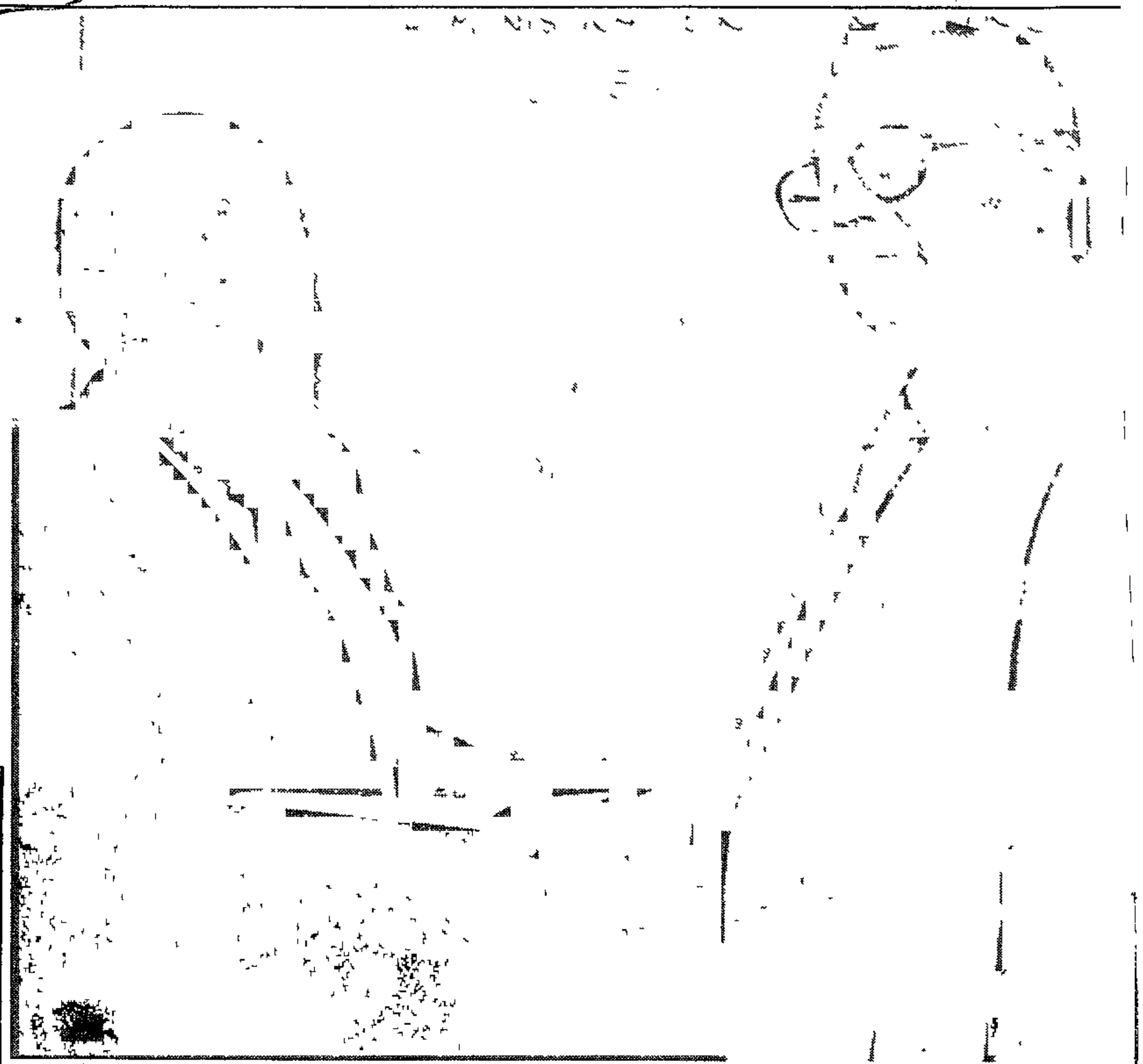
She added that the City Engineer's Department had sent some of its long-standing employees on the course and presented each with a certificate for passing.

'It was a first for Durban as the staff members were sent on the course for 12 weeks on a full-time basis and still received their full salary,' she said

Reading street names, maps and signs in shops were all part of the problems facing the illiterate man or woman.

According to Mrs Eriksson her most treasured memory is that of a 60-year-old Empangeni woman whom she taught to read and write so that she could answer her daughter's letters

'She eventually sent me a postcard to show me what she had learned.'



Mr Amos Manqele, the longest serving member in the City Engineer's group, receives his literacy certificate from Mr Don Macleod, Durban's City Engineer.

RDM: 30/10/84 (132)

Unions see industrial court balance teetering

PHILLIP VAN NIEKERK

THE credibility of one of South Africa's most innovative and progressive social reforms — the industrial court — is at risk as emerging unions increasingly question the court's value as a defence against unfair employment practices.

In recent weeks labour lawyers and unions have viewed with alarm the court's marked shift away from what they see as its previous role of developing fair labour standards in South Africa.

Several court findings such as the Screenex judgement — which held migrant workers to have less job security than other workers — and decisions by the Department of Manpower to prevent unfair labour practice cases coming to court have been severely criticised.

The new direction of the court and of the department follows closely strong pressure from some employers and labour academics who believed that the court was becoming too pro-union

Now the Metal and Allied Workers' Union (Mawu), one of the trend-setters within the emerging union movement, has threatened to stop using the court altogether

One of the strongest criticisms was made last week by Johannesburg attorney, Mr John Brand, who warned that the collapse of the court would lead to an inevitable increase in industrial unrest.

At stake is whether emerging unions will continue to use statutory channels to sort out their differences with employers or whether this conflict will surface in greater unrest on the shopfloor

The court, a creation of legislation which flowed from the Wiehahn Commission, was an attempt to apply international standards of fairness

With the introduction of the court five years ago came the introduction of a concept new to South African law the unfair labour practice

The aim of introducing this concept, as expressed by the Wiehahn commission, was to ensure the six basic rights of labour law

The commission found "Unfairness in employment can be related to the right to work, to associate, to bargain collectively, to withhold labour, to protection and to training and development."

In law the "unfair labour practice" concept was left vague — a fact which was high among criticisms of the court by employers, who felt the legal definition should have been tightened up.

But Mr Brand pointed out last week that the Wiehahn Commission had deliberately left the concept vague, letting the court be guided by international standards in developing fair labour standards

Mr Brand said that whereas the unfair labour practice concept was new to South African law, it was very well established internationally

"It is a concept which has been used in many countries for many years as a means primarily of compelling effective collective bargaining," he said

"There were two major reasons for countries wanting to compel effective collective bargaining and the attendant right to associate and withhold labour

"The first reason was to reduce the incidence of industrial disruption caused by labour/management disputes and the second was to give workers more economic leverage to counteract the power of collective capital"

As Mr Brand pointed out, one of the most fundamental objects of labour law has always been to counteract the imbalance of power between an individual worker on the one hand, and collective capital on the other

Apart from the industrialised countries such as Japan, Canada and the United States who have the concept in their law, there are a host of third world countries with unfair labour practice legislation

Apart from a few early hiccoughs, the industrial court set about developing these standards in an innovative manner which stunned many who believed such reform was not really possible

Thus a landmark case such as United African Motor and Allied Workers Union versus Fodens found it an unfair labour practice to fail to negotiate with a representative trade union or to retrench workers without consulting a trade union.

The direction of the court has had a telling effect In the first eight months of this year, 123 application were made to settle disputes with official conciliation boards and 175 industrial court cases were launched

This was more than the whole of the previous year, which had been a record year for use of the official machinery Many of these disputes would otherwise have ended up as strikes

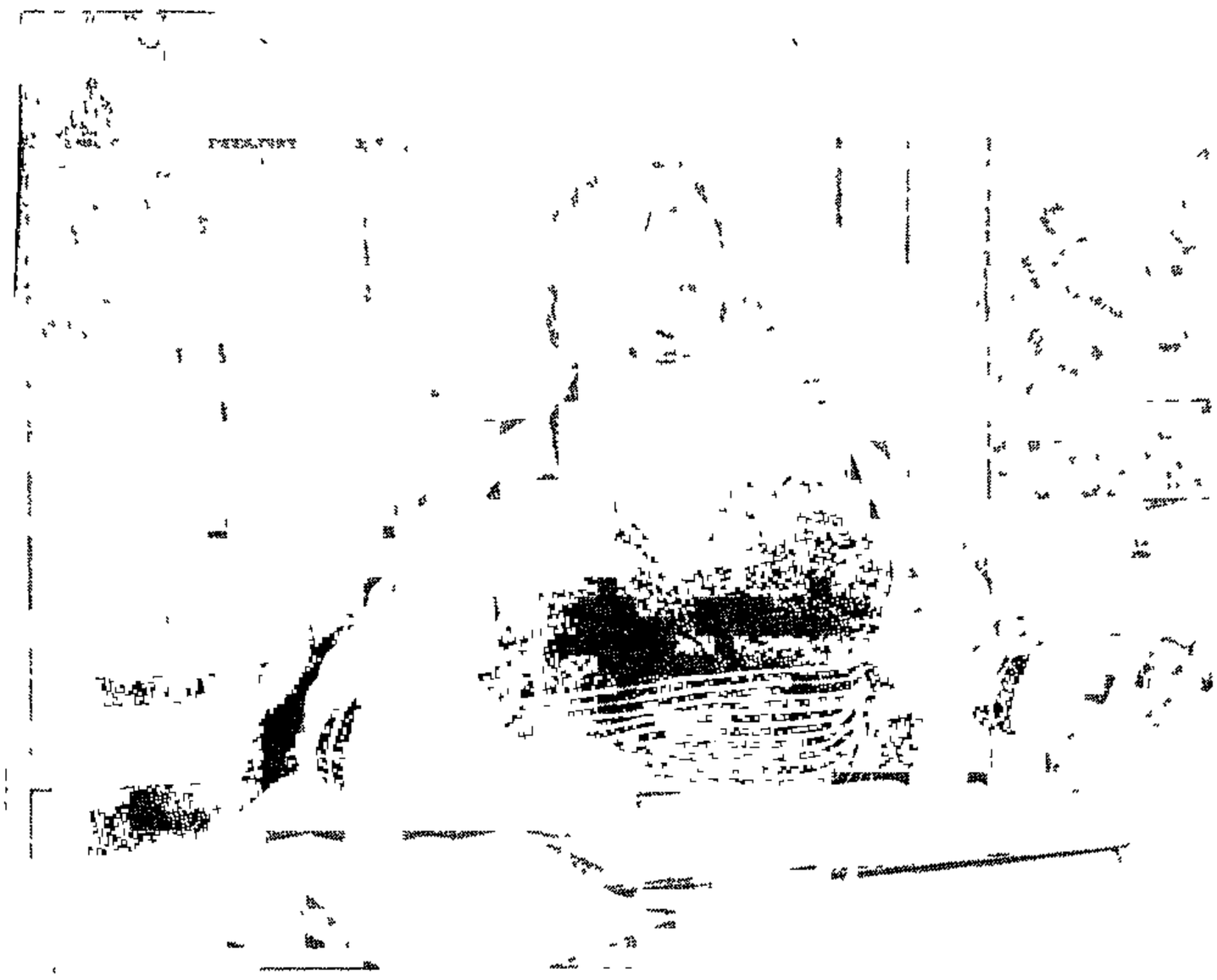
The criticism of the direction the court had taken was entirely predictable, said Mr Brand

"It was consistent with that of many employers and lawyers in all countries where fair labour standards have been introduced

"However, unlike other countries, where fair labour standards have been introduced, the criticisms and resistance appears to be having a significant negative effect on the developing patterns of fair labour practices"

The most dramatic example of the new trend was the Screenex judgement several weeks ago which followed a wait of nearly eight months from the end of the trial

Mr Brand warned that the collapse of the court could be avoided if employers changed their attitude to the court and learnt from the experience of other countries who had found the channelling of conflict to be in their long-term interests.



Stellenbosch's Swart ... different perceptions of collective bargaining

(132) FM 2/11/84

is also known to have approached organisations for recognition."

Of the 414 organisations approached for recognition, 76% entered into discussions with unions In 60% of these cases, discussion resulted in some form of recognition for the union, although organisations only signed written agreements (recognition and/or substantive agreements) in 29% of cases. Nothing happened in 24% of the cases

The majority of the organisations that were prepared to have discussions with unions were in the trading sector (90%), followed by finance houses (89%), mines (82%), manufacturers (76%), local authorities (62%), and lastly contractors (56%) Traders were also most willing to grant recognition to unions (72%), but thereafter the order changes Mines were next most willing (65%), followed by manufacturers (59%), financiers (56%), contractors (54%) and local authorities (41%)

Mine agreements

However, the picture changed when it came to written agreements Highest ranking went to mines (47%), followed by traders (40%), manufacturers (29%), local authorities (24%), contractors (17%) and financiers (11%)

Where recognition was not granted, the main reason given was that the unions were not representative of the workers

The three major reasons given by organisations for granting recognition were the organisation recognised the right of workers to freedom of association and collective bargaining (82,2%), the union had called a strike on the recognition issue (13,9%), and the organisation anticipated industrial unrest (9,2%)

Unions, however, had slightly different perceptions A majority, 59,3%, said recognition had been granted because the organisation believed in freedom of association, 18,5% said they had struck, and 22,2% said the organisation feared industrial unrest

While all agreed on the importance of minimum wages, 78% of the unions said they had been fixed by collective bargaining, while the majority of employer organisations (50%) said legislative action had been the main method Only 10% said minimum wages had been fixed by collective bargaining, while 40% said it had been a management decision Swart says it appears from these figures that some unions do not negotiate minimum wages

After wages, other work-related issues were ranked in the following order by unions and management (union ranking is given first) annual leave (2, 4), shift allowances (3, 2), sick leave (4, 6), overtime pay (5, 4), hours of work (6, 8), annual bonuses (7, 13), paid public holidays (8, 9), pension funds (9, 18), actual wages (10, 10), place and time of payment (11, 20), grievance procedures (12, 7), retrenchment procedures (13, 11), food allowances (14, 15), dismissal procedures (15, 12), medical aid (16, 17), transport to and from work (17, 20), shift arrangements (18, 16), performance incentives (19, 19), disciplinary procedures (15, 12), recognition criteria (21, 14), and protective clothing (22, 22)

On all these issues unions said collective bargaining was the most important method of resolving them Managements, however, placed far less emphasis on collective bargaining Over 50% of management said legislative action was the most appropriate means of determining leave, sick leave, overtime pay, hours of work and paid public holidays

Over 80% said it was management's prerogative to decide on annual bonuses, actual wages, place and time of payment, grievance procedures, retrenchment procedures, food allowances, dismissal procedures, transport to and from work, shift arrangement, performance incentives, disciplinary procedures, recognition criteria and protective clothing

Comments Swart "There is a distinct difference between the importance unions attach to collective bargaining compared with management, even though the Labour Relations Act encourages it I can accept that many of these issues are covered by law, but it seems to me that there is some kind of attempt by managements to hide behind legislation"

INDUSTRIAL RELATIONS

Changes since 1979

(132)

Bustling activity in SA industrial relations in the five post-Wiehahn years emerges from a study conducted by the University of Stellenbosch's Graduate School of Business. Led by the school's Professor "Blackie" Swart, it shows that the manufacturing sector has been the main target for unionisation since 1979 — followed closely by the trading sector and the mining industry

Swart released preliminary results at the recent Institute for Personnel Management conference They are based on the responses of some 1 500 organisations (mainly companies and local authorities) and 57 unions representing 450 000 workers. Most organisations that responded are large employers Some 70% of the respondent unions were established groups, although there was some response from the emerging unions

The Stellenbosch researchers found that 27,3% of the organisations had been approached by unions for recognition of some type since 1979 Of these, 27% were in the mining sector, 37,8% in manufacturing, 14,9% in contracting, 30,5% in trading, 8,8% in finance and 17,6% local authorities.

Says Swart "These figures give an indication of the extent of the decentralisation which has taken place in collective bargaining away from industrial councils towards individual companies and organisations We assume that the majority of approaches were from emerging unions, although a union like the Mineworkers' Union

Mercury 15/11/84 (132)

Big business slams arrests

Mercury Correspondent

JOHANNESBURG—South Africa's three major business organisations said yesterday that detentions of trade union leaders were exacerbating a 'very delicate' labour situation

In a strongly worded statement, the Afrikaanse Handelsinstituut, the Federated Chamber of Industries and the Association of South African Chambers of Commerce said detentions had endangered the harmonious relationship between employers and their work force.

They urged the Government to enter into top-level discussions with key industrial, commercial and labour organisations as soon as possible

Police detained at least six prominent activists yesterday, including the president of the National Union of South African Students, Miss Kate Philip, and the general secretary of the Council of Unions of South Africa, Mr Piroshaw Camay

'Deeply concerned'

The swoop in Johannesburg and

Ingrid takes a break on the beach

Baby Fae 'past crisis'

LOMA LINDA—Four-week-old Baby Fae showed subtle but definite signs last night of an early recovery after her body had tried to reject her transplanted baboon heart, a medical bulletin said

'We believe Baby Fae reached the peak of her rejection episode on Monday evening,' the bulletin said

The optimistic news came a day after Loma Linda University Hospital reported that the baby, who received a baboon heart 19 days ago, had been placed in a respirator and a

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Long wait

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Riot act

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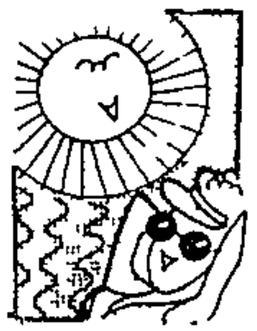
Weather



Fine, warm
Page 4

'Deeply concerned'

The swoop in Johannesburg and Soweto brings to at least 13 the number of confirmed detentions on the Reef since last week's two-day stayaway

Another seven people held in this period are thought to be security detainees but police have not confirmed this

Mr Guy Berger, of the Media and Research Services, Mr John Campbell, an official of a United Democratic Front affiliate organisation, Mr Jethro Dlalisa of Soweto, a branch chairman of the Transport and General Workers' Union, and Mr Victor Kgobe, another unionist, also were detained yesterday

Police have confirmed the detention of all but Mr Dlalisa

The statement by the business organisations said the private sector was 'deeply concerned' about the detentions at a 'sensitive time such as the present' and, like the Government, was anxious to preserve stability in the economy

The detention of Mr Camay, who is well known in international trade union circles, seems set to focus more adverse international attention on the detentions

Mr Camay is an acquaintance of Dr Chester Crocker the American Assistant Secretary of State for Africa and Mr David Rockefeller the head of the Rockefeller Institute

Dr Crocker is due to arrive in South Africa today and it is likely that the issue of Mr Camay's detention will be raised when he meets South African Government officials

Along with Mr Chris Dlamini president of the Federation of South African Trade Unions, who was detained last week, Mr Camay's detention means the heads of the country's two largest black union federations are in detention

A spokesman for Anglo American Property Services which employs Mr Dlalisa said the company felt strongly that any detained employee should be charged or released

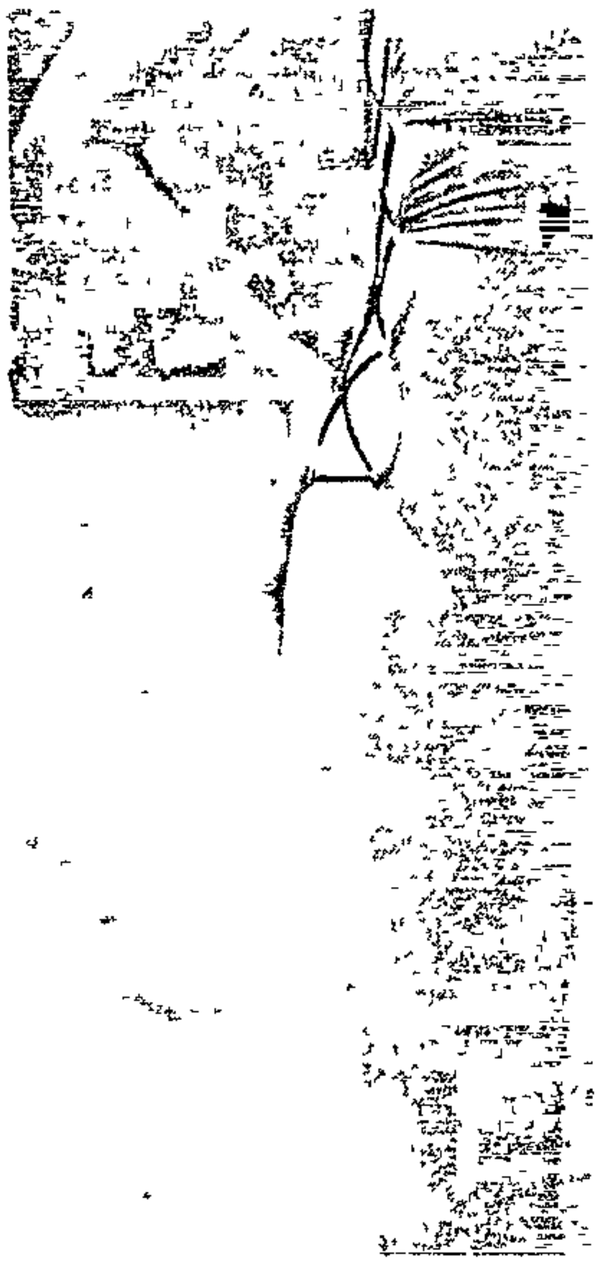
The company would contact the security police to put its views to them

The detentions were condemned by both union bodies, by the Urban Training Project and by the Trade Union Council of South Africa all of whom called for the immediate release of detained unionists

In a statement yesterday Tucsa said such detentions were destructive to community and industrial relations

Our Pietermaritzburg Bureau reports that about 50 students stood outside the main en-

TURN TO PAGE 2



Ingrid Boulting, daughter of ... ers, and star of a locally ... movie camera at an Umhla... burg, stars opposite Brent ... Singh.

Nuts about Miss Brazil

London Bureau

PUNTERS were going nuts about statuesque 21-year-old Miss Brazil, Adriana Oliviera yesterday making her the strongest candidate in many years to win the Miss World title in London tonight

Betting closed last night with the striking blonde 2-1 favourite

Lagging behind were Miss Ireland, 6-1, Miss Germany, 7-1, Miss Venezuela, 8-1, and the Australian, Canadian and Norwegian girls on 10-1

Mr Harry Greenaway, the Labour MP who has forecast the winner four times in the past five years, said only Miss Canada, Connie Fitzpatrick, another blonde, stood any chance against the devastating Brazilian

However, there was some late money going on raven-haired Miss Venezuela, Astrid Herrera

Find stumps

London Bureau

AN ARTIFICIAL leg has been ... Wolverhampton The leg, valued ... stored in a police lost property off... are made to trace its owner, but ... come forward to claim it

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Arrests slammed

FROM PAGE 1

trance to the University of Natal in Pietermaritzburg during peak afternoon traffic yesterday with placards protesting against the detentions

Some students hung a 5 m banner across the university entrance

'Release our Nusas president and others in detention,' it read

In a joint statement, the Student Representative Council on the Pietermaritzburg campus and Nusas condemmed the 'arbitrary detention' of Miss Philip

Prof Peter Booysen, principal and Vice Chancellor of the University of Natal, called for Miss Philip to be released or charged

'On behalf of the university I would like to express particular concern for her I believe she is a very successful president who relates well to the campus at large ' Prof Booysen said

A spokesman for the Natal Indian Congress condemned the detention and Mr Paddy Kearney, of the Durban-based Diakonia said 'The Government needs to listen to such people rather than detain them'

About 220 people are thought to be in detention

● See Editorial Opinion

SUNDAY TRIBUNE, NOVEMBER 18, 1984

SECRET TALKS BREAK UP AS STRIKE THREAT LOOMS

By Deon Delport

SECRET talks between top trade unionists and businessmen were interrupted by the detention this week of Piroshaw Camay, general secretary of the Council of Unions of South Africa (Cusa)

Mr Camay was detained on Wednesday — "right in the middle of consultations", the industrialists said angrily

The leader of the 150 000-strong union council was a top negotiator at the talks

"Now we have no one to talk to," said Dr Johan van Zyl, executive director of the S A Federated Chamber of Industries

He said informal discussions opened with Cusa and the Federation of South African Trade Unions (Fosatu) after rumours persisted that a second, longer stayaway was being planned The discussions were directed at preventing the occurrence of more unrest

"At the best of times it is not all that easy to talk to the trade unions, but we were making considerable progress in getting our viewpoint across that a second, longer stayaway would be very bad for all concerned," Dr van Zyl said

"Then, right in the middle of the consultations, Mr Camay was held Suddenly the whole issue becomes very emotional and the danger exists that people won't behave rationally"

The arrest of Chris Dlamini, president of Fosatu was "almost the final straw", Dr van Zyl said

"He is president of a national labour federation that is the equivalent of our own organisation"

Unionists and employers were united in anger this week at the police action against union leaders Grave fears were expressed that the detentions placed at risk the labour relations built up after the reforms of the Wiehahn Commission

"Normally there is not much trade unions and employers agree on, but now the entire framework of labour relations is in danger," said Dr van Zyl

A top businessman agreed "Union leaders should be back in their own communities trying to calm the people down They would be doing a lot more good there"

This week, as the country's major employer bodies prepared to meet the Minister of Law and Order, Louis le Grange, to discuss the wave of detentions, businessmen expressed fears that a second stayaway supported by the unions would be disastrous

"Employers will simply not be as sympathetic during a second stayaway, especially after what happened at Sasol," an industrialist said

"People will be fired in their thousands or ten thousands and this could lead to a bloodbath Other people will get in on the act, the criminal elements and the thugs, then the police will get involved and we will have a very ugly situation"

Members of the Afrikaanse Handelsinstituut (AHI), the federated Chamber of Industries (FCI) and Association of South African Chambers of Commerce (Assocom) are "very upset" at the "bad overreaction" of Minister of Law and Order Louis le Grange to a warning from the three bodies that the detentions threatened labour peace

A top-ranking labour expert said the detentions of "very senior officials of the two black trade union federations has created a climate of high conflict for the unions in which to decide whether or not to join a second stayaway and has bedevilled our relationship with them"

The three organisations said in a statement the detention of the trade union leaders was a "precipitous step that can only exacerbate a very delicate situation"

"What is fundementally at stake are the harmonious and productive relations between employers and a large portion of their workforce"

Thoughout Thursday, office bearers of the three organisations were swamped with calls from members, very supportive of the statement, and less friendly calls from Mr le Grange's office

In his reponse on Thursday night at a public meeting in Virginia, Mr le Grange said the combined statement was an "extremely serious matter which left the Government disappointed and saddened"

Mr le Grange also argued that if the three organisations had issued their protest without the backing of all their members then there had been abuse of the name of each organisation

"This was a bad overreaction on his part," said one top figure in the industrial world

"His arguement is crazy He was in a spot

"The normal policy is one of divide and rule but he cannot do that with the Afrikaanse Handelinstituut on the scene — that was our bullet-proof vest"

S Express 18/11/84 132

Cabinet hardliners smash labour truce

By JEAN LE MAY Political Correspondent

● Mr Tony Bloom ... Premier chief

DELICATE negotiations between big business and black labour were shattered this week when hardliners in the Cabinet seized the initiative for strong-arm tactics to control township unrest

The wave of detentions and arrests came as rumours of impending unrest swept the white community although newspapers, besieged by callers, were unable to substantiate them

The detention of 12 trade union leaders and the arrest of more than 2 500 people coincided with the start of negotiations to avert another labour stayaway

Mr Piroshaw Camay, leader of the Council of Unions of South Africa (Cusa), was detained the morning after he had had informal discussions with executives of the Federated Chamber of Industries (FCI)

This has been confirmed by Dr Johan van Zyl, executive director of the FCI, who told foreign and local newspapers "We were making good progress — until the detentions began"

Mr Tony Bloom, chairman of the Premier Group, said the FCI had been "in the middle of negotiations" when the trade unionists were detained

"We attempt to play a low-key negotiating role" he said "I am sorry that Mr le Grange reacted the way he did because it upped the temperature on the government side — it was already pretty high on the other side"

The strong-arm tactics brought organised commerce and industry — which only a year ago gave Mr P W Botha, then Prime Minister, solid support in the referendum — into open conflict with the government.

In an unprecedented public protest, the country's three major employer organisations — the FCI, the Afrikaanse Handelsinstituut and the Association of Chambers of Commerce (Assocom) — condemned the detentions

They warned the government that "harmonious and productive relations" with workers were at stake and urged it to hold top-level discussions with key industrial, commercial and labour organisations involved in the unrest as soon as possible

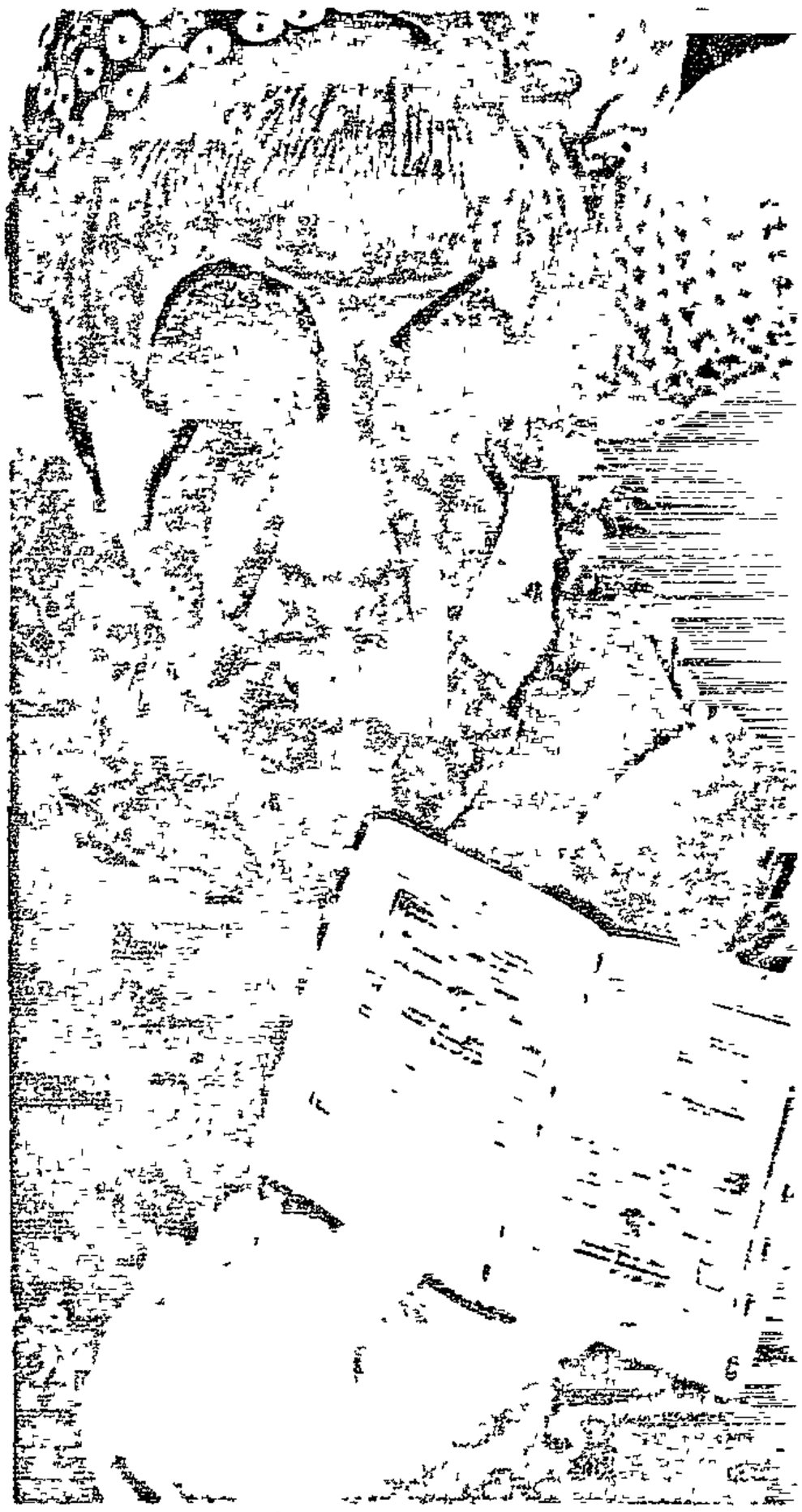
Prevailed

The Cabinet hardliners, identified by political sources as Mr Louis le Grange, Minister of Law and Order, General Magnus Malan, Minister of Defence, and Mr F W de Klerk, Minister of Home Affairs and National Education, were said by the same sources to have prevailed over protests from colleagues who urged consultation with blacks rather than police action

All three men have taken hardline positions in public Mr le Grange, justifying the detentions in a speech in Virginia this week, said some of the detained leaders had been on a "core committee" which organised the stayway on November 5 and 6 when an estimated 800 000 blacks stayed away from work in the Pretoria/Witwatersrand-/Vereeniging area

Mr de Klerk, in a speech in Cape Town, said "certain elements" must be removed from trade unions, while Mr Malan, accepting the freedom of Edenvale on Friday, said unrest in the townships was proof of the total onslaught against South Africa,

● To PAGE 2



Clown in ring over pa

WHEN South Africa's White Face Clown, Mr Gilyan Francesco, stepped into the Roodeport magistrate's court on Friday, all the fanfare of a circus seemed to come to town Two bomb scares in three hours had court officials and the public rushing in and out of the courts

Yet Francesco the clown was taking on a more serious role. to challenge the pass laws.

He was appearing in court for employing an unregistered domestic, Mrs Eunice Mgaga.

He first tried to ... years ago After 11 Rand Administration Rand Developement home by Mrs Mgaga her 'chief', Mr F... wrongfully having a ... ploy

The magistrate ...

TED is set to ...

school fees ...

132

Cabinet stand shatters truce

● From PAGE 1

which, he added, was now "a reality"

Dr Gerrit Viljoen, Minister of Co-operation and Development, and at least one other Minister urged a more conciliatory approach, the sources said

Mr Pietie du Plessis, Minister of Manpower, said in an interview with the Sunday Express that police action was not directed against the trade unions, but against individuals

"There are still plenty of trade union leaders left to negotiate with employers," he said

Officials at director-general level in several government departments are deeply distressed by the detentions, according to the same sources

The position of the Reverend Allan Hendrickse, Minister without Portfolio from the (coloured) House of Representatives, appears to be ambivalent.

He responded to requests for a telephone interview with the statement that he disapproved of detentions without trial except in cases where the Minister of Law and Order had "adequate reasons"

Mr Amichand Rajbansi, Minister without Portfolio from the (Indian) House of Delegates, was "unavailable"

Business sources said the government's ambivalent approach to trade unions had more than once been criticised at the highest level — within the Manpower Commission, a permanent commission of the Department of Manpower

The criticisms were to the effect that while the department itself maintained an "arm's length" approach to negotiations with trade unions, negotiations had been upset previously by precipitate police action against the people with whom negotiations were being conducted.

"The government tells us they have given us the machinery and that it is up to us to negotiate with the trade unions — then they step in and detain the very people we are negotiating with," said a source.

A top-level company representative on one of the employers' bodies described the difficulty experienced by many employers in accepting that the stayaway had had a vast groundswell of support.

His interpretation was that they had fallen for the official line that the stayaway had been organised by a relatively small body of people and that intimidation — not grassroot support — was responsible for the extensive stayaway

Assocom and the FCI plan to discuss the issue with Mr le Grange this week

Mr Raymond Parsons of Assocom said that "organised commerce does not propose to respond publicly to Mr le Grange on this matter" Assocom would discuss "the whole question of stayaways, intimidation, violence in the townships and the role of trade unions" with Mr le Grange

"We hope that this meeting will clear up any misunderstandings about the views of the private sector," Mr Parsons said

FM. 23/11/84

(132)

LABOUR RELATIONS

Future challenges

Much of the debate about labour has now shifted from considerations of overall policy to questions of technical and administrative detail — about which there are wide differences of opinion in employer and trade union circles.

This was said by Director General of Manpower Piet van der Merwe in his speech on *The Manpower Scene Developments and Challenges* at the *FM*'s annual Investment Conference last week. Van der Merwe said the major challenge which lies ahead is to achieve the greatest possible measure of consensus on the way these technical problems should be handled

One of the major areas of contention is the question of the registration of trade unions This issue was addressed in an amendment to the Labour Relations Act (LRA) which came into effect on September 1. The LRA now states that any agreements reached between unions and employers will not be enforceable in court unless unions comply with certain requirements Among them is the provision that unions must supply the Department of Manpower with details of their constitutions, membership, office addresses, names of office-bearers and that they must maintain their financial affairs in good order

The National Manpower Commission (NMC) also raised the question of registration in a recent report which was released for comment The Manpower Department is expected to react to the issues raised in the report early next year The majority of the commissioners recommended that race and representativeness should not be taken into account when registration is considered, but that certain minimum requirements be met These are similar to the provisions now in the LRA However, the NMC majority recommendation was that if unions do no comply with them, they should be prevented from operating

Manpower's Van der Merwe ... looking for consensus

Van der Merwe said his department had received comments on the NMC report from 41 organisations At least five lines of thought are discernible from these comments

- That the *status quo* obtained before September 1 be retained,
- That the present position be retained,
- That registration in accordance with the existing statutory provisions should be compulsory;
- That the present system should be replaced with the majority recommendation of the NMC, and
- That compliance with the minimum prescribed requirements should be voluntary

Another highly contentious issue, Van der Merwe said, is the definition of the unfair labour practice in the LRA The only thing that labour commentators agree on is that the definition is very wide, he said Many say there is nothing wrong with it, while others say it should be changed as the broadness of the definition is making industrial relations impossible to manage

Legal strikes

Legal strikes have also become a contentious point. Said Van der Merwe. "Trade unions in general appear to favour a greater degree of protection for workers involved in legal strikes. It has been suggested that employers should be statutorily prohibited from terminating the contracts (of employment) of such workers or from requiring them to vacate the accommodation provided them The suspension of contracts and chargers for accommodation are suggested instead. Employers, on the other hand, argue that this would place them in an untenable position in so far as the conduct and continuation of their business activities are concerned"

The way strikes — and more particularly illegal strikes — should be handled is another point of debate, Van der Merwe said One lobby argues that strikes should be decriminalised. Another says that the present provisions in the LRA should be more rigorously enforced by the Manpower Department. As for actually handling strikes, the major challenge facing union leaders and employers is how to prevent them from spilling over into violence and damage to property, which necessitates police involvement to restore order, he said.

Van der Merwe said the Manpower Department finds itself in a difficult position when it is asked to comment or advise on a particular line of action taken by either union leaders or employers in strike situations "The department can and is prepared to explain the provisions of the LRA to any party that approaches it, but cannot advise on actions or purported actions by individual parties Actions by individual parties may at any time result in a dispute being declared (and) prior comment or opinion would put the department and the Minister (of Manpower) in an invidious position should this occur," he said

(132) FM 23/11/84

Strike ballots and ballots to determine the support for a closed shop agreement among union members are yet another problem According to Van der Merwe, there is a strong feeling in some employer quarters that ballots should be secret, that they should be officially supervised and that statutory provision should be made for this In union quarters it is generally argued that unions are autonomous bodies and that there should be a minimum amount of outside interference in the management of their affairs. A third school of thought suggests that the supervision of ballots should be a matter entirely for regulation between management and unions.

Van der Merwe also answered critics who claim that the Manpower Department has been blocking conciliation boards from considering allegations of unfair labour practices (ULPs) This means that the Industrial Court is also prevented from considering ULP allegations if a board fails to resolve the dispute referred to it

"Both the Minister and the department are required to act within the framework of the LRA, which lays down the criteria (for the appointment of conciliation boards) The department is anxious that the widest possible voluntary use should be made of the conciliation machinery provided for in labour legislation and would do nothing untoward to inhibit its use," he said

Dispute averted

A DISPUTE in the pulp and paper industry was averted this week when employers agreed to negotiate wages at plant level.

Negotiations by the Pulp and Paper Industrial Council reached stalemate when the unions participating refused to accept increases offered by the employers.

The unions involved are the Fosatu-affiliate Paper Wood and Allied Workers Union, Amalgamated Engineering Union and the National Union of Sugar Manufacturing and Refinery Employees

In a statement, PWAWU's general secretary said that the employers' offer was too low

"Eventually employers broke the deadlock by offering plant level bargaining which we are very happy to accept," he said

The union started fighting for the right to negotiate wages at plant level since it began organising in industry in 1980 It had succeeded in winning this right at Nampak and Carlton Paper, but the two giants in the industry, Anglo American's Mondi and Gencor's Sappi insisted that negotiations should be held at national level only

Sowetan 23/4/87

Police attacked workers, says Mr Devlin

Mercury 24/11/86

132

A DEMAND was made last night for a high-level probe into what a director of Toyota Manufacturing in Durban described as an unprovoked police attack on some of the company's workers at Prospecton yesterday.

Mercury Reporters

Mr Bob Devlin, personnel director of Toyota Manufacturing, accused the police of lashing out with truncheons in a 'totally unneccessary' action

They had also fired tear-gas and rubber bullets to disperse a crowd of workers and 25 employees had been injured, three of them seriously

Mrs Helen Suzman, law and order spokesman for the PFP, immediately demanded an inquiry into the incident and called on the Minister for Law and Order, Mr Louis le Grange, to 'get cracking' on it

Mr Devlin said the company had had a problem in the past with black women selling juba outside the factory at lunchtime and had called in the police to remove them

Yesterday a number of workers were unhappy about the juba sellers being removed but Mr Devlin spoke to them in Zulu and told them not to allow themselves to be provoked

'Our blokes didn't do a thing They just stood there while the Indian policemen arrested the women and put them into their vehicle,' said Mr Devlin

'Suddenly three riot vans raced up and armed white policemen with dogs spilled out. As soon as the Indian policemen saw them they ran back to their van and grabbed long rubber truncheons

'They started beating everyone in sight The workers scattered in panic and ran in all directions Some of them tripped and fell and were hurt, others were badly hurt by the truncheon blows

'I just stood there in the middle of all of this and couldn't believe my eyes Why I wasn't hit I just don't know

Confusion

'Then someone threw a can or a stone and the white policemen started firing rubber bullets and tear-gas,' he said

'It was total confusion and panic I've never seen anything like it The attack was completely unprovoked'

Mr Devlin said the incident had been reported to Toyota's head office and it was being taken up with the Commissioner of Police, Gen Johan Coetzee

A police spokesman said the trouble started while policemen from Isipingo had been busy with a normal crime prevention patrol

When workers had started throwing bottles and stones at the policemen the Durban Reaction Unit was called to help

Police fired rubber bullets and tear-gas to disperse the crowd Fifteen blacks had been arrested, and according to the spokesman there were no reports of injuries

Two police vehicles had been damaged during the unrest, the spokesman said

Mrs Suzman said "The eyewitness account is absolutely horrifying It is totally unacceptable that innocent bystanders should be attacked by the police in the way described, and if the story is true, and I cannot imagine a person in this position would invent such a story, then the strongest possible measures must be taken against the riot policemen who unleashed such havoc among the workers

Untimely

'We are already in the midst of a very tense situation in South Africa and incidents like the one described must make things worse I call on the Minister of Law and Order to get cracking immediately on an inquiry and to take the necessary steps thereafter The police are there to maintain order, not to cause chaos,' she said

The minister was not available for comment last night.

A senior spokesman at Police Headquarters in Pretoria, said that as the matter had apparently been referred to the Commissioner of Police for investigation it would be untimely to comment now

A 64-year-old worker, Mr A Mtshali, who suffered a blow to the head, said he had been returning from a store nearby when he saw police beating people at the main gate

Many had tried to seek refuge in the main building but a crowd jammed the door

'We could not get in and then the police came from behind and hit us,' he said

Another victim, Mr Jackson Hadebe, 28, said he had also been returning from the store and had been hit with a rubber bullet.

'They were hitting people without any reason I was hit in the back with a baton and then shot in the chest and it hit me backwards and I fell into the water canal,' he said

'They shot at people inside the factory from outside the gate, canteen windows were smashed and new cars were full of bullet holes,' he said

Mr William Shezi, 32, said he saw police firing from outside the factory gate at workers inside

'I was eating lunch on the grass outside the building and when I stood up to see why people were running away, I got hit in the knee with a rubber bullet,' he said

A driver, Mr Emmanuel Gumede, 35, said he had been crawling under the fence to get away when

★ TURN TO PAGE 2
★ FROM PAGE 1

he was hit on the back and the head

'They hit everybody, whether they were drinking juba or not I did nothing wrong,' he said

The National Automobile and Allied Workers' Union yesterday expressed shock and anger at the police action

The union's organising secretary, Mr Edwin Maepe, said he could not understand why the police had attacked the workers

'I am submitting a full report of the incident to my union headquarters in Port Elizabeth so that the matter may be taken up with the police at the highest level

'We want a full investigation into the police action,' said Mr Maepe

No place for private armies: Commissioner

THE SA Police will not tolerate the formation of "private armies", no matter what guise they appear in or what noble purpose they serve, the senior Deputy Commissioner of Police warned yesterday.

An address by Major-General H J P van Zyl was given by Brigadier H C Muller, Divisional Inspector, Witwatersrand, at a conference on security in industry held at the Chamdor Training Centre, Krugersdorp

The General was called to duty in the "rumour war", the organisers said

Brig Muller said some security firms, in efforts to attract better quality staff, promised careers full of action and excitement "Pictures of tough guys armed to the teeth in the likes of the notorious 'A Team' are projected

Assault

'They even see themselves as assault groups who will not only ward off attacks by terrorists, but who will hunt terrorists and in turn attack them

"This I want to warn against very seriously' People who trained personnel to such heights that they regarded themselves as an attack force should know that such a force could only be used at the order of the police, in which case they would be under direct police control

Groups which became frustrated due to lack of action, and which exceeded the limits of protection services, were just as dangerous as poor security services

The police welcomed assistance from well-trained security staff, who should not only be able to identify threats in time but also determine what was to be done, by what means and with the right degree of force

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Industrial laws under fire

SOUTH African law pertaining to strikes and the workers' right to strike came in for some criticism in the Springbok Radio programme "Top Level" broadcast last night.

An industrial relations consultant, Mr Eddie Nicholson, said the fact that employers have the right to fire strikers after they have followed the legal procedures required for a strike, made the South African industrial relations procedure suspect

He added that the system's credibility had to be questioned if in spite of following procedure, the consequences of the strike action may result in firing just as it would in an illegal strike

Unions, he said, would then be justified in questioning why they should go through the long list of requirements for a legal strike when the same end effect would be achieved if a strike was illegal

Speaking on the same programme, the Professor of Law at the University of the Orange Free State, Professor Jimmy Claasens, said without the freedom to strike without being fired, there could be no equilibrium in industrial relations

He said only lip service was paid to use of the strike as a legitimate tool of negotiation

The acting general secretary of the Trades Union Council of South Africa, Mrs Ruth Imrie, said Tucsa, which represents 400 000 union members, had taken a policy decision to oppose the retention of the common law right to fire strikers

It was recommended that strikers' service contracts be retained — Sapa

Sowetan 3/12/84

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Merc 3/12/84 (132)

The

Companies use lie detectors on staff

Mercury Reporter

AT LEAST 50 companies around the country use polygraphs or lie detector machines to screen their staff or potential staff members, according to a company which administers the tests

Mr Errol Ashman of Johannesburg, managing director of Lodge Security, said the company did polygraph tests for firms 'throughout industry and commerce'

But the tests have been criticised as unreliable and an invasion of privacy

Professor Roland Graser, head of the University oif Durban-Westville's Department of Criminology, said 'It is not accepted in a court of law and, as far as I know, the police do not use it at all.

'There are better ways of finding out about a person's personality and background A good interviewer can find out a lot more than a machine

'It also casts a reflection on people It is an invasion of privacy and could adversely affect employees' loyalty'

Applicants

But Mr Ashman said 'Shrinkage (theft by employees) is a major problem in the South African retail trade We have to use all the ways we can to keep it to a minimum

'We have clients who lose millions every year and this affects employment and profitability

Many companies put applicants for positions of trust through pre-employment checks There was also a 'periodic test' which staff were put through from time to time

'It is mainly a deterrent We hope that if people know they may have to undergo the test they will not steal

'And companies come to us when they have special problems Not long ago a company had R1 000 go missing and there were four people who could have stolen it We were able to identify the person, who later confessed to the crime

'We like to think the polygraph is not an instrument to find out who is lying but a way of clearing the innocent

'We work in conjunction with an American company which has been doing the tests for many years there and they train our staff to use the machines

Surprise

'When someone's job is at stake we get second opinions on all the graphs by sending them to the US'

Mr Ashman said the tests were based on readings of pulse rate, sweat glands and breathing

'All the questions are reviewed with the person before they go through the test There must be no surprise And they are asked what are called "no lie" questions to establish their normal rates before asking the key questions

'If they show that they could be lying they are asked the same questions several times to make certain

'And if they are lying we will question them further to find out if there could be some innocent explanation'

Mr Colin Clarke, Natal general manager of Pick 'n Pay, one of the companies which has successfully used the tests, said 'We work on a net profit of around 2,5 percent of turnover and it is very easy to lose that to dishonest staff

'The tests are used as a check on applicants for high responsibility positions'

RDM 4/12/84 (132)

CHIEF Gatsha Buthelezi's plea on behalf of the dismissed Sasol workers last week was yet another sign of Inkatha's willingness to get involved in labour relations

Chief Buthelezi has made constant references to the muscle and power of the black worker and this year the National Sugar and Refining and Allied Industries Employees Union affiliated to Inkatha

Inkatha, like other black organisations in this country, realises the added power which would come from having the support of organised black workers.

At Sasol, Chief Buthelezi was rebuffed by the Chemical Workers' Industrial Union, which has rejected attempts by Sasol to negotiate with homeland leaders, community councillors and other non-union groups.

Chief Buthelezi has hardly endeared himself to the larger unions lately.

He vociferously condemned the stayaway — the most succesful in decades — and accused the fiercely independent union groupings which supported it — such as Fosatu and Cusa — of being misled by political groupings such as the Congress of South African Students and the UDF.

UNIONS

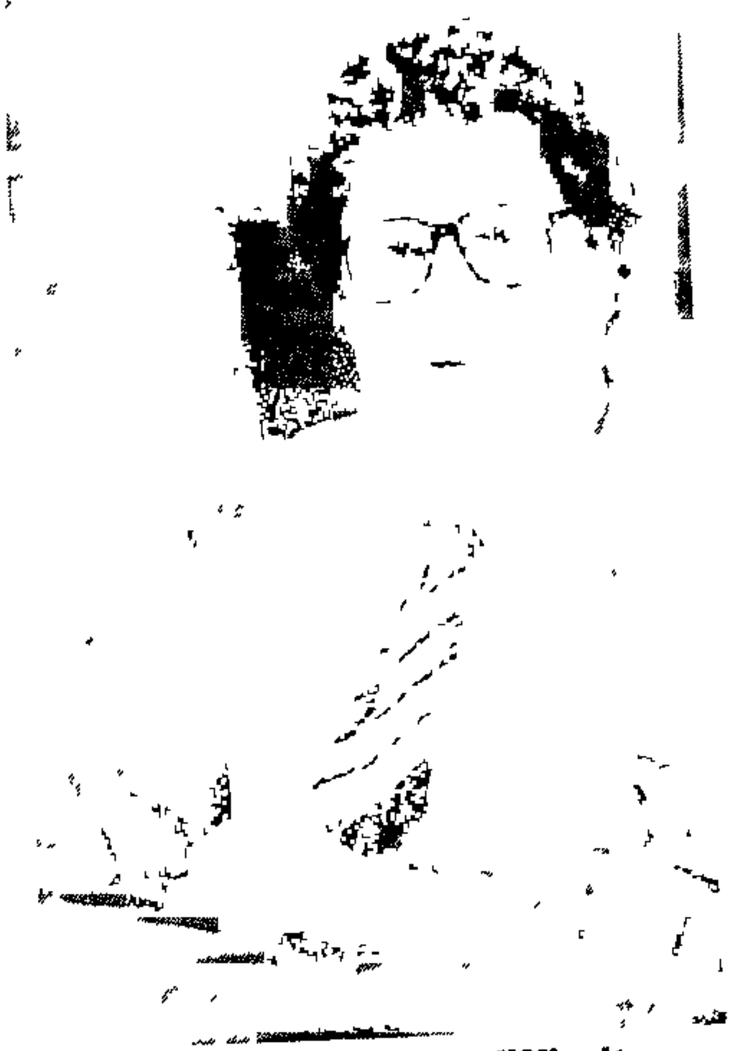
(132)

Trends for 1985

FM 7/12/84

Next year is likely to see an upsurge in labour unrest as unions become more politicised and begin to rely less on the courts and agreements with employers and more on their numerical power This is predicted in a report just released by industrial relations consultants Andrew Levy and Associates.

The report argues that unions are set to become "a major vehicle for black political aspirations." Political grievances will be increasingly articulated through industrial action at the workplace, and employers will be faced with losses caused by issues outside their control. This will also cause



Levy . . . predicting difficult labour relations

RDM 4/12/84 (132)

Unions win lots of recognition

Labour Correspondent

THE number of recognition agreements between companies in the giant Barlow Rand group and emerging unions more than doubled over the past year, according to the group's annual report, which was released this week.

According to the report, Barlow Rand companies had negotiated 92 recognition agreements with 20 black or mainly black unions by September this year. Of these, 48 were signed during the 1984 financial year, it said

The report also reveals that a further 39 agreements were being negotiated at the year's end.

The sharp increase in Barlow recognition agreements comes at a time of recession which has hardened management and union attitudes and was expected to slow union growth.

In last year's Barlow annual report, its executive chairman, Mr Mike Rosholt, sharply attacked some emerging unions, but the figures indicate that Barlow Rand is still willing to recognise these unions.

This year's report says industrial action by workers was "at a high level" and complains that it was "often accompanied by intimidation and on some occasions by violence".

It adds, however, that some disputes between Barlow companies and unions were settled by conciliation and mediation

One challenge facing Barlow Rand over the next year, it says, is to "reduce the tension which currently exists between companies and some of the trade unions with which they are involved"

In his chairman's statement, Mr Rosholt says there has been an "unfortunate" rise in union militancy this year and repeats the charge that this has led to "intimidation and violence".

But he adds that a "positive development" has been a sharp increase in the use by unions of the official machinery for settling disputes.

Mr Rosholt added that Barlow Rand "trusts" changes to the law curbing recognition agreements and a tendency by the Minister of Manpower to narrow the scope of official conciliation boards do not signal a change in Government policy of "minimising State involvement" in labour relations.

RDM 10/10/84 (132)

LAST week's Barlow Rand annual report showed just how widespread recognition agreements between employers and emerging unions have become.

It revealed that Barlow firms have now signed 92 agreements with 20 mainly black unions

More striking is that more than half — 48 — were signed in the past year and another 39 were in the pipeline when the report was prepared.

Emerging unions thus continue to establish themselves in factories, despite the recession.

And tougher employer and union attitudes have not affected both sides' desire to bargain permanently at Barlows'.

This is significant because last year's Barlow report contained a sharp attack on emerging unions, particularly those in Fosatu, by the chairman, Mr Mike Rosholt.

And this year, Mr Rosholt complained of increased union militancy accompanied by growing "intimidation and violence".

Obviously, Barlows does not believe opposition to union demands and methods should mean a refusal to bargain with it if they represent most workers

That the two sides can conflict sharply, but still continue bargaining, shows a new maturity in our labour relations

INDUSTRIAL RELATIONS

Homeland minefield

The drive to establish an independent trade union movement and industrial relations structure in Bophuthatswana is causing major headaches for SA employers and unions

The homeland's Industrial Conciliation Act (ICA), which bars SA-based unions from Bophuthatswana, came into effect in July last year This made it certain that homeland-based unions would begin to establish themselves — as is happening

Bophuthatswana's Manpower Secretary, Gill Maleka, tells the *FM* that his department is aware of two homeland unions the Teamsters Union in the transport industry and the Bophuthatswana National Union of Mine Employees (Bonume) on the mines

Bonume, which has a non-racial constitution, as required by the ICA, has not yet registered Maleka says the ICA makes allowance for unregistered unions to operate, but that it would be unwise for unions to remain without registration as Bophuthatswana wants to establish an industrial council system dealing with only one registered union per industry Unregistered unions would then be at a disadvantage

For SA management and unions, Bophuthatswana's separate labour dispensation is an industrial relations nightmare The Rustenburg Section of Johannesburg Consolidated Investments's Rustenburg Platinum Mines (RPM), for instance, straddles the SA-Bophuthatswana border Two of its major shafts are in the homeland and four are inside SA The Union Section, 100 km north of Rustenburg, also falls on the border

All the white employees of the mine are members of SA unions in terms of the mining industry's closed shop and allocation of occupations agreements But there are problems in determining whether individuals work in SA or the homeland The Bophuthatswana government suggests that the distinction should depend on the shafts at which people are normally employed

Dormant members

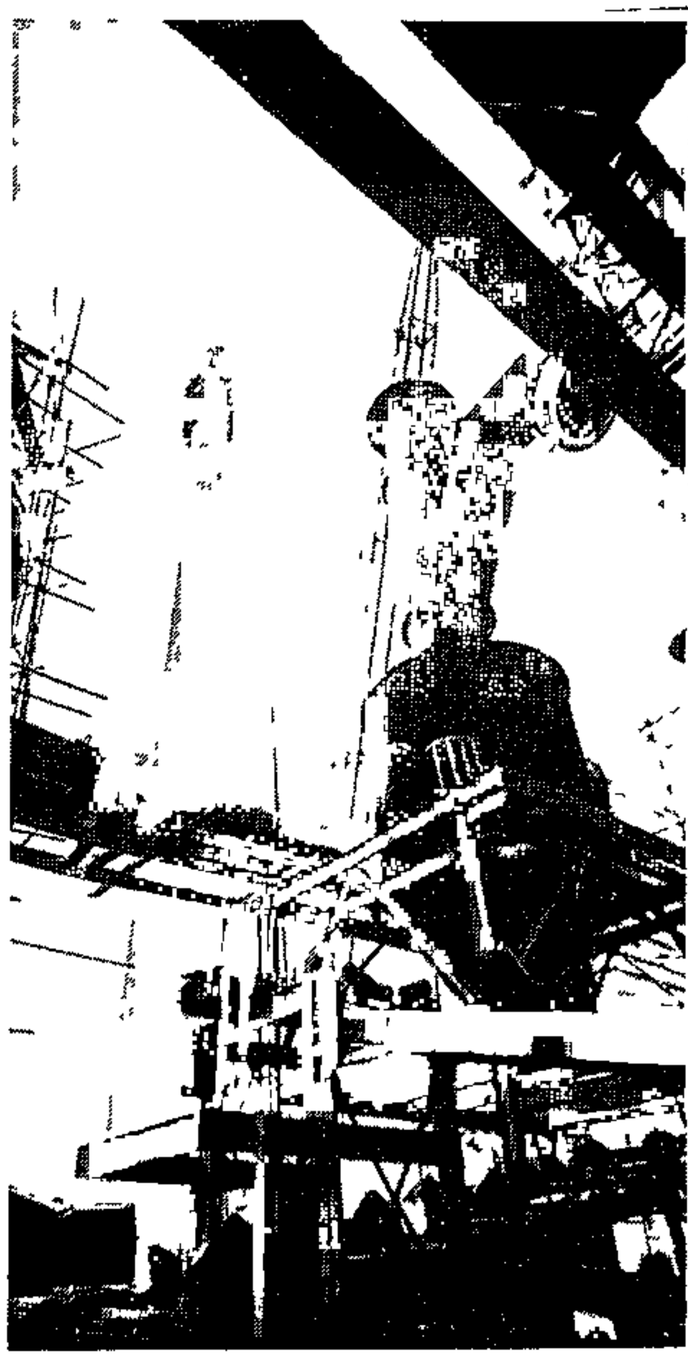
SA unions are not allowed to operate in the Bophuthatswanan sections of the mine, but their members are allowed to maintain a "dormant" affiliation — mainly so that they do not forfeit benefits if they move to SA mines The SA unions may not represent members working in Bophuthatswana nor can they negotiate on behalf of Bophuthatswanan members

The non-racial SA Federated Mining Union (FMU) recently started organising black workers for the first time in the mine's history and is on the brink of signing a recognition agreement with management for the Rustenburg Section

FMU general secretary Johnny Pieterse says the Bophuthatswana laws make it difficult for the union to organise He complains that management has turned down a number of stop-order applications from his union on the grounds that the members work in Bophuthatswana

Management's problems will be compounded now that Bonume has asked for access JCI spokesmen say they have received a letter from the union and are replying They say RPM has no objection, in principle, to recognising a homeland union provided that all SA and Bophuthatswana laws applicable to the mine are complied with and a recognition agreement is negotiated

At this stage, it is difficult to determine exactly how RPM will handle future industrial relations on the mine. Management says that only when demands start flowing from a Bophuthatswana union will it be possible to establish detailed procedures.



Rustenburg Plats . . . straddling a border causes problems

The prospect raises intriguing questions. What would happen, for instance, in wage negotiations?

Would a homeland union negotiate wages and working conditions in conjunction with the SA unions? And what would happen if the Bophuthatswana and SA unions' demands differed?

Management says all previous wage negotiations have been with SA unions. "We would be in a very difficult situation if workers were paid different wages in SA and Bophuthatswana," JCI spokesmen say. "We assume the demands will be different but would hope for a common settlement."

Difficulties could also arise from disputes involving members of SA unions in the Bophuthatswana part of the mine Maleka says these issues should be handled at the point where the person ordinarily works

Perhaps the ideal solution would be for Pretoria to negotiate an "inter-state" agreement with Bophuthatswana laying down the procedures to be followed From management's point of view industrial relations become impossible when different laws apply on either side of a border that can run right through the centre of a shop floor

FM 14/12/84

the metal sector as its factories are more capital intensive and employ fewer artisans Another factor is that economic conditions for the two are not always similar, which means that they have different priorities when it comes to wage negotiations

Nevertheless, Uys emphasises that the advantages of membership of the engineering council are considerable and that no move away from it is likely in the foreseeable future One major consideration is that the infrastructure and benefits offered by the council are substantial

In addition, no move would be considered without the agreement of all employers and unions concerned, and it is unlikely that the unions, as well as a number of employers, would agree to it A further obstacle would be that while the PMA is strongly representative of the industry in the Transvaal, it is less representative in Natal and the western Cape

The *FM* understands that the Plastics Industry Group Committee of the industrial council is due to meet next March to discuss the matter The committee will be asked to recommend to the council a suitable and clear definition of the plastics industry so that all companies will know whether or not they are covered by the council's agreement

Uys believes that the PMA has not been sufficiently active within Seifsa, and it intends to "play a greater role in the future" so that the interests of the plastics industry are better catered for

Seifsa director Sam van Coller says the situation is very complex and it will take a great deal of discussion before it is sorted out. He adds "Seifsa itself doesn't have a view and it is up to the employers and the unions in the plastics sector to decide on their future direction"

White miners ... allocated by occupation

MINING INDUSTRY

Closed shop tangle

A legal dogfight about the closed shop in the mining industry has moved a step further. Last week, the 3 300-member SA Technical Officials Association (Satoa) lost its appeal against a Supreme Court decision that the court has the power to review an Industrial Court judgment which went in the association's favour

At the heart of the case is the mining industry's unique combination of closed shop and allocation of occupations agreements This has the effect of ensuring that all mine workers, barring blacks and learners, have to belong to a union or an officials association to which they are allocated by occupation.

The Mine Surface Officials Association (MSOA) and the Underground Officials Association (UOA) signed combined closed shop/allocation of occupations agreements with the Chamber of Mines in 1969 However, a complication arose when the Satoa, which only represents two categories of workers — reduction plant employees and winding engine drivers — was formed in 1973

Satoa agreed with the chamber that it would not have closed shop facilities It also agreed that employees in the two categories who work on the mine surface would be able to choose between joining it or the MSOA, while underground workers would have the same choice with regard to the UOA In addition, it agreed that Satoa members would be allowed to resign to join either the MSOA or the UOA if they wished, but that MSOA and UOA members would not be able to resign to join Satoa This agreement is known as the "one way traffic rule" in the mining industry

Satoa declared a dispute over the "one way traffic rule" in 1981 At the end of that year, the Industrial Court handed down a judgment which stated that the rule was an unfair labour practice However, MSOA and UOA contended that the court had included all officials in the mining industry — even those for whom Satoa is not registered — in its consideration of the case and took the judgment on review to the Supreme Court

When the case came to court, Satoa countered by alleging that the Supreme Court did not have the right to review Industrial Court decisions The Supreme Court ruled against it and Satoa then took the matter on appeal Satoa legal representatives argued that the Industrial Court is not only a court of law, but also has a status equal to that of the Supreme Court

Last week's decision means that the Supreme Court now has the right to go ahead with its review of the Industrial Court's ruling that the mining industry closed shop and allocations of occupations agreement is an unfair labour practice

Commenting on the Appellate Division's judgment, MSOA general secretary Robbie Botha said "We are very pleased that the decision went our way If the Industrial Court's finding is implemented, it will mean the wholesale destruction of the closed shop and allocation of occupations agreements in the mining industry And it will have an effect beyond that as well"

Botha told the *FM* that his association is hoping that Satoa will decide to throw in the towel and take up a 15-month-old MSOA offer to amalgamate their two unions "If they don't accept the offer it will be a tragedy for the interests we both represent," he says

But Satoa general secretary Harry Mallet-Veale rejects the idea "The MSOA did make us an offer and we had discussions but they broke down completely I don't think amalgamation is on the cards and I don't see it happening in the near future

"The Industrial Court gave a judgment that the closed shop is an unfair labour practice, and we intend in the long run to see that its judgment will be implemented and adhered to We must get something out of all this"

Sowetan 20/12/84

More labour disputes referred to court

By JOSHUA RASOROKO

ABOUT 326 industrial relations cases, involving labour disputes, were heard in Industrial Courts in the country until November this year, according to an official of the Department of Manpower.

The director-general of the Department, Dr Piet van der Merwe, said yesterday that this figure indicated that the court was playing an increasingly important role in dispute settlements

The following give an indication of the number of cases which were adjudicated by the court in 1980 there were 15, in 1981 there were 30, in 1982 there were 49, in 1983 there were 168 and up until November 1984 there were 326

He said that most of the cases centred around the "unfair labour practice" (ULP) where there were major differences on matters of principle and on detail

However, he added, the general opinion appears to be that the present definition of the ULP was too wide and that it should be reformulated

Meanwhile, trade unionists and industrial relations consultants have predicted that next year, unions will become more political and rely less on the courts and agreements with employers and more on their numerical powers

However, Dr van der Merwe adds that actions by individual parties might at anytime, result in a dispute being declared, in which event the matter could be referred to an industrial council, conciliation board or the court

Referring to criticism that the Department of Manpower has been purposefully sifting the unfair labour practices which are referred to the IC and that it influences the court's decision, he said that neither the Minister, nor the Department have any powers legally or otherwise over the functions of the court

"In so far as conciliation boards are concerned, both the Minister and the Department are required to act within the framework of the Labour Relations Act which lays down the criteria for the appointment of conciliation boards

A further important development which he indicated, was the increased use of the statutory conciliation machinery.

INDUSTRIAL RELATIONS - General

1985

RDM 21/1/85 (132)

Full ingredients for shopfloor tension

LABOUR WEEK
By Phillip van Niekerk

THE worsening economic outlook provides little prospect that this will be a quiet year for labour relations.

Unions are likely to have their backs to the wall in pressing for wage increases at least to offset inflation

These pressures will be exerted at the very time that some employers will be fighting for survival and in no position to grant adequate increases

To compound this potential shopfloor conflict is the continuing unrest in the townships which, at this stage, shows no signs of dying out and is likely to have a major impact on labour relations

The situation at Empangeni, in northern Natal, where widespread stayaways last week accompanied a bus boycott in protest against fare increases, is an indication of this

Three townships elected several Fosatu unionists alongside other community leaders to represent them on a bus boycott committee

While the local Chamber of Industries has been acting as a mediator, between the committee and the bus company, it is a situation not going to be easy to resolve and which could get very much worse

The committee is demanding termination of Empangeni Bus Company services while, according to the chamber, it would be impractical to scrap a service so big

Significantly, the composition of the committee shows that the local Fosatu people appear to be working in concert with town councillors and Inkatha members of the KwaZulu legislative assembly

This is another indication of the willingness of unionists to get involved with community issues.

□□□

THE November stayaway was significant because of the way labour and community groups worked together.

The aftermath — the dispute over the reinstatement of Sasol workers fired for participating in the stayaway — could see the union movement co-operating as never before

It is noteworthy that the kick-off to the year, earmarked for the formation of a new super-federation, was the threat by 24 emerging unions to take national industrial action over the Sasol issue

At this stage the demand is limited to the Minister of Manpower appointing a conciliation board to hear the dispute.

But employers assessing the long-term seriousness of the threat should not under-estimate the feeling within the union movement over the dismissal of workers by Sasol

At the root of the dispute — and why it is conceivable that workers could take action if it is not settled — is the key issue of mass dismissals the right of an employer to fire his workforce for striking

Unemployment, the migrant labour system, the complex relationship between white bosses and black workers, union bashing — all these bogeys are raised by the mass dismissal of strikers

The right of mass dismissal has been diluted by the industrial court — now employers need to follow the correct procedures — but local employers still have far wider powers than those in most western countries

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For and against unionism

BARGAIN, DON'T FIGHT, *by Mike Alfred (Thompson Publications, 77pp, R15,00)*

UNION-FREE MANAGEMENT — AND HOW TO KEEP IT FREE, *by James L Dougherty (Dartnell, 305pp*, R89,50*)*

The first is a useful handbook aimed at managers faced with the often difficult task of negotiating with unions

The author, a training and industrial relations (IR) consultant, begins with the premise that negotiation is a vital function in a democratic and civilised society, a method of ordering and institutionalising conflict.

He highlights the poverty of the "win all at all costs" approach. While inexperienced union and management representatives often enter negotiations with this attitude, he argues it is shortsighted and unrealistic

Negotiations should be a process of give and take, because both sides have power. Employers have the ability to provide or withdraw employment and reward. Workers, through their unions, can use sanctions such as strikes, boycotts and moral pressure to enforce demands.

Alfred places great emphasis on the need to be thoroughly prepared for negotiations. He advises negotiators to have available all relevant information and to have aims and strategies carefully worked out.

Have a good idea about where you are going, what will be a satisfactory outcome and what constitutes the bottom line How do you respond to aggressive and threatening union stances, and when do you decide to unsheath your own sword?

Above all, be a good listener, be a good questioner, and answer the other side's questions as meaningfully as possible

The book also advises on preparations for wage and recognition negotiations, and on how to handle crises and disputes It ends with six case studies presented by such IR notables as AECI's Bokkie Botha and Tiger Oats's Wally Gardiner

It is a pity that, because of its brevity, this publication is no more than a superficial look at a subject which is becoming more complex every day A detailed version, giving the reader a better "feel" of negotiation situations, would be much more useful.

Nevertheless, the book provides an interesting introduction to the subject and is based on a philosophy likely to serve management well, given the realities of the IR scene in SA today.

Police intervention ... too often the final chapter in failed union/management negotiations

Published by a Chicago-based management consultancy, the second book paints a scenario of unions as large, faceless bureaucracies which cynically set about organising workers by exploiting their grievances.

Union bureaucrats do not primarily set out to protect and advance the interests of members Rather, the union member is seen as an investment

Worse, Dougherty argues, is the adverse effect unions have on profits as they play a role in making decisions which should be solely up to management

He claims that operating in a union environment can add 25% to labour costs Any company which wants to achieve optimum profitability, he says, must be able to operate without union interference

And the best way to avoid unionisation of the workforce is to "establish conditions and undertake action that will produce a typical employee who is a productive man who feels no need for a labour organisation to help him in his dealings with management"

Dougherty goes on to discuss in great detail the conditions necessary for achieving this

His suggestions would make sense to most personnel people, whether they deal with unions or not They also cover most situations in which unions are likely to be involved In brief, they include

- Ensuring that employees have stimulating jobs and can reach their true potential,
- Using efficient and fair grievance and disciplinary procedures,
- Allowing workers to contribute their ideas in the decision-making process, and
- Generally ensuring good communication systems and fair management practices.

One problem with the book is that its management techniques have been devised to comply with US labour law, which naturally differs from our own A more serious problem is its basic thrust.

There is little evidence in the SA experience to suggest that these measures would achieve a union-free environment here.

Companies with more enlightened employment practices have had no greater success in avoiding unionism than those with less

Practices designed to minimise employee alienation and dissatisfaction can only be applauded

But most leading IR specialists would argue that to actively oppose unionism is likely to cause more harm in the long term than it is worth

Alan Fine

Getting the Act

AUDIT AND ACCOUNTING GUIDE FOR CLOSE CORPORATIONS, *compiled by Úna Curtis (Issued by the SA Institute of Chartered Accountants, 60pp, R5, in English and Afrikaans)*

This authoritative booklet is the latest publication on the enabling Act which provides for the most advanced form of incorporation in SA, the close corporation The Act came into operation on January 1 1985. Unlike its predecessors, such as Juta's *The Close Corporation Act 1984 — A Basic Introduction,* the Institute's booklet is concerned more with the spirit than the letter of the law

The compiler, the Institute's director of accounting Úna Curtis, found several sections that were either ambiguous or did not express the intention of the legislators The relevant sections were referred to senior counsel for opinion and it appears that representations will be made to have several of the sections amended

The main provisions of the Act are covered, but not all the administrative details of a corporation are mentioned The booklet's main function is to address the Act's accounting requirements, the duties of an accounting officer and the taxation implications of the Act. It is a synthesis of the Act's legal principles and the Institute's interpretations.

The section on tax is perhaps the most important, bearing in mind the 50% tax that is imposed on companies and corporations The guide details all tax advantages in the Act and provides *pro forma* accounts showing how savings can be made.

Barry Sergeant

ALAN PATON

Life and changing times

Alan Paton, who turned 81 on January 11, is the most famous living SA writer. His novel *Cry, the Beloved Country* helped shape world perceptions of this country, and he was for many years involved in politics. At present, Paton is well advanced with the second volume of his autobiography. The *FM*'s Peter Wilhelm spoke to him about this project; and also about current political developments.

***FM*: Why did you choose to continue your autobiography rather than begin a new novel which would carry on from your last major work of fiction, *Ah, But Your Land is Beautiful*? A sequel was expected.**

Paton: I had a major heart operation — a brand-new aorta which the surgeon with, I think, unconscious wit said would last me forever Well I took a bad knock after that You see, it's not the ability to write the words, it's the will to do so And I had a letter from a friend in New Zealand, who is the same age as I am, and he said you can't tell whether it's old age or just damn laziness It's a kind of a sloth, which may be permissible at our age

So, then, I decided that the memoirs would be easier than fiction I don't need to tell you that there is no harder task than to slog away at a story that just won't take off. In any case, I'd been reading some of the history of the Liberal Party — the people involved, and the developments in the country· Adrian Leftwich, who gave evidence against his friends; John Harris, who put the bomb in the concourse of Johannesburg Station, the accession of Verwoerd to power, the massacre of Sharpeville, the fateful decision of Bishop Reeves to flee to Swaziland, the work of that wonderful woman Ruth Hayman; the steadfastness of those black members of ours in Natal who resisted the removals from Charlestown and many other places. We got a tremendous increase of membership in Natal owing to the fact that we took up the cause of black landowners in the black spots We could go to a meeting and there would be 40 members in some little place in the country They took it very seriously, and so did we, the white members

It was, of course, a party half-rich and half-poor, half-black and half-white But nevertheless there was something we had in common which transcended those differences I found I wanted to write about it all

Did you perhaps feel, also, that there was too great a gap in time between *Ah, but Your Land is Beautiful* and your previous novel *Too Late the Phalarope* — almost three decades? That there had been a lapse in writing fiction?

Except for short stories, this is quite true In any case, I would never expect to write one more book like some of the books I've written before I'm not a devoted writer like Nadine Gordimer, for example. I'm a jackdaw writer. I've got great pleasure out of writing many different things When people say to me, what's your favourite book, I say I haven't got one. For the sake of this autobiography, I've read *Apartheid and the Archbishop* again, and I thought, trying to recapture that extraordinary personality, Archbishop Geoffrey Clayton, this is a very important part of my life — but it is also a very important aspect of SA life during those years That's when I made my mind up (to proceed with the autobiography)

After the publication of *Cry, the Beloved Country* in 1948, you were in a position to become a full-time writer. Yet you gave as much of yourself to public life — the Liberal Party and everything else. You still write commentaries on issues of the day. Was there ever anything like a conscious choice — on what basis you should lead your life?

I went through a great struggle, between what you might call a man of affairs who wants to be involved in the life of his society, and a man who just wants to observe, watch and write about it. This was a very great struggle But it was not as painful as all that for me, going into politics in the amateur way in which I did it. That was just as important to me as writing I have no feeling that I have wasted my time and should have done something else, made more money perhaps

Might there have been other novels in that period?

I think that's possible, but that was precisely the period when I couldn't do it By 1953, we'd had five years of Nationalist government — and that meant the Group Areas Act, the Suppression of Communism Act, the Population Registration Act, the Mixed Marriages Act, the Immorality Act . There was the threat to black education, the bus boycotts in Johannesburg, where you had black people walking 20 miles a day.

Do you think you might return to fiction — after the autobiography?

One can never tell One would certainly write a very different kind of fiction. Thomas Mann — well, I think he wrote his last novel when he was 80 or 81.

Do publishers nag you to write another novel?

No.

If you were a young man today, just setting out writing, do you think you would become as involved in public life as you did? Do you think the situation has changed?

That's a very hard question I cannot imagine myself as a young man! So I do not know But do I think the position has changed? Yes, I must admit that in certain ways it has changed In 1953, I thought it couldn't get any worse. I now

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Learn to listen, managers told

Labour Reporter

SOUTH African managers had to learn to move beyond mechanistic systems for dealing with conflict in the market place and understand the human factors involved

Professor D de Villiers, director of Unisa's Institute of Labour Relations, said today at a Cape Chamber of Industries Conference on industrial relations that up to very recently the focus of attention in resolving conflict had been on the systems

Although the labour relations system as it had developed in South Africa had evolved to meet our own needs and the demands of our time — a well-developed system which put South Africa ahead of much of the rest of the world — it remained a human control system

Conflict was an inherent part of the human being and it was therefore inevitable that there would be conflict wherever people rubbed shoulders at a machine or across a desk, said Professor de Villiers

But these conflicts could not be resolved only through the systems Most strikes in South Africa were caused by interpersonal problems, as it was on this level that management had to start dealing with conflict

It should also be remembered that any conflict created a supporting surge of emotions on both sides But emotion continued over a period and unless this aftermath was dealt with the scene was being set for future conflict, said Professor de Villiers

Management had to learn to listen and put itself in the position of the other party to the dispute

'Optimism' in industrial relations

Staff Reporter

THE industrial relations situation in South Africa looked optimistic in spite of the economic climate, Dr P G van der Merwe, director-general of the Department of Manpower, said in Cape Town today

He was addressing an industrial relations seminar of the Cape Chamber of Industries

Dr van der Merwe said one of the factors contributing to optimism was that the department's attitude had changed from a paternalistic one to one that recognised individual economic freedom and responsibility, and minimum State interference

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There was a balance of power between employers and unions If there were no strikes it would demonstrate an imbalance

However, on average strikes in South Africa lasted only two days and 50 percent were resolved in one day In most countries these would not be counted as strikes

He also said conciliation machinery was being used more and more

There might be criticisms of the industrial court system, but it was being used, he said It had dealt with 15 cases in 1980, 169 in 1983 and 399 last year

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Merry 8/3/85 (132)

The

Industrial relations position 'hopeful

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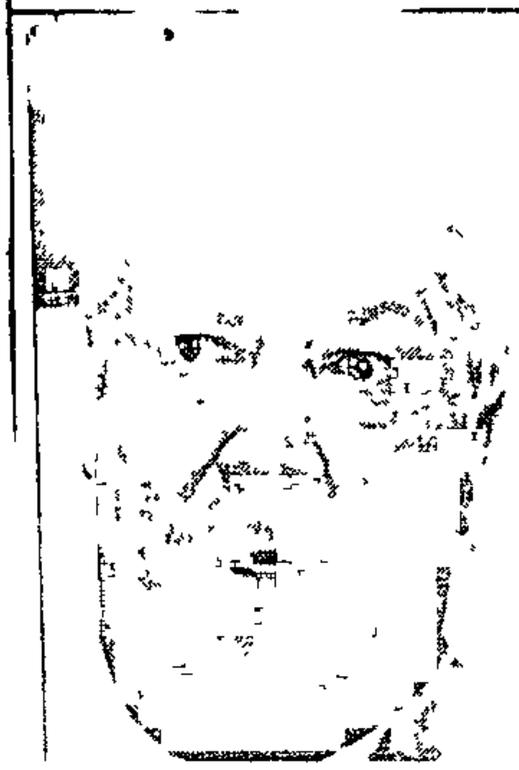
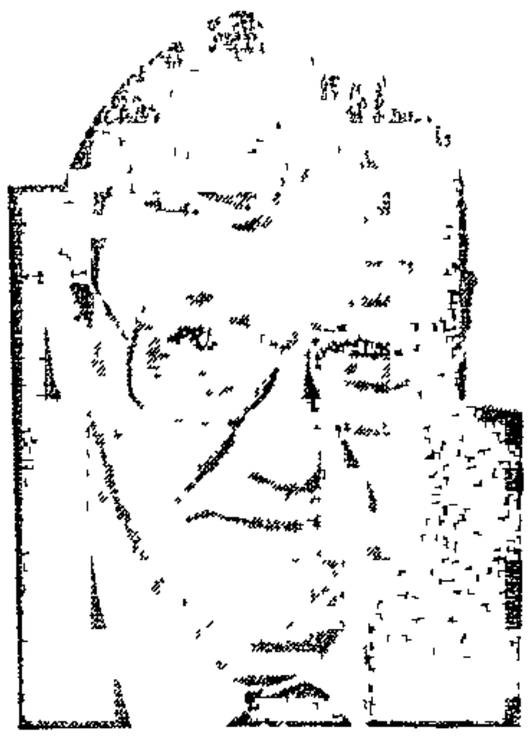
The growth of the trade union movement and collective bargaining were positive factors. Care must be taken not to let this progress be lost. — (Sapa)



Mr Edward Heath



Mr Jan Steyn

Mr Basil Hersov

Mr Tony Bloom

Revised Sullivan Code may buy valuable time for SA

Cape Times 8/3/85

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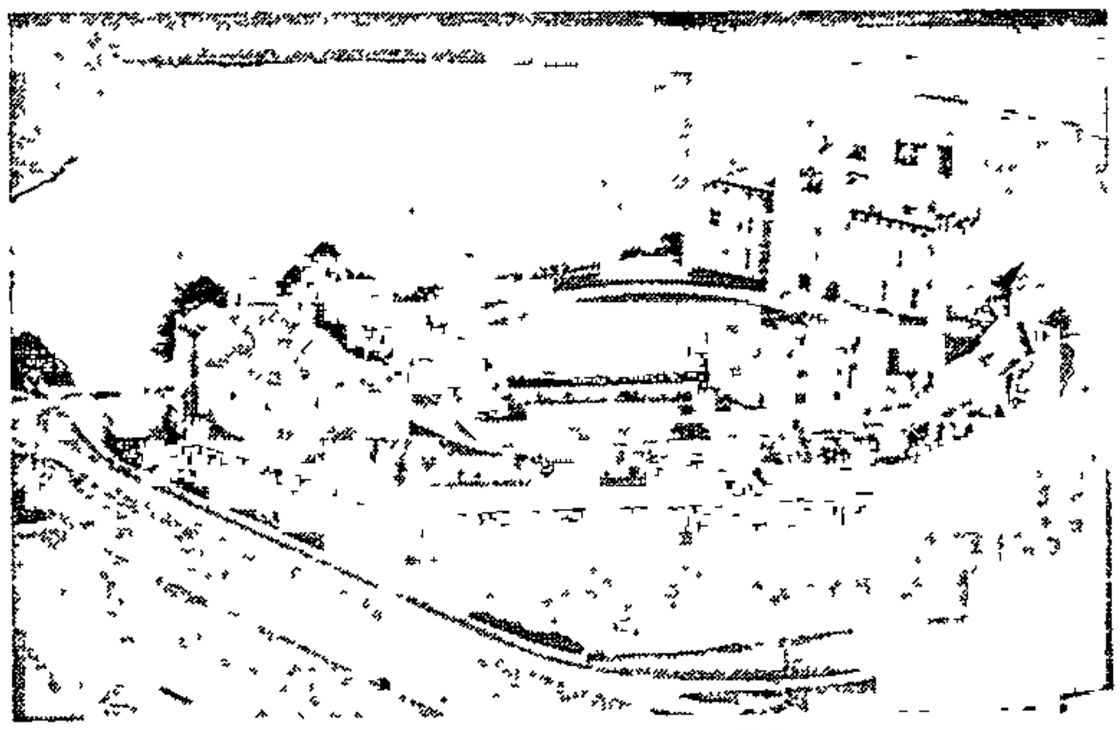
JOHN BATTERSBY reports from LONDON

A CONFERENCE held in the Leeds Castle in Kent this week might have been the last chance for the South African business community to defuse the growing disinvestment campaign

The conference — described by the organizers as "private" — was remarkable in several respects

For the first time it brought together the Reverend Leon Sullivan, leading South African businessmen, United States company executives and executives of leading British companies who have firmly rejected disinvestment as a means of accelerating reform in South Africa

Mr Sullivan wrote the code of conduct for US firms operating in South Africa



Leeds Castle in Kent — venue for SA's last chance

Revised principles

Acting as chairman and organizer of the conference was Mr Edward Heath, a former British prime minister He gave a tough warning when he visited South Africa in 1981 that failure to grant blacks political rights would lead to revolution

The conference, set up by Mr Sullivan with General Motors' backing and with Mr Heath's assistance, was a follow-up to an earlier meeting with British executives in 1983 At that meeting Mr Sullivan sought British support for his revised Sullivan principles

The revised code requires signatories to apply direct pressure on the government to dismantle apartheid

It is believed that British companies are less than enthusiastic about the new Sullivan proposals in their present form because they would amount to direct inteference in South Africa's domestic affairs

Strong reservations

coming involved in what amounts to direct interference in South Africa's domestic affairs

Political intervention through multinationals operating in South Africa also raises for many US businessmen a series of moral questions about their operations in other countries with poor human rights records, particularly communist countries

However, given the tide of disinvestment sentiment in the US, they realize that the choice is no longer between backing the Sullivan principles or rejecting them, but between continuing their South African operations under the protection of the Sullivan umbrella or not operating in SA at all

In this way some firms not prepared to follow Mr Sullivan into the political arena might reluctantly sell to local interests, as Ford decided to do when they sold a 60 percent stake in a merger with Anglo-American in January

Ford was recognized as the most progressive and highest-paying foreign employer of

results of this week's meeting are known, but the meeting could be a turning point in the disinvestment campaign

The Urban Foundation's Mr Steyn will be able to chronicle an impressive list of achievements since it began its work nine years ago, particularly in paving the way for leasehold and freehold rights for blacks

But he will counter any moves by US business to dictate the pace of reform in South Africa

The South African business contingent has been asked to co-operate in a Sullivan monitoring committee which would include business leaders, trade unionists, church representatives under the chairmanship of Mr Herman Nickel, American ambassador to South Africa and an outspoken advocate of constructive engagement.

This does not rule out the possibility of a deal whereby South African business would agree to such a role in return for a toning down of the proposals

In short, the Sullivan strategy presents possibly the last

state legislatures.

New York city has already begun withdrawing R1,2 billion in pension money from South African-linked companies and Citibank has agreed to liquidate its loans to South Africa by the end of this month

More than 20 other US cities are moving in the same direction and about 40 colleges and many churches in the US have decided on various forms of disengagement from South Africa

A "consensus Bill" in the US to agree on a joint Democrat-Republican approach to disinvestment is only being delayed because of South African reservations about the inconsistency of continued investment in various communist countries

However, even the most committed proponents of disinvestment concede privately that even total US disinvestment in South Africa — if it could be achieved (which is doubtful) — would have, at best, a limited effect on accelerating the pace of internal reform

But both opponents and advocates of disinvestment fear that the current crusade in the US has already assumed its own momentum and could result in disinvestment measures being adopted regardless of the wishes of those who initiated the campaign

Peaceful option

US opponents of outright disinvestment fear that it could be counter-productive and even diminish the prospect of evolutionary change by hitting the blacks hardest and driving whites back into the laager

But, at the same time, there is a growing realization in the US and the West generally that the use of economic pressure is the only peaceful option for countries which stridently condemn apartheid but continue to trade

Leeds Castle in Kent this week might have been the last chance for the South African business community to defuse the growing disinvestment campaign

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It is believed that British companies are less than enthusiastic about the new Sullivan proposals in their present form because they would amount to direct inteference in South Africa's domestic affairs

Strong reservations

Most British companies with operations in South Africa subscribe to the voluntary and milder EEC Code of Conduct

South African representatives at the Leeds Castle meeting, including Urban Foundation director, Mr Jan Steyn, have strong reservations about the revised Sullivan proposals

But the possibility of a deal whereby the proposals would be toned down in return for an input and monitoring role for the South African business community has not been ruled out by sources close to the meeting

Signatories would be required to campaign actively on issues such as influx control, forced removals, family housing for black workers and an official "hands-off" approach to black trade unions

They would also be required to urge other companies in South Africa to follow the principles

While 119 of the 126 US Sullivan signatories have already given provisional backing to the proposals, many are uneasy about the implications of becoming involved in what amounts to direct interference in South Africa's domestic affairs

Political intervention through multinationals operating in South Africa also raises for many US businessmen a series of moral questions about their operations in other countries with poor human rights records, particularly communist countries

However, given the tide of disinvestment sentiment in the US, they realize that the choice is no longer between backing the Sullivan principles or rejecting them, but between continuing their South African operations under the protection of the Sullivan umbrella or not operating in SA at all

In this way some firms not prepared to follow Mr Sullivan into the political arena might reluctantly sell to local interests, as Ford decided to do when they sold a 60 percent stake in a merger with Anglo-American in January

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Mr Sullivan's efforts to broaden the base of his principles to include British companies operating in South Africa — and his attempt to seek the quiet co-operation of South African business — is the most far-reaching development on the disinvestment scene in recent months

The move also shows a concern by Mr Sullivan and his General Motors backers that American business should not be the only ones to bear the economic consequences of disinvestment

If successful, the Sullivan strategy, which amounts to a manifesto for continued foreign investment in South Africa, would undermine the growing campaign for disinvestment It would buy time for evolutionary change in South Africa

It would also fit in with Bishop Desmond Tutu's two-year deadline for advocating economic sanctions if apartheid has not been dismantled by then

It will take time before the results of this week's meeting are known, but the meeting could be a turning point in the disinvestment campaign

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This does not rule out the possibility of a deal whereby South African business would agree to such a role in return for a toning down of the proposals

In short, the Sullivan strategy presents possibly the last chance for the Reagan administration to rescue its policy of constructive engagement with Pretoria, although in a modified form

It might also present the last chance for the South African business community, which has embarked on a campaign to promote reforms, to play a role in undermining the US campaign for disinvestment

By their presence at the conference, South African businessmen like the chairman of Premier Milling, Mr Tony Bloom, and the chairman of Anglo Vaal, Mr Basil Hersov, could make a major contribution to staving off disinvestment in some form

The South Africa debate in the US, which has taken on the proportions of a national moral crusade, is no longer whether US companies should disinvest in South Africa, but what form that disinvestment should take

Already five states in the US have enacted laws preventing the investment of public funds in South African-linked companies and disinvestment measures are pending in 27 other

New York city has already begun withdrawing R1,2 billion in pension money from South African-linked companies and Citibank has agreed to liquidate its loans to South Africa by the end of this month

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Peaceful option

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But, at the same time, there is a growing realization in the US and the West generally that the use of economic pressure is the only peaceful option for countries which stridently condemn apartheid but continue to trade with South Africa

For anti-apartheid activists who reject violence as an option, economic sanctions — or some form of economic pressure — is the only avenue left

It is this realization which the British government — weary of constant domestic and international pressure over its collaboration with Pretoria — is having to come to terms with

Sanctions ineffective

On the one hand Britain welcomes the award of the 1984 Nobel peace prize to Bishop Tutu and fully endorses his campaign of peaceful opposition to apartheid

But in the same breath it rejects economic sanctions or disinvestment as an ineffective and counter-productive strategy for internal change

British executives realize that they will not be able to rely on British Foreign office protection indefinitely

Leeds Castle could prove a watershed for the South African business community

'Govt blundered over unions'

By ALINAH DUBE

THE director of a plastic bags manufacturing company in Pretoria, whose employees are on strike, yesterday blamed the Government of having blundered in allowing blacks to form trade unions.

Mr PG Hutt, director of Pack Shur, was reacting to his employees' demands that the General Workers Union of South Africa (Gwusa) be recognised as their representative body

He said blacks took advantage of the Government's generosity and were creating new organisations daily

"I explained to my employees that they should form a committee to solve their problems internally because I am against trade unions I am one of the pioneers in South African industry and cannot tolerate continued disruptions at this factory.

"Because the Government has allowed blacks to form trade unions we have a free-for-all in industry," Mr Hutt said.

The striking workers told The SOWETAN that they refused to return to their posts because management was not prepared to talk to Gwusa They also wanted their demands for better pay met

"A company official said we should stop making fools of ourselves as the trade union was interested only in our subscriptions

"But this was unacceptable to us and, as a result, we told management to either meet our demands or do without us," a worker said

A Gwusa official said a meeting of workers resolved that no one should return to work unless management did away with its selective method when re-employing them

All demand that they be unconditionally reinstated and that their trade union be recognised

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14/3/85

Quality of industrial relations is deteriorating

(132)

29/3/85 Star

By Stan Kennedy

Black workers, through their unions, are beginning to exercise an influence on decisions relating to their conditions of employment but, in the process, the quality of the industrial relations climate is deteriorating

"It is no exaggeration to describe the present position as one of increasing alienation, which has every prospect of moving in the direction of unbridled hostility," says Professor RV Sutton, School of Business Leadership, UNISA

Writing in Manpower and Management Foundations's magazine, *Mandate*, he says part of the explanation for this "unfortunate state of affairs" is to be found in the complex cultural, historical and political factors which determine human relationships in South Africa

He says a prominent feature of the post-Wiehahn period has been the increasing use of wildcat strikes as a means of forcing employers to concede to their demands The employers, in turn, and acting within their rights, respond by firing the striking workers

"In retrospect, and with the benefit of hindsight, one may well ask if this is the most effective approach to bringing the black worker into the established collective bargaining system"

He says that recent action by some major employers in firing workers for taking part in legal strikes — on the grounds that the common law contract of employment had been broken — has an ominous ring for the future of industrial relations

The issue at stake is whether the right to withhold labour is recognised in the South African system for regulating industrial relations. What would the consequences be if the same employer fired their white workers when they took strike action?

"If the decision is to leave the position of white workers intact in respect of the right to withhold labour, what will be the reaction of the black worker in respect of the free enterprise concept? Rejection? This is probably well under way because of the minimum wage situation and lack of short-term prospects for advancement"

Another area of malaise is the basis on which negotiations are conducted between employers and unions The current approach is that of confrontation, based on the concept of "inherent conflict" between employer and worker

This form of negotiation was inherited from Europe and the US, where it has been responsible for major breakdowns in the coal mining industry in Britain, the automobile industry in the US and the mining industry in South Africa

He says a solution to the problem lies in balancing the concept of inherent conflict with "mutual survival", which could open the way to the development of the co-operative, instead of the confrontative, approach to negotiations.

"Instead we spend huge sums of money on importing consultants and packaged techniques from Britain and the US, imports that are the products and causes of failure in their countries of origin There is no justification in assuming that the results will be any different in South Africa."

Clashes likely as workers plan to mark Labour Day

Labour Reporter

TRADE union movements planning to mark Labour Day with a rally in Durban on May 1 are likely to clash with employers over time off

A number of trade union movements, including the Federation of South African Trade Unions, Fosatu, decided at a weekend meeting to mark the event for the first time this year with a workers' rally

Mr Mike Morris, a spokesman for the convenors, said formal approaches would be made to employers to give workers time off to attend the rally

'We are still deciding on a venue which will be large enough to accommodate the hundreds of people expected,' he said

Although the event is marked annually in several countries, it had not been celebrated in South Africa previously

A quick survey of major employers in Durban yesterday revealed that none recognised May 1 as a public holiday and warned that people taking the day off would not be paid.

The Metal and Allied Workers' Union, which is affiliated to Fosatu, last year reached agreement with two Natal companies to allow their members a half day off on May 1, but without pay.

They are BTR Sarmcol, a Howick rubber company, and Filpro (Pty) Ltd, motor components manufacturers in Pietermaritzburg

Mr John Samson, administrative director of BTR Sarmcol, could not be reached for comment yesterday

A spokesman for Filpro confirmed that agreement had been reached with the union for time off on condition that the company was given 14 days' notice.

A spokesman for the Natal Chamber of Industries said yesterday that it was up to individual employers to decide whether to grant workers time off.

Mr Glen Sutton, group industrial relations manager of Dunlop, which employs about 2 000 workers in Natal, said the company did not recognise May 1 as a paid public holiday Any worker taking the day off or time off from work would not be paid, he said.

A spokesman for the Natal Clothing Manufacturers' Association whose members own companies with a workforce of more than 40 000, declined to comment.

October launch for union federation

RDM 2/04/85

By STEVEN FRIEDMAN
Labour Correspondent

A NEW super-federation of emerging trade unions which represent about 400 000 workers is likely to be launched in October, according to the Federation of SA Trade Unions (Fosatu)

Fosatu is one of the key union groups involved in efforts to create the new federation, which would bring together the biggest, mainly black unions in all the key sectors of the economy

Its prediction comes amid suggestions by union sources that unity talks aimed at creating the new

It is known that some body have become becalmed

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unions which belong to the Council of Unions of SA (Cusa) are against joining the new federation and that some have taken formal decisions not to join it However, Cusa's biggest union, the National Union of Mineworkers is committed to joining the new body

Other unions involved in the unity move are the African Food and Canning Workers Union, the Food and Canning Workers Union, the Cape Town Municipal Workers Association, the Commercial, Catering and Allied Workers Union.

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We should be talking to each other.

A survey. Supplement to Financial Mail. April 12 1985

MANPOWER AND INDUSTRIAL RELATIONS

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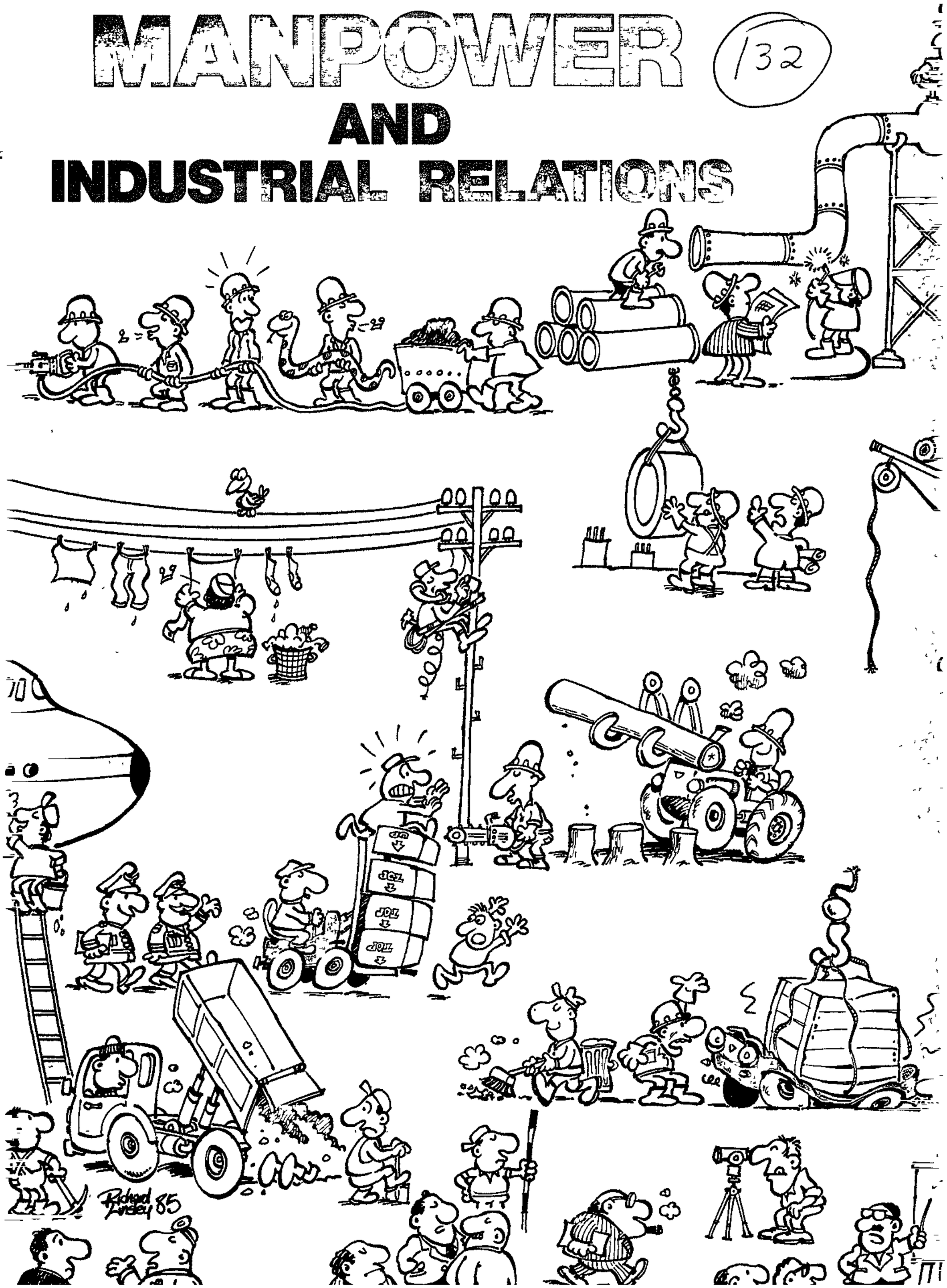

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Living with the facts

The one area in SA where a revolution has actually taken place is in industrial relations However, it is a revolution that has been carefully orchestrated from the top — though its consequences have not always been predictable

Since the turn of the century, when craft unions formed by European immigrants first appeared, SA has always had a labour movement The white trade unions had their fair share of conflict with employers and government But they've had an easy time compared with unions organising black workers

In 1979, government at last recognised blacks' right to freedom of association when it acted on the Wiehahn Commission's recommendations and altered the definition of "employee" in the Industrial Conciliation Act to cover black workers

The result has been an explosion of unionisation Indeed, unions are a growth industry — as not only the workers have discovered Industrial relations consultants are a new breed on the labour scene, and they make tidy packets advising management about the rules of the new game

Unions organising blacks formed before 1979 have managed to secure a firm base for themselves Others are still struggling — and yet others are gearing up These emerging unions are high-energy worker representatives

Established union groupings like the Trade Union Council of SA and the all-white SA Confederation of Labour — as well as the large number of independent unions — retain their members But, for the moment, they have been relegated to the sidelines as the emerging unions outpace them in gaining the loyalties of SA workers

Experts estimate that about 25% of the economically active workforce in SA is unionised This figure may be small — but it is only five years since the Wiehahn-inspired changes, and is certain to rise in the future

Emerging union groupings like the Federation of SA Trade Unions (Fosatu) say the recession has not caused a fall-off in membership While large numbers of workers have been retrenched, Fosatu says new recruits have compensated In addition, Fosatu spokesmen claim that its unions have managed to negotiate good retrenchment packages — and have increased their credibility in workers' eyes Fosatu also expects them to rejoin unions when they secure work again

No one denies that "meaningful and significant" change has taken place in the labour field — and that it is irreversible Unfortunately, government appears to have chosen a dangerous path in easing up on apartheid in one sphere without matching changes in the rest of society

The result has been a politicisation of the emerging unions Last November's work stayaway showed that these organisations have become spokesmen for large sectors of the majority of SA's population So while unions are losing their appeal to European, English and American workers, they are likely to remain popular in SA — and continue to grow That is what we are all going to have to live with

It's also the reason why government should steer clear of involvement in labour Detention of unionists is bad news — not only for SA's image overseas, but also because it is bound to have increasingly serious repercussions at home ■

Stopping the sell-off

Are the Sullivan and EEC employment codes an effective buffer against disinvestment?

A year after the Soweto upheavals sent shockwaves around the world came the codes Or, to give them their fuller names the Sullivan Principles, and the European Economic Code of Conduct for Companies with Subsidiaries in SA

They were largely the result of self-interest Western businessmen felt at the time that something had to be done to protect their investments in SA — a country which, in 1976, many thought was on the verge of revolution In fact, it wasn't, but now the codes are being used as a weapon against disinvestment

For the Europeans, the matter was fairly straightforward In 1977, the European Council of Ministers simply adopted the British Code of Practice introduced in 1974 following a major exposure by *The Guardian* of "starvation wages" paid to black workers employed by British subsidiaries in SA

In the US, the Rev Leon Sullivan formulated his Principles for American subsidiaries operating in SA soon after joining the board of General Motors

Adherence to the European Economic Community (EEC) code, which has not been changed since introduction, is monitored by the SA embassies of the 10 member countries of the community According to Tony Gooch, first secretary (labour) at the British Embassy "The codes have had a salutary effect on wages, but British companies tend to see themselves as British companies operating in SA rather than as British companies operating abroad Their track record is no better or worse than SA companies"

In contrast to the EEC guidelines, the principles contained in the Sullivan code are dynamic, they change from time to time Since 1977, they have been "amplified" regularly The result is that, in the last seven years, their emphasis has shifted from "in-house" matters — such as equality in the workplace — to external matters, like community health, housing and education The latest change obliges US companies operating in SA to lobby directly with government over the dismantling of restrictions, such as influx control, which hamper sound business practice

There are 135 signatories to the Sullivan code, which is monitored by a well-known US firm of accountants on an annual basis The external monitoring process and the co-ordination of activities have given the Sullivan signatories a corporate identity This is not the case for the less-organised European subsidiaries, whose image in SA is more fragmented But neither code contains any penal provisions to ensure that companies actually report on their activities This gap in the codes has come in for severe criticism

If the American and European codes of employment practice were set up, even in part, to counter disinvestment, have they worked? The answer would appear to be "no" The disinvestment campaign in the US has reached unprecedented levels in the past year, despite the re-election of President Ronald Reagan for a second term A bipartisan slate of US politicians cannot ignore the black constituency, which has become more vocal over the years and positively hysterical

about SA in recent times And SA has become an emotive issue with a high media profile

As a result, pressure on companies to withdraw their investments from SA is acute Many US businessmen operating in SA expect legislation to be passed by Congress before June which, at the least, will severely restrict trade and new investment in SA Divestment — withdrawing lock, stock and barrel — is a more remote contingency

The disinvestment lobby is not as active in Europe. Says Gooch "There is no parallel in Europe to the black population in America " However, observers believe the level of disinvestment activity could be greater if a Labour Party government were in power in Britain.

No UK withdrawals

Evonne Roux, executive manager of the SA-British Trade Association, believes a "lot of rubbish" is being talked about British business withdrawals from SA "There is no evidence," she says, "of British disinvestment for political reasons Where there have been takeovers, they have been for economic reasons " Despite reports to the contrary, she denies that political pressure had anything to do with the severing of close ties between Cape Town clothing manufacturer Rex Trueform and the Hepworths chainstores in England.

For the present, therefore, it seems that the approximately £6 billion of direct and indirect British investment in SA — which represents 7% of the UK's investment worldwide — is safe But the R12 billion direct and indirect US investment — 1% of US investment worldwide — *is* vulnerable Clearly, the Sullivan Principles have not been adequate protection

Phiroshaw Camay, general secretary of the Council of Unions of SA, describes the twin codes as "disastrous" and as "having no positive effect " He claims they were designed as a panacea for "the real will of the people to govern themselves," and "to take the flak off the disinvestment debate " The codes, Camay believes, have only ameliorated apartheid, not eliminated it

This charge is denied by William Magruder, chairman of Union Carbide SA Magruder is deeply involved in promoting the Sullivan philosophy and, he says, "the aim of the codes is to dismantle apartheid "

Lionel Grewen, national co-ordinator of the Sullivan Principles, adds "The (Sullivan) signatories are definitely becoming more politicised They are talking to government about removing the barriers which prevent their companies from performing effectively "

Grewen's reference is to Sullivan's latest insistence that US subsidiaries support the opening of central business districts to all races, support "the freedom of mobility of black workers to seek employment opportunities wherever they exist," and support the abolition of all apartheid laws Interestingly, there has been movement on these issues in recent months

On the claimed benefits of foreign investment in SA, Camay insists that the number of jobs created by British and American investment has been exaggerated, that only some 150 000 jobs are involved, and this is a small number in relation to the total working population One of the reasons, he believes, is that the Americans have invested in capital-intensive rather than labour-intensive industries

Furthermore, says Camay, the community projects funded by Sullivan signatories are "apartheid-based " He points out that Pace Commercial College, the American Chamber of Commerce's flagship in Soweto, is used exclusively by blacks No white, coloured or Indian students may enrol "There is no facility built by American money that all South Africans can go and use," he says (A fine argument in principle — but it does not answer the question of whether black students are better or worse off with Pace than without it)

"The real disinvestment story," Camay says, "is right here in SA Government is disinvesting in urban areas and reinvesting in rural areas The government subsidies for setting up industry in the homelands are so attractive that many businessmen are unable to resist relocating Meanwhile, the cities are becoming shells

"It costs R750 to create an urban job and R17 000 to create a rural job, and this is where the money is going

"Regionalisation of industry is good and necessary, but repugnant when done for racial reasons "

Hurting blacks

One of the major arguments against disinvestment is that it will hurt the people it is supposed to be helping Not only blacks, but also whites will be affected The wage bill of the Sullivan signatories is more than 37% white, and these people stand to lose substantial benefits if US companies shut their doors, and local buyers are forced to curtail or trim operations On top of that, many believe it is far too late for any group to reverse disinvestment feeling and encourage the flow of billions into the country — not to mention the billions that have already been forgone in new investment

It has also been pointed out that improved conditions and wages for workers in SA have not been the exclusive preserve of Sullivan or EEC code signatories SA firms themselves have often spearheaded reform — one example being Anglo's initiative on mine wages in the Seventies when the rising gold price made upward adjustments possible at a time when black unionisation was becoming a reality ■

A sense of reality

Bobby Godsell is chairman of the Federated Chamber of Industries' (FCI) standing committee on manpower affairs, and is an industrial relations specialist.

***FM:* What developments in industrial relations do you anticipate in the short term?**

Godsell: Until the upturn, I expect a pattern of dispute, deadlock and strike similar to that in 1984 The *number* of strikes seems to be increasing, while their *duration* is decreasing

But I don't expect a repetition of last November's stayaway because the trade union movement and employees have as much to lose as employers In 1985, and until the upturn, it will be a time for survival Unions are realising how hard hit business is, that grievances must be addressed other than through the use of such a high-cost weapon

The so-called politicisation of labour is reasonable It is to be expected that workers and unions are concerned about issues like rents, bus fares and the quality of education In a number of areas SA lacks effective forums for democratic decision-making, so black workers don't have the opportunity for redress on, say, the rents issue The challenge for employers, for unions and for the State in the year ahead is to find ways to resolve this

Isn't that ball in government's court?

Certainly we need long-term structural changes, but in the short term employers and unions must find *ad hoc* processes for resolving problems

The bus boycott at Richards Bay is an example Employers' organisations played a role in getting the bus company to talk to commuters and commuters to talk to the State We must respond to crises by providing temporary channels of communication, consultation and negotiation

And after the upturn?

Black industrial unions will pursue a living wage more vigorously and with greater suc-

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cess in an upswing Those sectors paying wages furthest from the minimum living level will come under sustained attack And the industrial unions will be concerned to change the ratio of highest-paid workers — usually artisans — to the lowest-paid labourers Where the earnings ratio is greater than 3 1 skilled craft unions can expect a lot of pressure, and there may be increased conflict between the two types of unions

And from the management side?

There will have to be adjustments Effective collective bargaining is based on a rough equivalence of power In the short and medium term, unions will be doing what they can to increase their power base Industrial relations will be concerned to get both sides to use their power constructively rather than destructively

I expect management to use their power of information more vigorously, to explain basic business realities to their employees As SA shifts structurally from a minerals-based economy to becoming a significant exporter of manufactured goods, unit labour costs will have to be competitive with those of countries like Brazil, Singapore, South Korea and Taiwan

Management will be laying such facts on the bargaining table Workers will base their wage proposals on legitimate needs, management their response on economic realities Hopefully this will lead to a shared concern for greater efficiency

So the main issue of battle will be productivity?

It's a word that's been almost emptied of meaning One extreme defines it as a function of worker motivation, loyalty and application, while industrial unions view productivity as the exclusive concern of management

But, yes, SA is past the period of windfall economic growth stemming from a rise in the

gold price — or any primary product boom It will be a hard slog, a matter of being better at producing than others competing for the market, and developing shared objectives among management and unions It will be really significant if we can convince workers and their unions that increased work efficiency is in their own interests

What long-term objectives should industrialists set themselves?

We must face the fact that our modern formal economy does not have the capacity to absorb all adult work-seekers Seeds of the future can be seen in those groups who are becoming economically active in the only ways available to them The 1,5m people who have urbanised themselves in shanty towns between Durban and Tongaat are an example Many provide wage-earners with a number of commodities which are mainly, but not exclusively, services

The challenge facing industrialists will be to find a way to combine the advantages of the formal and informal sectors The development in societies as divergent as Switzerland and Japan of small-scale family-orientated cottage industries serving the formal economy is significant, and the formal sector will be wise to look closely at sub-contracting

SA has to create the widest possible range of opportunities for wealth creation The challenge now is not to achieve absolute equality of rural and urban people, but to create a momentum whereby both see opportunities and living circumstances improving SA industry should respond to increasing deregulation by interacting with small operators to spread the benefits

What about relations with unions?

The long-term possiblity is that a form of partnership will develop between manangement and unions where they are jointly concerned about and involved in a wide range of areas outside the present basic wages and work conditions issues It is not inevitable that SA will follow the Anglo-Saxon tradition of adversarial unions We may move towards a partnership more characteristic of African trade unionism

Of course this implies a political system that focuses on common interests It is imperative that South Africans see themselves as members of the same nation with equal citizenship rights to political participation and a shared economy An end to the enforced migrant labour system, mobility of labour, the scrapping of influx control and group areas won't cause undue turbulence — but, rather, would acknowlege what is already happening

All in all, I'm optimistic about future industrial relations There has been tremendous progress to date in unionisation and industrial democracy The move in the last 10 years from a feudal work situation to the beginnings of a democratic one has been achieved without significant violence But without political reform this process can't be maintained ■

The out-of-work

Some trade unionists believe that jobs lost in the recession will never return

How many people have lost their jobs in the recession? It's hard to say Trade unionists in the Cape, Transvaal and Natal all agree that it is impossible to calculate the extent of unemployment Official statistics, they claim with some justice, are chaotic However, what they do say is that unemployment is "very, very serious" and "on the increase" One veteran unionist says the present round of retrenchments is the most severe she has seen in 20 years

Still, unionists are confident that retrenchments will not harm their movement Many have negotiated good retrenchment packages for their members, and this has fostered union loyalty They fully expect laid-off workers to return to unions — if not the same ones, then different ones — if they rejoin the workforce

"The unions have emerged with great credibility," says Alec Erwin, the Federation of SA Trade Unions' national education secretary He adds that Fosatu has not lost membership in the dwindling job market "We have recruited in new areas New members have compensated for the loss of old ones"

What has also emerged lately is a shift in management attitudes towards retrenchment They have "hardened" reports David Lewis, general secretary of the General Workers' Union (GWU) He says that in less lean times, managements of large companies usually agreed to "objective retrenchment selection criteria" — such as length of service or the last-in-first-out principle, making it clear the dismissal was not the fault of the worker

These days, unions and management are in conflict over the issue Lewis charges that management is using new criteria to retrench staff "They are trying to restructure their workforce As a result, they're keeping on only the most skilled, most educated and most productive workers who show potential for training They're squeezing every last drop of productivity out of their workers.

The worker who has 30 years of service is being discriminated against"

Lewis acknowledges that many individual factories are in financial difficulties, but argues that many are subsidiaries of wealthy conglomerates These, he claims, have issued directives to individual managements to restructure operations and streamline their workforce "Because managements have been forced to tighten their belts, they're offloading much of their workforce There is no doubt retrenchment is being used as an excuse to introduce mechanisation"

Lewis believes these "new look" factories are here to stay, and his conclusion is gloomy "There is likely to be a decline in the active working population I do not believe an upswing is going to return employment to pre-recession levels Some workers are going to be permanently discarded from the labour force"

This argument is open to question Streamlined companies will be best poised to take advantage of the next upswing — which will mean expansion and more jobs, particularly if fresh investment is in the new technologies or the services sector, which has so benefited America in the last four years

However, that isn't much help to people who are out of work right now

While the US and UK are geared to take care of the structurally unemployed — or unemployable — through social welfare, SA is not The most important source of unemployment benefits is the Unemployment Insurance Fund (UIF), which is designed to deal with cyclical unemployment It allows payment of 45% of an applicant's previous salary for a maximum of six months, and only registered unemployed who have made successful application for unemployment insurance benefits are entitled to draw on the UIF It is not a permanent dole

In addition, the UIF is beset with problems Contract workers are forced to go back to homelands to collect payments which are often reduced or never made because of maladministration

Many of the difficulties of unemployment insurance were spelt out in a memorandum prepared by the Industrial Aid Society, the SA Institute of Race Relations, the Black Sash, and several unions The memorandum has been submitted to Manpower Minister Pietie du Plessis, who has told these organisations in a letter that the matter is being investigated

Erwin believes improvements to the UIF will not go far enough "The unemployment situation is so serious that the government will never be able to spend its way out of it Reform is not good enough What is needed is structural change that is, a move away from the concept of unemployment insurance towards the idea of social security"

How many people are in need of some sort of social security benefit? Even the Department of Manpower says its figure of 67 787 people of all races out of work in October last year is valueless when it comes to the overall unemployment picture The department records only "registered unemployed" — not workseekers

Last July, according to the Central Statistical Services (CSS), some 506 000 people (8,3% of the economically-active black population) were unemployed By August the figure had risen to 526 000 Comparisons with past years reveal that CSS figures, which are based on the Current Population Survey, show unemployment among blacks increasing by only 95 000 between July 1981 and August 1984 Most labour observers regard this as unrealistically low

Professor Jan Sadie of the Bureau for Economic Research at Stellenbosch University estimates there are almost 3m South Africans in the economically-active bracket who are not employed at any given time However, a quarter of these would be "underemployed" rather than unemployed By the year 2000 the figure could reach 5m, he says

What of the informal sector? Some of those recently retrenched in the Transvaal are certainly drifting around the cities in the hope of finding other jobs, says Phiroshaw Camay, Cusa general secretary However, "the majority are going back to the land, which can barely support them There is not much they can do"

In Durban, reports Erwin, the squatter camps at KwaMashu and Lamontville have swelled recently The situation in the Cape is slightly more complicated, according to the GWU's Lewis "Living in Crossroads are contract workers who have brought their families with them, workseekers, or those who are legally allowed in the area but who cannot find housing," he says "Of the retrenched, many go back to Transkei and Ciskei, and some of those return to the Cape illegally to look for work again"

Worldwide, the problem of unemployment is intractable The idea that a net number of jobs will be lost in the current recession implies that SA will degenerate into a banana republic, which will not happen if current monetary and fiscal austerity is maintained The upturn, when it comes, should bring renewed prosperity In the meantime, with no social net, and scant hope in the homelands, the number of urban unemployed is likely to continue to rise This is undoubtedly a factor in the current low-level, but seemingly endemic, unrest ■

Training them up

One of SA's biggest problems is the shortage of skilled labour

In a recent speech, Manpower Minister Pietie du Plessis restated one of SA industry's most pressing problems He told an audience of newly qualified artisans that SA faces "a shortage of jobs for large numbers of unskilled and semi-skilled workers, and a shortage of skilled workers in a variety of professions and trades"

The equation can be expressed in other ways One school of thought says that employers step up training during boom times, but reduce it during recession to cut costs Consequently, the argument goes, there is a shortage of qualified artisans in periods of high demand, since not enough have been trained during the preceding slack period, which, needless to say, is marked by unemployment This school believes that this frustrating trend prevents employers from "running with the ball" in an upswing

Steel and Engineering Industries Federation of SA (Seifsa) executive director Sam van Coller views the problem differently Employers, he says, simply cannot take on apprentices in slack periods, since while "people throw bricks at employers, there simply is no work in a recession You cannot train apprentices on the job if there are no jobs for them to do We need a situation in which the training is not tied to the workload in a company"

At present, the mining, metal and building industries, along with SA Transport Services (Sats), train the bulk of the country's artisans In most cases, engineering artisans are trained on the job — the "sit-by-Nellie" method, as the Minister of Manpower quaintly describes it This type of training has inherent limitations, since it is dependent on companies' willingness to train, and because individual standards vary enormously

Is there an alternative? Van Coller notes that one way of ensuring that the quality of artisan training remains consistently high — no matter what the economic circumstances — would be to train apprentices in off-the-job training centres According to Minister Pietie du Plessis, the development of such centres is likely to be an important recommendation of a major investigation of artisan training by the Human Sciences Research Council and the National Training Board, which was due to be tabled in Parliament at

the time of going to press The investigation has been hailed by Van Coller as "equivalent to Wiehahn" in the field of artisan training

In his speech to the new artisans, Du Plessis referred to other recommendations likely to be contained in the investigation These include.

☐ The phasing out of qualification by "effluxion of time," which will require improved training methods throughout industry and significant changes to the testing of apprentices,

☐ The development of a job analysis and description system to determine more precisely the requirements of a job and the training it requires, and

☐ Full recognition of the role of unions in the training of artisans.

The significance of these recommendations is far-reaching If implemented, they will go a long way towards loosening the excessive bureaucracy in, and government control of, the apprenticeship system

Furthermore, if government endorses the recommendations as a package — and the private sector is keeping its fingers crossed that it will — a start will be made on repairing the damage done by decades of job reservation That would mean a timely shove for SA into First World-style artisan training, meaning that the skills shortage would have been seriously addressed for the first time; and the need to import artisans from abroad would be reduced

Van Coller predicts that if the main recommendation of the investigation — off-the-job training — is implemented, practical artisan training in institutionalised training centres would have the following effects It would

Artisan training . . . far-reaching changes needed

☐ Overcome present skills shortages in different phases of the economic cycle,

☐ Improve the quality of artisan training,

☐ Standardise artisan training so that all artisans qualify after completing tests At the moment, some qualify by passing trade tests and others qualify after the passing of time, and

☐ Upgrade artisan training to meet the needs of a modern technological society

Van Coller estimates it could cost as much as R30m-R40m to build industry training centres simply to meet the needs of the metal industries This cost, he says, cannot be borne by them alone, as it is, the metal industries, the mines and Sats are effectively subsidising other industries which employ artisans without training them

Van Coller suggests, controversially, that government should identify the training of engineering artisans as a national priority — and pay for their training either through tax relief or by imposing a training levy on all industrial employers "We will never overcome the shortage of artisans unless the whole country shares in their training," he argues

It is highly unlikely that organised commerce and industry would tolerate yet another levy But the plain fact is that artisan training in SA is at a critical stage For one thing, the status of the artisan has deteriorated because of job reservation Until now, there has been too great a willingness to compromise standards in the attempt to overcome the artificial shortages created by job reservation

Amalgamated Engineering Union general secretary Tom Neethling agrees that artisan training standards should be improved as a matter of urgency "Uplifting the standard of artisan training is a way of uplifting the status of the artisan, and that is what we are fighting to do New technology demands new skills, and the best person to train is the artisan "

Achieving this will be one of the major labour challenges of the rest of the Eighties ■

The matchmakers

SA's personnel consultancies face hard times, but are becoming ever more professional

People are people and jobs are jobs Matching the two is the task of personnel placement consultancies And even though more than half of SA's personnel consultancies and agencies fall into the small business category, with turnovers of under R100 000/year, the sector itself is big business

There are some 790 permanent placement consultancies registered in SA, nearly three-quarters operating on the Reef In today's harsh economic climate, some 20% of that number have failed But new consultancies continue to spring up like mushrooms, as it's a field that doesn't demand initial high capital investment

There are two broad categories of personnel agencies those that concentrate exclusively on placing people in permanent jobs, and those that do temporary placements And there are further sub-divisions within each Some agencies do both permanent and temporary placements

Of the permanent placement agencies, the top 15% deal with executive recruitment and executive search, that is, placing senior and middle management, and headhunting But the bulk of permanent placement agencies operate at the general staff level white, pink and blue collar workers from salary levels of about R36 000/year downwards

The three categories of temporary placement agencies are general (with a sector turnover of some R60m/year), specialised drafting, and artisan placement Temporary agencies act as employers to their jobseekers, being legally responsible for their social benefits, while consultancies that place people in permanent jobs act as agents or consultants for employers

Eric Henderson, president of the Association of Personnel Service Organisations (Apso) and a director of the St Thomas Group of consultants, points out that the combined turnover of Apso members was more than R150m last year, and they paid out salaries of over R100m

In the course of 1984, a downturn year, Apso members placed some 37 000 people in jobs And, Henderson adds, the Department of Manpower estimates that only about half of SA's personnel agencies are Apso members

A common criticism of the industry from those within it concerns the unevenness of professional standards across the spectrum Apso drew up a code of conduct about five years ago, a sign of increasing concern for professionalism in the industry But a number of Apso members — and non-members — are critical of the fact that it has no teeth when it comes to imposing professional standards on the industry Of course, with so many agencies outside Apso's fold, and since it has no statutory powers, it is hard to see how it can do anything but try to lead by example

The initiative is with clients to demand a better quality of service One consultant advises employers that, as a rule of thumb, if a consultant does not come in person to discuss

the exact specifications of a job — particularly a senior one — "you're halfway to trouble"

The law on personnel agencies and on consultants' qualifications is not tight enough, Henderson believes He and many other reputable consultants hope that ultimately the Department of Manpower will sanction legislation that prohibits practising without having passed an industry entrance examination

Henderson is a member of the sub-committee of the National Manpower Commission investigating the industry, so his opinion may carry weight The commission has sent out 21-page questionnaires to all registered private employment offices (legally all practioners must register with the Department of Manpower, though this is not always done)

Questionnaires and follow-ups have also been sent to the consumers of consultancies' services, and to all Manpower Department offices The committee will probably produce a report by the end of this year

The Institute of Personnel Service Consultants provides a one-year certificate course which Henderson believes provides a sufficiently thorough exposure to the basics of the personnel consulting industry A further two years entitles the student to an advanced diploma

Government is also looking at the British system of government-run job centres Not surprisingly, Apso's view is that such structures are not needed in SA — nor can the country afford it The organisation has a point before Margaret Thatcher's cuts, the 200-odd UK centres were costing British taxpayers some £424m annually

But, Henderson adds, there may well be a need for some government contribution to a service for the underprivileged, at the level of semi-skilled and unskilled labour where both lack of skills and unemployment are really biting

Professional blacks are increasingly using personnel services, following legal permission to do so in April last year This advance has entailed some difficulties, though, as Henderson points out "There are those who believe that we shouldn't advertise jobs according to the race of the employee the client wants — but if a client specifically wants a black personnel manager or a white foreman, we would be misleading the applicant"

More serious, though, are white-collar and professional blacks' mobility problems Where a company would normally transfer an employee between branches and head office as part of his career development, legal barriers place a constraint on blacks leaving their base, and may block their recruitment or advancement

How is the personnel service industry likely to develop? Henderson believes its make-up is unlikely to change significantly in the long run "Because of its low-capital nature, there will always be room for the small operator, though there will probably be more larger agencies," he comments

"But a number of consultancies may opt for higher quality upmarket operations rather than size — it depends on the owner's philosophy And problems with recruiting skilled consultants are always a constraint on growth"

Other consultants anticipate changes such as increased use of computers for basic assessment of applicants This will increase costs of competitive operations, and may militate against low-budget operations All sources agree that professionalism will continue to increase, as clients become more experienced in the use of agencies and more critical of inadequacies Another possibility is growth and strengthening of networks of co-operation and reciprocal arrangements between larger agencies

The recession has resulted in employers becoming more selective Where two years ago there would be 10 or 12 applicants for one job, there are now between 30 and 40 Employers are able to take on applicants at lower salary levels than they would have paid 18 months or two years ago

Employers are also using the downturn period, with so many applicants from all levels on the market, to refine and upgrade the quality of employees in their operations Despite high white-collar unemployment, SA's skills shortage is still acute, really excellent, qualified applicants are still at a premium Gordon Whittaker, a director of the Ralph Parrot executive recruitment consultancy, has highlighted another severe problem — the lack of social security for executives who have been retrenched

Whittaker thinks that SA companies will need to build good severence benefits into employment contracts for executives or find themselves at a disadvantage in trying to match the terms offered by multinationals operating in this country and by foreign organisations headhunting in SA

Few personnel consultants like to go into details about fees In all cases it is the client company that pays — not the jobseeker Fees may range from 7% at general staff level to 33,3% of the applicants' first-year salary — the top percentages are charged at executive level when headhunting is needed Often, if an employer is willing to give a commission exclusively to a single agency, it will reduce its rate

Consultants are unanimous that clients suffer by farming out their employee needs to several agencies They will pay more, and may find themselves interviewing the same applicant sent by different agencies, becoming involved in disputes as to who is entitled to the fee if they accept him or her

Companies that stick to one agency enable its consultants to get a clear idea of their job categories, hierarchy, management style, conditions of service, and product range This enables the consultancy to fit round pegs into round holes And that's what the personnel industry is all about ■

The ultimate weapon

Strikes are on the increase in SA, but this is not the end of the world

SA had more strikes in 1984 involving more workers and costing more man-days than any other year in its history All expert opinion is that this trend will escalate

How are business and government responding to this? Before the great surge in black unionisation and the Wiehahn reforms, SA employers were wont, at the drop of a hat, to dismiss any worker who dared to strike Police baton charges, arrests and bannings of unionists were common But attitudes have changed in the last decade As Director General of Manpower Piet van der Merwe told the *FM* Investment Conference last year "Strikes are a normal feature in a free market economy and serve as a safety valve for grievances"

This attitude change has not been confined to government Employers too have begun to accept the fact that if they engage in collective bargaining with a union, both sides must have weapons available if they fail to reach agreement For unions the ultimate sanction is the strike, while employers can respond by withholding pay from strikers, dismissing them, or instituting a lock-out

Union attitudes are also changing Many strikes have erupted because there was no other way workers could draw attention to grievances These were basically outbursts of anger and frustration There were, and still are, occasions when they happened despite the availability of channels to resolve grievances However, as the emerging unions have matured, they have begun to favour using the strike weapon more deliberately, less emotionally and only as a last resort

Many unions have negotiated dispute procedures with employers which attempt to ensure that all reasonable avenues are followed to prevent a strike Unions are also

making increasing use of the official dispute-settling machinery In 1980 there were 23 applications for the establishment of conciliation boards The complete figures for 1984 were not available at the time of going to press, but there had been 216 applications by mid-November The Industrial Court is also being used to a far greater extent While the court heard only 18 matters in 1980, 475 matters were referred to it last year

If the laws and agreements are designed to institutionalise conflict, why the increase in strikes? The simple answer is that unions have grown enormously in the past decade — and that the recession has been marked by an increase in disputes over wages and job security

All this does not mean, however, that SA's industrial relations system has come of age For one thing, unlike more advanced Western societies, SA makes a distinction between legal and illegal strikes To strike legally workers have to go through the convoluted conciliation procedures laid down in the Labour Relations Act (LRA) But in either case employers are entitled in common law to dismiss strikers for breaching their contracts of employment

Most strikes that occur — as many as 95% according to industrial relations consultant Andrew Levy — are illegal A debate is raging in labour circles about whether it is worthwhile for workers to strike legally if employers can still fire them Legal strikes, for most unions, do not really yield any tangible benefits

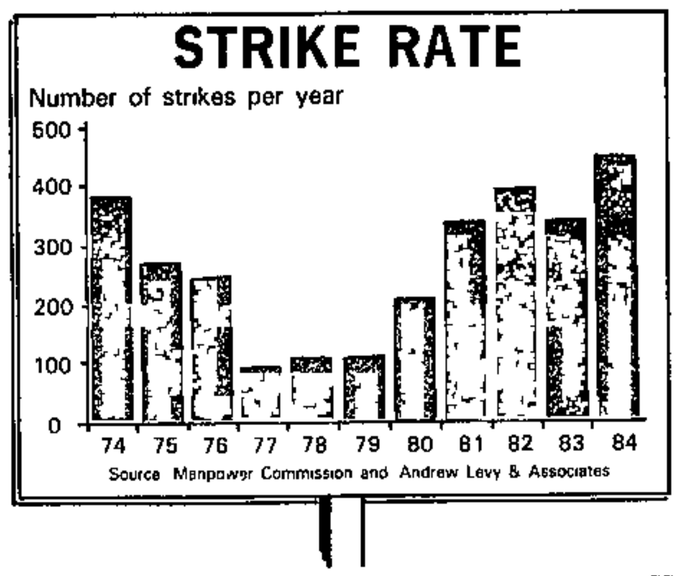
Another problem with strikes in SA is that despite what Van der Merwe says, government does not play a neutral role Law and Order Minister Louis le Grange told Parliament recently that police were "called out to the scene of strikes, work stoppages and disputes" no fewer than 329 times last year and 415 people were charged with striking illegally

Many labour specialists believe that the "right to strike" must be given more meaning Professor Jimmy Claasens of the University of the Orange Free State argued at a labour law conference last year that because strikes inflict damage on all concerned — not just the employers and workers — strike law should be changed to encourage adherence to the official dispute procedures

Claasens suggests that the LRA should be amended so that in order to strike legally employees should not only have to follow the dispute settling procedures, but should also have to give at least 14 days' notice of their intentions He also recommends that legal strikes only be allowed to last for 21 days, and that disputes should be referred to arbitration in the Industrial Court thereafter

Claasens acknowledges that this would be of advantage to employers As a *quid pro quo* to workers he suggests that employers should be permitted to terminate the contract of employment only after giving due notice

Wits Business School senior lecturer in



industrial relations Loet Douwes Dekker argues adamantly that employers and unions should aim at setting up rules for a "fair fight" He says that when procedures for settling disputes have been exhausted it is necessary to recognise strike action as a legitimate weapon of the last resort

The collective bargaining process, and hence the strike weapon, is a trial of strength between the opposing parties, he argues The strike is the ultimate test of that strength In order to institutionalise the potentially mutually destructive conflict, Douwes Dekker suggests that SA employers and unions should further debate the drafting of rules for the fair fight Give-and-take over these rules can help to ensure the least disruption when strikes do occur Naturally, this can only happen when a substantial degree of trust has been built up

The most basic union concession is to agree to desist from strike action during the currency of, for example, wage agreements and until agreed dispute procedures have failed Exceptions should only be made to "prevent perpetuation of gross injuries," says Douwes Dekker

And even in situations like that the union leadership should attempt to suspend the strike pending talks to resolve the dispute

Further possible concessions could include agreement to keep essential services in a plant running during a strike, and to implement a gradual winding-down of the production process if sudden closure can inflict damage to factory equipment Unions and employers could also agree to respect a compulsory "cooling-off period" if deadlock has been reached before striking, hold secret strike ballots, and notify employers of their intention to strike in advance

What can a union reasonably expect in exchange for these concessions? Naturally the greatest harm that can be done to a union is the dismissal of strikers Given the low skill levels of most black workers, and the large pool of unemployed in SA, this is an option widely used by employers and one which will not be lightly surrendered, although some question its long-term wisdom.

In the industrialised West, strikers are not usually dismissed This convention probably developed out of necessity — there are lower unemployment levels overseas and the workforce is far more skilled

SA unions have made some advances in protecting the jobs of striking members. Several have negotiated agreements which lay down that if companies choose to dismiss strikers they would have to dismiss all, and forbid selective re-employment The effect is obviously to discourage management from dismissing, since then an entirely new workforce would have to be engaged and trained Secondary action, like a consumer boycott, has become a further possible consequence of dismissing strikers

Another idea which has currency at present is for employers to agree that strikers' contracts of employment should be suspended for a limited period rather than terminated Unions can also push for a commitment from management not to use scab labour for a period

Last year's Industrial Court judgment in a case between the Council of Mining Unions (CMU) and the Chamber of Mines has given unions some hope about legal strikes Although the court dismissed a CMU claim that the dismissal of legal strikers constituted an unfair labour practice in that case, it did indicate that there may be circumstances when the dismissal of legally striking workers could be construed as an unfair labour practice In making a decision in any such case, the court said, it would have to take into account

- ☐ The cause, nature, size, duration, consequences, results and purpose of the strike,
- ☐ The circumstances of the employer and employee,
- ☐ The presence or absence in negotiation of good faith between the two parties during the strike,
- ☐ Stipulations of contracts of employment, especially any to do with participation in legal strike action, and
- ☐ The behaviour of an employee during the strike

SA has moved some way from a state of shopfloor warfare towards the accepted conventions of Europe and North America But there is still a long way to go ■

A trying tribunal

After some teething problems, the Industrial Court gained wide acceptance. But it still isn't a proper court

No law can be effective or gain public acceptance unless it is properly and equitably policed If a body has been set up to monitor law, it must have the teeth to impose penalties on transgressors What, then, is to be made of the Industrial Court?

When the Wiehahn Commission of Inquiry into Labour Legislation recommended that the old Industrial Tribunal be replaced by a new body called the Industrial Court, its intention was to create a special judicial body in the labour field It would have sufficient clout to exercise authority in this highly contentious area Yet, instead, we have a body which, while it can point to some achievements, is suffering severe image problems

The Industrial Court was established on October 1 1979 Its duties are the following

☐ To perform all the functions of a court of law in disputes or matters arising out of the application of the laws administered by the Department of Manpower (that is, the Labour Relations Act, Basic Conditions of Employment Act, Workmens' Compensation Act, Unemployment Insurance Act, Wage Act, Manpower Training Act, and the Guidance and Placement Act) However, this excludes the adjudication of criminal offences arising out of alleged breaches of these laws,

☐ To hear appeals on matters involving the admission of parties to industrial councils,

☐ To consider and make determinations on applications for the so-called *status quo* order in terms of Section 43 of the Labour Relations Act (LRA) Most applications of this nature have been for temporary reinstatement;

☐ To conduct arbitrations,

☐ To advise the Minister of Manpower on any matter referred to it about certain essential services for compulsory arbitration in terms of Section 46 (7)(c),

☐ Making demarcation determinations as well as determinations of the undertaking, industry, trade or occupation in which a labour broker is engaged,

☐ To make unfair labour practice determinations in terms of Section 46 of the LRA, and

☐ To deal with any matter which it is required or permitted to deal with under the LRA, and all matters necessary or incidental to the performance of its functions under the Act

Initially, SA unions and employers viewed the court with mistrust In 1980 and 1982 only 18 and 49 matters were referred to it respectively But after September 1 1982 — when the court's powers were expanded to allow it to grant *status quo* orders which provide temporary relief to an aggrieved party in terms of Section 43 of the LRA — attitudes, especially among the unions, softened remarkably In 1983 a total of 190 matters were referred to it Last year 475 matters were referred to it

The vast majority of these have been applications for *status quo* orders Most of these applications have also represented the preparatory step for the court to make a final unfair labour practice determination in terms of Section 46 of the LRA (if an industrial council or a conciliation board fails to settle the dispute) However, in practice, it seems that many employers and unions are prepared to accept that the court's temporary finding reflects the way the wind will blow — and they then come to some kind of settlement

The Industrial Court's power to make *status quo* orders and unfair labour practice determinations are the key factors which distinguish it from the old Industrial Tribunal When the concept of an unfair labour practice was introduced into SA law it was first defined as any labour practice that the Industrial Court held to be unfair This was later somewhat circumscribed The present definition states that an unfair labour practice is any labour practice (other than a strike or a lockout) which may have the effect

☐ That any employee or class of employees is unfairly affected or that his employment opportunities, work security, physical, economic, moral or social welfare may be prejudiced or jeopardised,

☐ That the business of any employer may be unfairly affected or disrupted,

☐ That labour unrest is or may be created or prompted, and

☐ That the relationship between employer and employee may be detrimentally affected

This definition has come under heavy fire in some employer quarters as being too wide and vague As could have been expected though, unions are fighting to have it retained One of the problems with this debate is that because of the tendency of parties to settle disputes before unfair labour practice determinations come before the Industrial Court, the court has actually made very few determinations of this nature

Nonetheless, there has been strong employer pressure on government to give some content to the definition, and it seems certain that some tighter phrasing will be introduced sometime in the future

Last year the National Manpower Commission (NMC) outlined a few examples of what could be regarded as unfair labour practices in a report on its investigations into the levels of collective bargaining, the registration of trade unions and employers' organisations, related matters, and the Industrial Court The unfair labour practice recommendations have been slammed by labour lawyers, who, among other criticisms, have pointed out that the NMC's list excludes many of the labour practices the Industrial Court has already found to be unfair

Other NMC recommendations on the court are that

☐ Its name should be changed to the Labour Court and that an appeal body should be established called the Labour Appeal Court;

☐ Steps should be taken to enhance the image of the court This includes making provision for the State President and not the Minsiter of Manpower to appoint the members of the court, appointing Industrial Court members on the same basis as judges of the Supreme Court, granting members of the court security of tenure and separating out the court from the Department of Manpower into the Department of Justice There should be suitable premises for the court; remuneration should attract only the best people, full-time members should be legally qualified, although *ad hoc* members may be qualified in disciplines other than law, and provision should be made for all parties to be able to appoint assessors to advise the court;

☐ Steps should be taken regarding functions of the court It should be able to hear all disputes of rights connected with labour matters and retain its jurisdiction to hear disputes of interest as well as certain appeals as provided in the statutes The court should not have the power to hear criminal cases — but the possibility that it could acquire that right at a later date should not be excluded. *Status quo* orders should have the status of a *rule nisi* The court should be given the necessary power to carry out its functions effectively All provisions in labour law which make it possible to appeal to the Supreme Court should be amended to allow for appeals to the Labour Court, and

☐ There should be direct access to the court in cases of disputes concerning alleged unfair labour practices However, if there is an industrial council the dispute should be referred to it at the same time as application is made to the court The definition of the unfair labour practice should be amended to consist of three parts certain specific unfair labour practices, a general clause to ensure that the court has the necessary degree of flexibility, and, if necessary, certain practices which are not unfair labour practices

should be defined as such Ten examples of unfair labour practices were listed

Government has yet to respond to the NMC's report When it does its moves will be closely monitored

Another problem of the court relates to costs The court has held that when it performs its judicial function in terms of Section 17 (11)(a) of the LRA it has implied jurisdiction to award costs to a successful party But there are restrictions when it functions quasi-judicially The court cannot make orders regarding costs when it hears a Section 43 application for temporary reinstatement, except on the grounds of unreasonableness or frivolity by any of the parties The same provisions apply to demarcation disputes in terms of Section 76 The LRA contains detailed provisions about costs of arbitrations in terms of Section 47 depending on whether the dispute was under consideration by an industrial council or a conciliation board There is no provision for awarding costs in unfair labour practice matters The disputing parties therefore often bear their own costs

These considerations aside, there appears to be consensus that the Industrial Court's major achievement has been in the area of unfair dismissal There have been several landmark judgments From this the message emerges clearly that employers not only have to ensure that they have the legal right to dismiss workers, but also that the dismissal should be conducted in an equitable manner Companies should have disciplinary procedures, employees have a right to a fair disciplinary hearing and to be represented should they desire it

The other area in which there is consensus on the court's achievements is retrenchments In some judgments the court appears to have upheld the principle that retrenching on the last-in-first-out basis is fair Also important is the concept of negotiating on the issue with the employees concerned or with a trade union

The Wiehahn Commission envisaged that the court would, by its judgments, develop a body of case law which would by judicial precedent contribute to the formulation and development of fair employment guidelines The problem with Industrial Court judgments, however, is that they are not precedent-setting they are merely guidelines And there is a startling lack of consistency Recently there have been loud complaints from the legal fraternity that the court is overturning principles established in earlier cases — and thus creating mass confusion

The finger of blame for the inconsistencies is most often pointed at the court's *ad hoc* members But there are also severe criticisms of the court's status Critics have singled out the Supreme Court's ruling that the Industrial Court is not a court, but merely a government agency, as raising enormous credibility problems among employers and employees

As for enforcing judgments, there are in most cases provisions for the criminal courts to hear matters arising out of violations of Industrial Court judgments But there may be some gaps This is seen as a serious failing and one that could jeopardise industrial relations and industrial peace in SA The authorities must act soon to iron out these anomalies ■

View from the top

Pietie du Plessis has been Minister of Manpower since the beginning of last year. He spoke to the FM on a range of labour matters.

***FM:* The intention of Wiehahn's recommendations, and the changes that have been made to labour legislation since then, were to institutionalise labour conflict. Given the rising number of strikes and disputes, do you think the SA industrial relations system is working?**

Du Plessis. Given the nature of our circumstances, the labour relations system is functioning effectively Strike action and other forms of labour conflict are a normal feature of the collective bargaining process in a free market system Owing to the prevailing economic climate, great pressures arose to maintain living standards, resulting in increased employee demands Employers, on the other hand, were faced with the slackness of the economy, which made collective bargaining harder and consequently there was a comparative increase in strike action in 1984

According to available statistics, the majority (38,6%) of all the strikes and work stoppages which occurred in 1984 resulted from wage and wage-related issues, while 20,7% resulted from disciplinary measures such as the dismissal of workers It is apparent that issues relating to the actual conditions of employment in the workplace, as well as disciplinary procedures, deserve priority attention of management if they wish to preserve industrial peace Here the establishment of proper channels of communication is of the utmost importance

The acid test of any industrial relations system lies in its ability to resolve disputes and to limit the duration of any strikes and work stoppages that might occur In these respects, SA's industrial relations system compares very favourably with many Western countries Almost 50% of all strikes in 1984 ended within a single day while 80% ended within three days On average, only 2,1 days per striking worker were lost in 1984 In countries such as the UK, US and Italy, the position is much worse

What is government's view of foreign financing of black SA unions? Do you think this is desirable?

It is in any union's interest to confine its activities to the promotion of the welfare of its members and to retain its autonomy in so far as the management of its own affairs is concerned It is also in every union's interest to be financially independent from outside organisations and persons other than its own members It is for this reason that the Labour Relations Act (LRA) provides for stop-order facilities to be granted to unions, and for the submission of audited financial statements to the Department of Manpower (DoM) and its members in a similar way that companies have to comply with the requirements of the Companies Act

It is not the intention to regulate the flow of funds to unions or to reveal the amounts of money received by individual unions or the union movement as a whole from membership fees and other sources Such information has always been dealt with as confidential and will continue to be treated as such

How many workers in SA are unionised, and how many unions are operating?

According to the latest available figures, a total of nearly 1,3m workers belong to 194 registered unions, and 140 000 workers to 59 unregistered unions

The LRA has been amended to make agreements between employers and unions unenforceable in court unless both parties comply with certain requirements relating to the proper running of an organisation. Has this change had any effect on collective bargaining?

So far there is no indication that the amended legislation has had any such effect

It has been pointed out that the change places employers in a position to refuse to deal with a representative union if that union does not comply. It's also been said that unions could possibly use the law to sabotage agreements by deliberately failing to comply with the requirements. Is this causing you concern?

Bargaining in good faith is a cornerstone of sound labour relations If a representative union has the interests of its members at heart, I am sure that such a union will not act

in a manner which will prejudice its members If a union chooses to ignore the statute to the detriment of its members, can it really be said that such a union is a union in the true sense of the word? That is, an organisation that strives for good labour relations to the advantage of its members? It may well be argued that the non-compliance with the requirements of the statute could constitute an unfair labour practice I have faith, however, in the integrity of employers and unions and believe that they will not act irresponsibly

There is a strong lobby in which employers, unions and labour lawyers are pushing to have the status of the Industrial Court upgraded to equal that of other SA courts. What is your view?

The National Manpower Commission (NMC) has reported on matters relating to the Industrial Court and it would be inappropriate for me to comment on the status of the court until the private sector's representations on the commission's recommendations have been processed and a decision has been taken

There are complaints that Industrial Court judgments are inconsistent. Even though its judgments are not precedent-setting, great stock has been taken of the principles incorporated in them. We are in a situation now where some recent judgments blatantly contradict earlier ones.

It is possible for judgments of different presiding officers to differ In fact it often happens that the Appellate Division of the Supreme Court does not agree with the judgment of a provincial division It has also happened that the Appellate Division has subsequently reviewed its earlier approach

One of the main reasons for the establishment of the Industrial Court was to expedite the solution of labour disputes The NMC in its recent report on its investigation into, *inter alia*, the Industrial Court recommended the creation of a Labour Appeal Court

The report and the comments thereon from interested parties are still under consideration The appointment, in due course, of more full-time members to the court may also lead to greater uniformity

Do you think government is doing enough to combat growing unemployment? Are there plans to improve unemployment insurance benefits?

A great deal has been done to ease the unemployment position by government and the DoM in particular In general, government has taken the following steps.

☐ A White Paper was issued on a Strategy for the Creation of Employment Opportunities, and

☐ A White Paper was issued on the Promotion of Industrial Development as an Element of Co-ordinated Regional Development Strategy for Southern Africa

These measures are designed to promote the creation of employment opportunities

More specifically, the DoM contributes in the following ways to the alleviation of the unemployment position

☐ The department's free employment services are available to all population groups countrywide and are functionally important in dealing with unemployment,

☐ Together with the various development boards which act as agents of the DoM, the department has over 400 placement centres strategically situated to assist workseekers to obtain employment During 1983 these centres placed a total of 400 168 workseekers in employment (356 279 blacks) and 399 509 (362 721 blacks) during 1984,

☐ The DoM plans to extend and improve the existing guidance and placement services The proposed extensions and improvements will make a positive contribution to the better utilisation of manpower and combating unemployment,

☐ A start has been made with the computerisation of placement and registration for work of black workseekers When fully computerised, regions with critical unemployment conditions will be more readily identified, making it easier to take timeous positive counteraction,

☐ Handicapped workseekers unable to obtain employment in the open labour market are being placed at any one of the 13 sheltered employment factories About 2 000 persons can be absorbed in these factories. The department subsidises the factories to the full extent of their operational shortfall and the cost of capital assets is also borne by the State,

☐ In order to create more employment opportunities for handicapped workseekers, a wage subsidy scheme has been established to facilitate the placement of placeable mentally and physically retarded persons with approved employers The department subsidises up to 80% of the wages of such partially-fit persons, and

☐ A special subcommittee of the Unemployment Insurance Board has been appointed to investigate various problem areas of the Unemployment Insurance Fund, among others the improvement of unemployment insurance benefits The investigation has not as yet been finalised

Has the disinvestment lobby had any effect on business in SA? Is government making any plans to counter disinvestment?

It is very difficult to gauge accurately the effects which the disinvestment lobby has had on business It may well be that some employees may lose their jobs as a result of the campaign No direct evidence to this effect has so far come to my attention Because of the negative effect that disinvestment will have on the SA economy as a whole — but more particularly on the labour force — and the resulting social consequences, government is doing everything in its power to encourage investment and to counter disinvestment

New force on shopfloor

A new 'super federation' of the strongest emerging unions will probably be a reality by the end of the year

The balance of power in SA's fractured union community is going to shift significantly later this year The Federation of SA Trade Unions (Fosatu), the Council of Unions of SA (Cusa) and four independent unions plan to join forces to form a new trade union federation (The unions are the General Workers' Union, Food and Canning Workers' Union and African Food and Canning Workers' Union, Cape Town Municipal Workers' Association, and the Commercial, Catering and Allied Workers' Union.)

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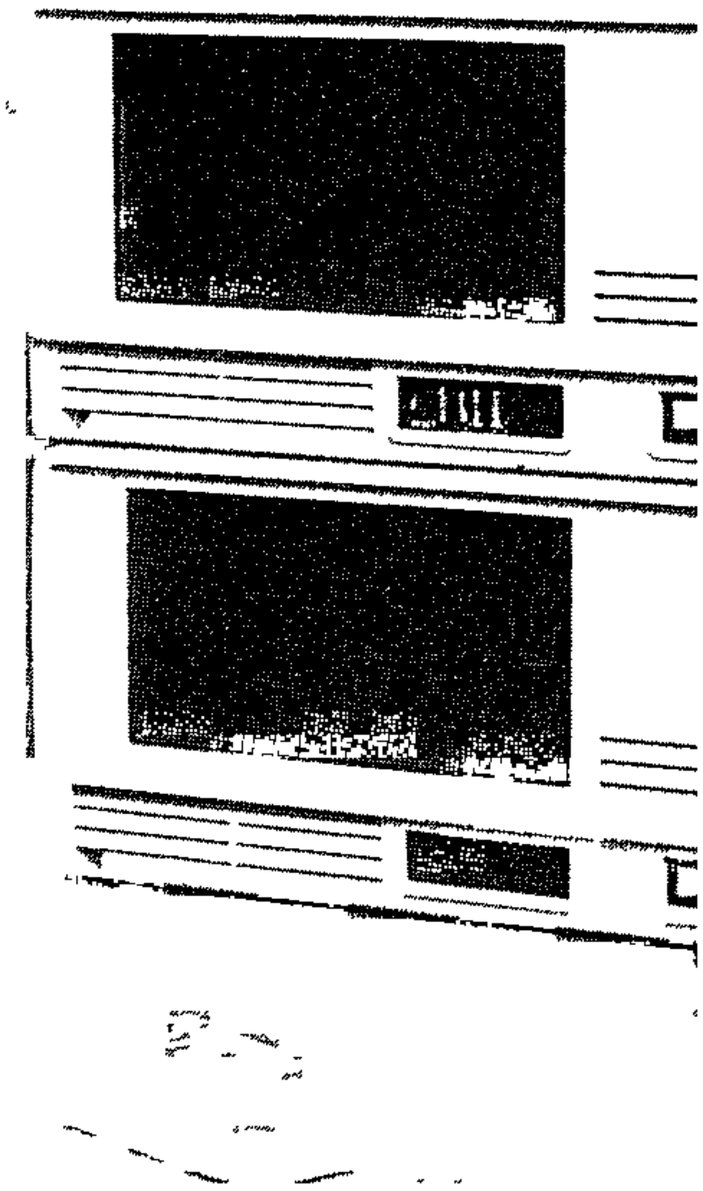

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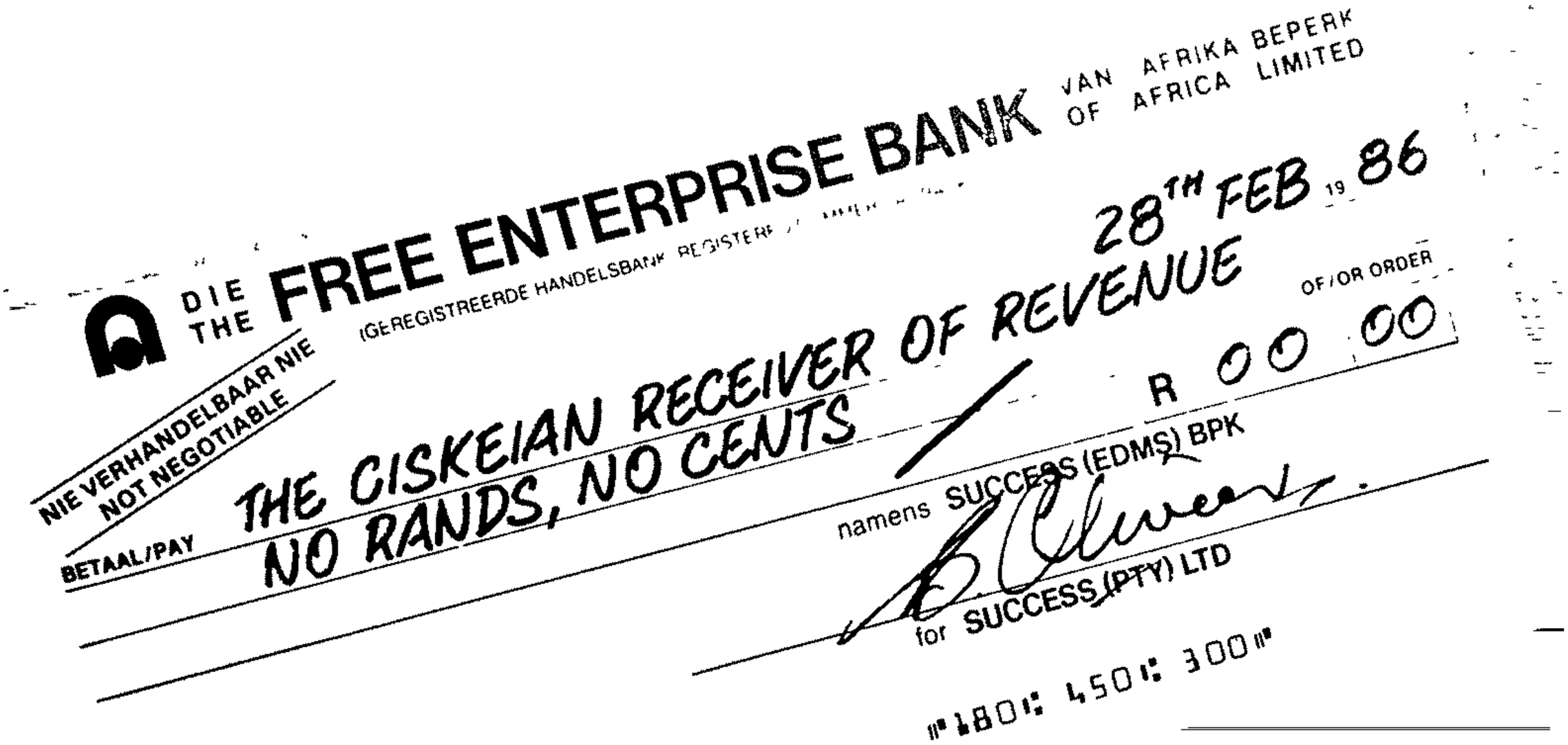

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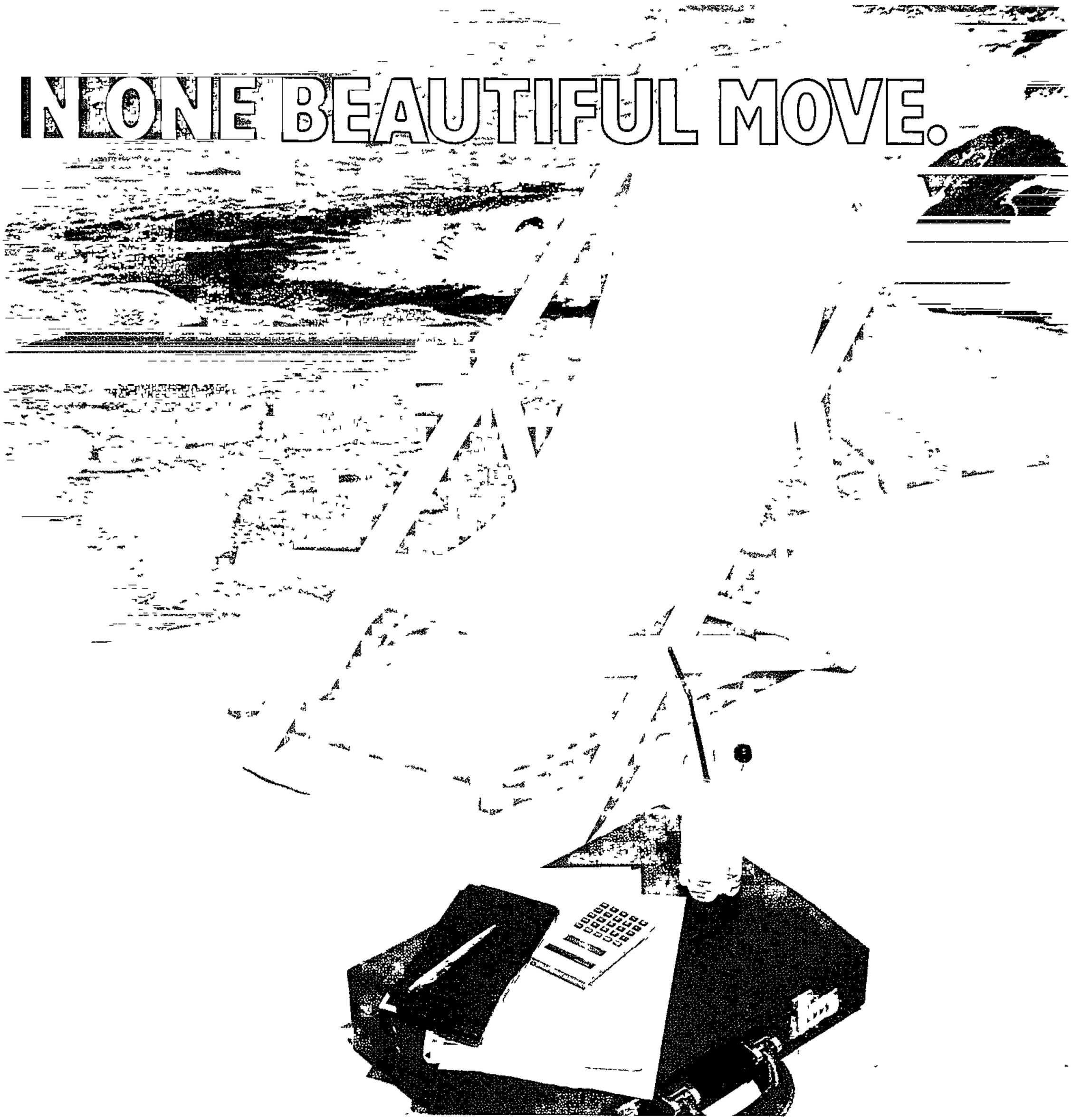

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federation makes it certain that it will become the most potent force on SA's shopfloor And the implications go further Events of the past year — such as the November 1984 stayaway and the campaign against the coloured and Indian parliamentary elections — indicate that it will also play a major role in SA's political affairs

Talks aimed at forming the federation have been dragging on since August 1981 But now, despite the possibility that some Cusa affiliates will refuse to go into the new organisation, it appears that all major difficulties have been resolved Cusa as a whole is fully committed to the federation, and so are the Fosatu affiliates and the four independents

Ideological differences

Why the long delay? It comes down to ideological and procedural differences between the unions For example, several unions linked to the United Democratic Front (UDF) walked out of, or were expelled from, the talks in March last year after protracted conflict between them and the other unions Until then the talks had been effectively stalled

Most of the UDF unions — like Saawu, the General and Allied Workers' Union, and the General Workers' Union of SA — are general unions That is, they organise *across* industry lines in particular geographical areas The other unions accused them of competing for members and of deliberately impeding progress in the talks Current sentiment is that, despite a high media and political profile, the UDF unions are fearful they would have little influence in the new federation simply because they are poorly organised at shopfloor level

At the time of the walkout conciliatory gestures were made, and the UDF unions have been told they will be welcomed back once certain conditions have been met One is the establishment of grassroots industrial structures, meaning a greater commitment to practical shopfloor details Nonetheless, it remains unlikely that they will join the federation in the near future

The new federation will become an important political force Its potential affiliates have already played just such a role in various activities, and the co-ordinated power of an organisation representing 300 000 workers at its inception is enormous

One of the major debates within the federation will be the relationship between itself and political organisations such as the UDF, which has nailed the Freedom Charter to its mast True, last November the "unity" unions co-operated with UDF affiliates in the stayaway But it is known that there was unhappiness about the handling of the event, especially in Fosatu circles The unions are likely to make sure that it is they who call the shots if it comes to comparable concerted actions in the future

In the long term, it is possible that a union-backed political party will be formed It would represent labour interests and, naturally, have close links with the union movement There are certainly elements in the leadership of a number of the unity unions who would like to see this happen Their problem, however, is that it would be difficult to convince the bulk of the membership to support the idea if it led to conflict with the major political movements

Nevertheless, the new federation will have *de facto* political as well as shopfloor clout At community level it will create regional structures which will, among other activities, co-ordinate the efforts of affiliates — which could have broadly-defined political implications

The federation will also be of great assistance to its affiliates on the shopfloor This especially applies to those unions not at present members of either Fosatu or Cusa The new organisation will provide education and legal facilities to members and will also develop research and publications departments The interchange of ideas between unions is likely to produce a more cohesive and a more meticulously planned approach to day-to-day activities

Simba boycott

The unions are also likely to co-ordinate inter-union support in situations of industrial conflict, and it will be able to canvass support from outside organisations Last year's Simba boycott could be a foretaste of what is to come

The measure of the new federation's cohesiveness will be the extent to which it can establish single broadly-based unions in every industrial sector This is an area fraught with difficulty

For example, there are at present three unions competing for membership in the food industry Cusa's Food Beverage Workers' Union, Fosatu's Sweet Food and Allied Workers' Union and both food and canning unions At times severe conflict has broken out between them — especially between Sweet Food and Food Beverage It remains to be seen whether the recent call by Sweet Food and Fosatu president Chris Dlamini for a merger of the three becomes a reality

In the chemical and transport industries Fosatu and Cusa affiliates have co-operated in various activities, but moves toward mergers here still seem a long way off

In the motor industry, Fosatu's National Automobile and Allied Workers' Union and Cusa's United African Motor Workers' Union are currently engaged in a membership struggle at the Nissan plant at Rosslyn Such competition still has the potential to undermine the unity moves

Indeed, the federation, in these and other sectors, will have its hands full patching up differences and amalgamating unions while sorting out different ideological approaches Yet it must do all these things, and do them well, if it is to fulfil its mandate ■

The trendsetters

The Federation of SA Trade Unions (Fosatu) is the most prominent grouping in SA's union movement

In 1972 and 1973 two worker complaints services were set up in Durban and Johannesburg Groups of student activists and unionists of the Fifties generation were the driving force No one, except perhaps some of the founders, would have predicted that these two organisations would develop into SA's premier trade union organisation

The services were known as the General Workers' Factory Benefit Fund (later the Trade Union Advisory and Co-ordinating Council), and the Industrial Aid Society By 1979 they had spawned industrial unions, joined up with three ex-Tucsa motor unions in the eastern and western Cape which have now merged into the National Automobile and Allied Workers' Union (Naawu), and three ex-Cusa unions Fosatu had been born

Until the early Eighties these unions largely avoided political involvement as they built up and consolidated their strength, as did Fosatu But times have changed — and today Fosatu has expanded its political activities in both the local and national spheres

According to Fosatu president Chris Dlamini, who is also president of the Sweet Food and Allied Workers' Union (SFAWU), this was inevitable He says unions are the only organisations in the townships which can effectively fight issues like housing, rents and transport They are also the only organisations representing workers, who comprise the majority of the population

Fosatu's political muscle was demonstrated in last November's stayaway, in which it was without doubt the leading influence Dlamini believes the stayaway weapon to be extremely effective though, of course, some employers "reacted negatively" by, for example, withholding pay and annual bonuses from participating workers

But Dlamini can point to the united reaction of the three major employer bodies to the detentions of union and community leaders, himself included, which came in the wake of the stayaway The Federated Chamber of Industries, the Associated Chambers of Commerce, and the Afrikaanse Handelsinstituut all condemned these events He argues that when employers have to shoulder some of the costs of worker dissatisfaction with government, they will add their weight to calls for change

The relationship between the major union and political organisations is presently a hotly-debated issue Dlamini argues that the direction of national black politics must be directed "by the working class" Nevertheless, he sees the possibility of close co-operation with "progressive" political organisations like the United Democratic Front (UDF)

The achievements of Fosatu and its affiliates since 1979 have been immense, Dlamini claims In the economic sphere the unions have steadily worked toward achieving a "living wage" for members, and in a few cases have already achieved this to their satisfaction Vital rights involving job security have been won Employers can no longer dismiss people whenever they wish — an especially vital consideration now that companies are being forced into widespread retrenchments Fosatu unions are fighting "to avoid all retrenchments," and have certainly been able to minimise their effects Dlamini believes that Fosatu's achievements can only be amplified when the new federation of emerging unions is formed

Fosatu's long-standing policy has been that the essential prerequisite for unions to achieve maximum success is to establish single unions for each industry In his capacity as president of SFAWU Dlamini has already called on the other unity talks unions which operate in the food industry (Cusa's Food Beverage Workers' Union and the two food and canning workers' unions) to merge Talks between SFAWU and the food and canning unions are well advanced, he says, although Food Beverage has so far failed to respond

Fosatu is the most powerful grouping going into the new federation, and there has

Fosatu's Dlamini . call for unity

been speculation that the Fosatu unions will try to dominate the new forum Dlamini refutes this "Fosatu is committed to disbanding in favour of the new federation Some of the unions themselves will disband and merge with others There will be no Fosatu bloc and no question of domination"

That may be so But Fosatu affiliates *are* the major force representing black workers in a number of key industries Naawu has majority membership among black, coloured and Indian workers at all motor assembly companies bar one The Metal and Allied Workers' Union (Mawu) is a long way from achieving this in the gigantic metal sector, but it is the largest black union in the sector and is unlikely to be overtaken Fosatu's Paper, Wood and Allied Workers' Union is fast gaining prominence in the paper industry, where it now represents about half the total black workforce

The National Union of Textile Workers (NUTW), best known for its long-running battle with Consolidated Frame Cotton Corporation, faces a tougher battle to get to the top The textile, clothing, knitting and leather sector is one of very few where the unskilled, mainly black, workforce was extensively unionised by Tucsa unions before the growth of the emerging unions The NUTW has shown steady numerical and geographical growth, but a lot of its energy has been expended fighting Tucsa unions which have closed shop agreements with employers in most areas

One strategy employed by Fosatu unions in their conflicts with employers, as well as with the established unions, has been to join industrial councils Fosatu has done an about-turn on this issue after originally rejecting them — and the step was not taken without reservations Industrial councils, in Fosatu's opinion, are not a substitute for plant-level bargaining

Dlamini expresses satisfaction with his own union's participation in the council system SFAWU is a member of the bakery industrial council, and it has won from employers acknowledgement that the minimum wages and working conditions set at that level should be recognised only as a basis for further plant-level negotiations

Mawu has not won that concession at the metal industrial council In the Steel and Engineering Industries Federation of SA (Seifsa) Mawu faces one of the most powerful employers' organisations in the country, and Seifsa members, with few exceptions, are implacably opposed to plant-level bargaining Dlamini comments "It will require a lengthy period of building before Mawu is strong enough to challenge employers effectively on this issue"

Fosatu is one of the largest union recipients of foreign funding Like others it is striving to become more self-sufficient Right now, says Dlamini, Fosatu uses foreign funding only for its educational programmes But he has no reservations about the principle of foreign funding "The money is given as an act of international worker solidarity"

Fosatu has spelt out its attitude toward other forms of foreign support and pressures on SA, including disinvestment While it does not support disinvestment it argues that the pressure "has had a positive effect and should therefore not be lessened" Or as Dlamini puts it "We must support all activities which will bring positive change to SA" ■

'We're here to stay'

Phiroshaw Camay has been general secretary of the Council of Unions of SA (Cusa) since its inception in 1980. He spoke to the FM *about Cusa's standpoint on a variety of issues including politics, disinvestment, participation in the unity talks, and stayaways*

***FM*: Are all Cusa affiliates committed to joining the new federation of emerging unions?**

Camay: Yes There is a lengthy process to be followed now that the draft constitution for the new federation has been finalised The constitution will be debated in the ranks of all the Cusa unions

Some issues can still hinder moves toward the formation of the federation. These include the

competition between Cusa affiliates and other "unity" unions, and the question of black union leadership. How will these differences be resolved?

The structure of the new federation will undoubtably create a black leadership, because the majority of the workers in SA are black and the majority of workers who will constitute the federation will be black

But a number of the other unions have white leaders. Will the Cusa unions have any objection to being part of a federation with them?

That question has not arisen A number of Cusa unions have begun signing up so-called white members, and a number have non-racial constitutions If a white member displays the ability and gains the confidence of the majority of members and is elected to a leadership position by virtue of his status as a worker, there can be no objection

Most white leaders in the emerging unions, however, did not come up through the ranks.

Where a white leader has been elected and the membership has shown confidence in that person, I do not believe another union will be able to object to that as long as worker control has been exercised The question of competition for membership between unions will be more difficult to resolve There is a need for the geographical and industrial rationalisation of their organising activities, and this will have to be done as soon as possible

What has Cusa and its affiliates achieved since 1980?

There has been tremendous and sustained growth of union membership The number of agreements Cusa unions have concluded point to the fact that they are here to stay We have made inroads into new areas for example, on the mines The effort that Cusa as a federation put into the National Union of Mineworkers is indicative of some of the achievements In other areas, the Industrial Court judgment involving the United African Motor Workers' Union and Fodens is now a landmark in our industrial law

Against this, one also has to be fairly frank and say that some of the personality and leadership battles in some Cusa unions have detracted from consolidation and growth

Despite its achievements, Cusa is seen in some circles as a "poor cousin" of Fosatu.

Comparisons are, by their very nature, odious — especially when one is trying to compare apples with oranges Fosatu has a structure which lends itself to tighter decision-making and stronger control Cusa is a loose federation and affiliates have the right to pursue their own ways We believe that is a function of democracy The fact that we are still here five years after our formation, even though Fosatu gave us six months before we annihilated ourselves, definitely means something

What benefits will Cusa's affiliates gain by joining the new federation?

The rationalisation of organising activities will assist Cusa unions to concentrate in certain sectors and geographical areas where they are strong, and allow them to consolidate A merger into a stronger federation will also ensure that cerain core areas of worker organisation, like health and safety and influx control, will be pursued more vigorously Worker rights in social areas will be protected more strongly Workers will also be able to unite on certain political issues

Could you explain Cusa's attitude towards the United Democratic Front (UDF) and the black consciousness National Forum (NF).

At the time when the new SA constitution was being debated, we decided to support both organisations, but not to affiliate to either The issue was so divisive that we felt we had to support and be seen to support every major organisation protesting and reacting against it Both still engage in certain activities that we can support, and we will continue to do so

How do you assess the effects of last November's stayaway, both on union members and on employers?

Union members were heartened that a stayaway of that magnitude could be achieved at such short notice The subsequent protests against detentions by employer and overseas organisations have focused special attention on SA This has had repercussions, in that the various so-called reforms instituted by government have been accelerated Forced removals have, for example, been suspended Government is now considering making certain central business districts so-called grey areas This will help union activities, as unions have previously had great difficulties in hiring offices in city centres

What is Cusa's position on disinvestment?

It is disheartening that employers see the current disinvestment campaign in the US as something to react against rather than as an

THE CUSA PARADOX

When the history of the emerging union movement is written, the greatest contribution of the Council of Unions of SA (Cusa) is likely to be seen as its creation of the National Union of Mineworkers (NUM)

Since Cusa decided at its 1982 conference to establish a union for black miners, the NUM has grown into SA's largest trade union — 110 000 members — and there is no sign that it is slowing down Last year the NUM surprised the mining industry when it rejected the Chamber of Mines' wage offer in a massive show of organised force The driving force was NUM's general secretary Cyril Ramaphosa — acknowledged as one of the most competent and dynamic union officials in SA

Cusa evolved out of the Consultative Committee of Black Trade Unions — a forum created during the Seventies in which the general secretaries of the unions which later formed the council met informally to discuss matters of mutual concern Cusa was formed in 1980

The core of Cusa's ideology is that union leaders must be black Its vision of the future is a "non-racial, non-exploitative democratic society based on black leadership" This has led to it being labelled a black consciousness organisation But Cusa is not quite in the same mould as SA's other black consciousness bodies like the Azanian People's Organisation, it has a number of paradoxical aspects

For one thing, many of its affiliates have non-racial constitutions and some even have a small number of white members More significantly, much of the groundwork and building of the founder Cusa unions was done by two whites — Loet Douwes Dekker and Eric Tyacke — who established the Urban Training Project (UTP) as a service organisation in the early Seventies Douwes Dekker, who still maintains close links with Cusa, is now a senior lecturer in industrial relations at the Wits Graduate School of Business Administration Tyacke is still a leading light in the UTP

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opportunity If employers were sincere about wanting reform in SA, leading towards a unitary and non-apartheid society, they should make it clear to both the State and workers But it appears that they wish to enjoy the benefits of apartheid Hence, their attitude of fighting disinvestment

But do you seriously think employers can support disinvestment?

They needn't support disinvestment, but should use the issue as an opportunity to emphasise demands for democracy in SA

How do you answer the argument that disinvestment would harm workers more than anyone else in SA?

We already have a certain amount of poverty and a great deal of unemployment If, for example, British investors were to leave SA, this would directly cause the loss of 80 000-95 000 jobs Our members, if forced to make the decision, would be prepared to make the sacrifice to accelerate the liberation of workers However, Cusa does not support the withdrawal of present investments A Cusa resolution notes that there should be no *new* foreign investment in SA and none at all in homeland and other apartheid structures Nor should there be any assistance in the defence, computer and nuclear fields, because this entrenches apartheid

Have you noticed any significant changes in employer attitudes towards black unions in the past five years?

In 1982-1983, we went through a "honeymoon" phase with employers when we could get together and resolve workplace issues fairly amicably However, in the recession, we have found that attitudes are hardening on both sides Unions are attempting to protect the job security of members, and succeeding in a number of areas On the other hand, employers have taken a rigid stand against some unions This is becoming a general trend across a number of industries.

How dependent is Cusa on overseas financial aid? Is this dependence desirable, and, if not, what are you doing to reduce it?

The 1982 Cusa conference decided that we should become self-sufficient by 1987 In 1983, 20% of Cusa funds were generated from affiliation fees We believe the figure for 1984 will be slightly higher We think we are on line to achieve our target It is not healthy to be dependent on overseas funding, for two reasons Firstly, it could easily be cut off by the SA authorities Secondly, some funding agencies might attempt to force a recipient to follow a certain line However, this has not happened to Cusa and we have a strict policy that we will not accept such strings The policies of our affiliates on foreign finance are the same ■

Commercial connection

The Commercial, Catering and Allied Workers' Union (Ccawusa) has developed into one of the largest and most active of the emerging unions

In SA's complex labour relations system, suspicion between emerging unions and the established trade unions is virtually inevitable It amounts to a generation gap For example, old-style "parallel" unions which seek to shed the label and opt for independence have an uphill task in gaining credibility. That is what makes Ccawusa (pronounced Cawusa) a labour success story

The union was established in 1975 by the National Union of Distributive Workers (Nudaw), a Tucsa affiliate at that stage Yet, from the outset, it displayed rare independence for a "parallel" union — a black union, that is, meant to have a cosy relationship with its non-black established founder in its demarcated industrial sector For one thing, it didn't join Tucsa, which other unions that were formed in the same fashion in the mid-Seventies tended to do, and it was never absorbed by its parent union when this became legislatively possible

Ccawusa and Nudaw still co-operate when united action is considered desirable For example, they participated in joint wage and retrenchment negotiations with OK Bazaars But the irony is that many recent improvements in the lot of white shopworkers have been solely due to the efforts of Ccawusa

Recognition

Ccawusa is one of the largest of the emerging unions Its paid-up membership approaches 40 000 and branches have been set up throughout SA, with the bulk of membership in the Transvaal The union has concentrated primarily on the commercial distributive trade, and has recognition agreements with most major chainstore groups It also has members in the hotel industry and operates in the publishing, musical record and tape, and office equipment manufacturing industries

A veteran of the old school in the union movement, Emma Mashinini, who has been Ccawusa's general secretary since its inception, is a highly respected personality She is also noted in employer circles as a tough but pragmatic and fair adversary

After growing fairly slowly at first, Ccawusa sprang to prominence in 1982, when there was a series of widespread strikes at OK Bazaars, Edgars, Woolworths and CNA The result was a change in hardline management attitudes towards demands for union recognition and negotiated wage increases Since then, the union has had little difficulty in gaining recognition

One of Ccawusa's most notable achievements was negotiating maternity agreements for its largely female membership Prospective mothers are given unpaid leave and guaranteed re-employment

But Ccawusa has also acquired a reputation for being strike-prone — and, in these confrontations, it hasn't always fared well. The union won almost all of a large number of strikes in 1982 and the first half of 1983, but has suffered a series of defeats since Indeed, it appears that employers in the industry have been taking a harder line against strikes over the past 18 months This, in turn, has resulted in moves within the union to encourage members to use the strike weapon sparingly

The main reason for Ccawusa's high strike rate has probably been that its phenomenal growth since 1982 was not always matched by an infrastructure capable of handling the vastly increased membership And, as with the Metal and Allied Workers' Union, the growth caused severe tensions within the union Early last year, a group of about 500 workers from Edgars broke away to form a new union — alleging a lack of democratic practice in Ccawusa

Breakaway

For much of last year, it also appeared that some of the union's smaller branches might break away However, a national conference appears to have patched up the quarrels, for the time being at any rate

Ccawusa has a less homogeneous political outlook than other unions involved in the unity talks Certainly, there is a black consciousness influence — indicated by the fact that the union is not open to whites However, this may merely be a temporary phase Since it is involved in the unity talks, Ccawusa, ideologically, is firmly in the non-racial union camp

The union is not affiliated to any political organisation, arguing that its membership consists of workers with differing political viewpoints and that choosing sides would only alienate at least part of its membership It is policy, however, to encourage members in their political and community activities, and Ccawusa itself participates in political campaigns when it considers this appropriate ■

Taking on the toughest

The General Workers' Union (GWU) has been involved in some of the bitterest disputes in recent labour history

The General Workers' Union (GWU) has cast a wide net in its recruitment drive SA Transport Services (Sats), stevedoring, and the meat, engineering and building industries have been among its targets Given that some of SA's most conservative employers have substantial control over these sectors, it is no surprise that the union has suffered a number of defeats Yet it has also won some significant victories

The GWU developed out of a workers' advice bureau established in Cape Town in 1973 The founders were a group of white student activists together with some black unionists who had been active in the turbulent Fifties Perhaps predictably, the careers of a number of these people were cut short by government action Some were among the approximately 30 unionists banned in 1976 Another — Luke Mazwembe — died in security police detention

The advice bureau became the Western Province GWU in the mid-Seventies Later, with expansion to other coastal cities, it dropped the regional prefix

Originally, as its name would suggest, the GWU set out to unionise anyone and everyone who came its way Recently, however, it has opted for a closer focus — organising only in particular industries Hence the concentration on the goods transport, stevedoring, building materials, construction and engineering industries, as well as the Cape Provincial Administration This change of emphasis has been greatly influenced by its growing links with Fosatu and the other industrial unions in the unity talks

In the late Seventies the union had developed a reputation for being among SA's most militant and uncompromising worker bodies This image, together with the nature of the industries it set out to organise, meant that it had to fight every inch of the way for recognition But it didn't only have problems with employers

Together with the Food and Canning Workers' Union, the African Food and Canning Workers' Union, and the SA Allied Workers' Union (Saawu), it took a strong position in refusing to register when this became possible as a result of changes flowing from the Wiehahn Commission It also participated in high-profile industrial and political activity, which led to conflict with other unions — and, notably, Fosatu

At that stage Fosatu unions held that to come into sharp conflict with the government and employers would hinder the process of building strong and durable organisations So in the early Eighties they agreed to register — on condition that they would be granted non-racial registration Also, for a time, they avoided involvement in politics and tried to maintain a low strike profile

Disagreements between the GWU and the Fosatu unions over these issues lasted into this decade They dissipated only when the registration issue became less important, and Fosatu began to show a greater willingness to become involved in political activities Indeed, the GWU's enthusiastic participation in the talks to form the new federation of emerging unions represents to a remarkable degree the *rapprochement* that has taken place between it and Fosatu

The GWU's most publicised dispute occurred in 1980 in recognition disputes with Peninsula meat industry employers There was a lengthy strike by 800 workers, accompanied by a call for a national consumer boycott of red meat The boycott was most successful in Cape Town's townships where consumption fell by up to 80% and residents contributed tens of thousands of rands to a strike fund However, the employers decided to hold out and after about four months — and the "preventative" detention of several union officials — the GWU acknowledged that it had lost

Then, in 1982, came its battle with Sats The railways and harbours are notoriously difficult to organise since Sats is not governed by standard labour legislation It has its own Act covering employment, and this only obliges it to negotiate with unions recognised by the Minister of Transport After appeals for talks on recognition had been ignored for almost a year, several hundred GWU members working at the Port Elizabeth docks staged a go-slow

Management dismissed the workers, and Transport Minister Hendrik Schoeman then came under severe pressure to talk to the union There were threats of overseas pressure, sympathy strikes by employees of the private stevedoring companies, and it was pointed out that the Transport ministry's attitude was contrary to the spirit of the new labour dispensation

Stevedoring employers held urgent talks with the Manpower Minister, urging him to use his influence on his colleague over in Transport But Schoeman refused to budge and the GWU was dealt another blow

The stevedoring companies had themselves been involved in a major dispute with the union in 1979 A nine-month struggle for recognition culminated in a massive one-day strike at the Cape Town docks — and this resulted in the union's greatest victory Today, the GWU represents stevedores at SA's four major ports and the industry remains the area where the GWU is strongest

Despite the fact that the GWU has been hard hit by retrenchments recently, it remains highly influential in the union movement This factor, combined with the leadership qualities of general secretary David Lewis — who has been described by employers as one of the emerging union movement's top strategists — assures the GWU of a leading role in the new federation ■

Golden oldies

Two unions in the food and canning sector have shown remarkable resilience in the face of stiff opposition from officialdom

In the Fifties, black unionism was really militant Only two survivors have remained in the forefront of the emerging union movement the Food and Canning Workers' Union (FCWU) and the African Food and Canning Workers' Union (AFCWU)

Like the General Workers' Union, they have a history of discord with other unions involved in the unity talks That's because, in the Seventies, they adopted a far more overt political profile than the others In fact, until about 1981, the two were closely linked to the SA Allied Workers' Union and other unions now affiliated to the United Democratic Front

For many years these ideological differences — especially marked with Fosatu — delayed moves towards forming a larger federation of emerging unions It was primarily Fosatu's shift towards greater involvement in political activity that allowed the differences to be patched up Fosatu's leading role in the

1982 nationwide work stoppage in protest against the death in detention of AFCWU's Transvaal branch secretary, Neil Aggett, was a turning point in the relationship

FCWU and AFCWU operate to all intents and purposes as one union, and the reason for there being two unions at all is an historical oddity FCWU (which represents coloured and Indian workers as well as a small number of whites) was registered in the Fifties and remains so today But the anachronistic labour legislation of the time ruled out this possibility for black unions So African Food and Canning was kept out of the official industrial relations structure And then, after black unions were legitimised in 1979, AFCWU decided not to opt for registration.

Now indications are that the two will be amalgamated in the near future Already, single committees and bank accounts have been established in most of the unions' 30 or so branches No decision has yet been taken on whether the combined union will apply for registration

The unions date back to the Forties Over the decades both have demonstrated remarkable resilience in the face of government attacks on their leadership In 1955 they affiliated to the SA Congress of Trade Unions (Sactu), the federation allied to the African National Congress (ANC) This tie was maintained until the early Sixties when Sactu and the ANC were smashed Like most other black unions at the time, they were hit hard by bannings and detentions Unlike others, however, they did not go defunct or join the ranks of the more moderate Tucsa

Nevertheless, official action took its toll The unions were at a very low ebb until a rebuilding process was started in the mid-Seventies Even then their problems were not over Two leaders — Mary and Tanya Simons — were banned in 1976 Aggett's death in 1982 was perhaps the most tragic manifestation of harassment

Now, under the leadership of Jan Theron, general secretary of both unions, membership has spread in the fruit, vegetable and fish processing industries, the milling industry, and the animal feeds sector It is also beginning to build up in the baking, edible oil and poultry sectors, and at other food manufacturers

In August last year, the unions, which now have over 30 000 members, had majority paid-up membership, and recognition, at 102 plants throughout SA They were working toward achieving the same at about another 20 The bulk of the unions' organisation is in the western Cape, although they now have substantial membership on the Reef and in the eastern Cape, with a smaller branch in Durban

The unions' most celebrated victory in recent years followed a nationwide consumer boycott of Fatti's & Moni's products in 1979, which was called after the dismissal of 90 workers at the company's Bellville plant

The two food and canning unions have always been intensely concerned with maintaining a pure ideological line They are the only emerging unions — besides the Cape Town Municipal Workers' Association — which do not, on principle, accept overseas funding

One of the problems they will face in the new federation will be to find a way of rationalising their activities with Fosatu's and Cusa's food unions Their efforts to do so will go a long way towards determining the new federation's clout in the food industry ■

Going national

The new federation of emerging unions will be weak in local government; so the Cape Town Municipal Workers' Association has plans to expand

Odd man out in the talks aimed at forming a new federation of emerging unions is the Cape Town Municipal Workers' Association (CTMWA) It's the oldest union in the grouping, dating back to the Twenties, is regionally-based, and until the early Sixties was firmly in the conservative camp

According to John Erntzen, until he took over as general secretary in 1964, corruption was rife. It took a palace coup — which he spearheaded — to wrest power from the old guard and set the union on a fresh course

Erntzen was an artisan when he joined the union in 1962 What he came up against is described in an interview in last November's *SA Labour Bulletin* "I found a body here called a union but not in my mind performing the functions that a union should fulfil I met with others I found a tremendous dissatisfaction I even found fear among the workers They were reluctant to attend meetings because nothing less than gangsterism prevailed at the time Were you to attend a meeting and you voiced any opposition to those in authority, you stood a serious chance of being forcefully thrown out of the meeting You were denied access to the office, even though you might have had action taken against you by the employer"

Erntzen says the takeover was followed by a lengthy "humanising process" Members were educated in the tradition of unionism which the CTMWA represents today This included eradicating racial consciousness, inculcating a spirit of non-racialism and constructing what he terms a "democratic worker-controlled organisation"

Closed shop

Today the 11 400-strong CTMWA has a closed-shop agreement with the Cape Town City Council and represents almost all of its black, coloured and Asian employees as well as a small number of whites The majority of the rest of the council's 15 000 workers are members of the all-white SA Association of Municipal Employees

Because it was established so long ago, the CTMWA enjoys a more sophisticated infrastructure than the other unity unions It owns a three-storey office block in Athlone, Cape Town, and provides members with services such as medical benefits, sick pay, legal aid and bursary schemes It is also represented on the city council's pension fund

Until 1981 the CTMWA was not well-known outside the Peninsula The union then joined forces with the emerging unions and went into the unity talks It has since played a decisive role, mainly because it was not associated with the emerging unions during the Seventies, and therefore not party to the in-fighting of the time This has allowed it, and Erntzen in particular, to mediate between some of the unions which have a long history of conflict

Like most of the other unity unions, the CTMWA is not affiliated to any political organisation, although it has participated in various political and community campaigns These include protests against the so-called Koornhof Bills on influx control and black local authorities, the new constitution and Peninsula bus fare increases.

The union is currently involved in what has become a drawn-out wage dispute with the Cape Town City Council a dispute which holds out the prospect of producing the longest-ever arbitration in SA There were seven weeks of arbitration hearings late last year, and they are due to resume this month Both sides have employed top legal advisors, including senior counsel, to present their cases

The CTMWA is in the process of amending its constitution to permit it to expand away from its regional base Its long-term ambitions are to expand into a national union catering not only for municipal workers, but also others employed in local government A power base in these sectors will represent a big boost for the new federation ■

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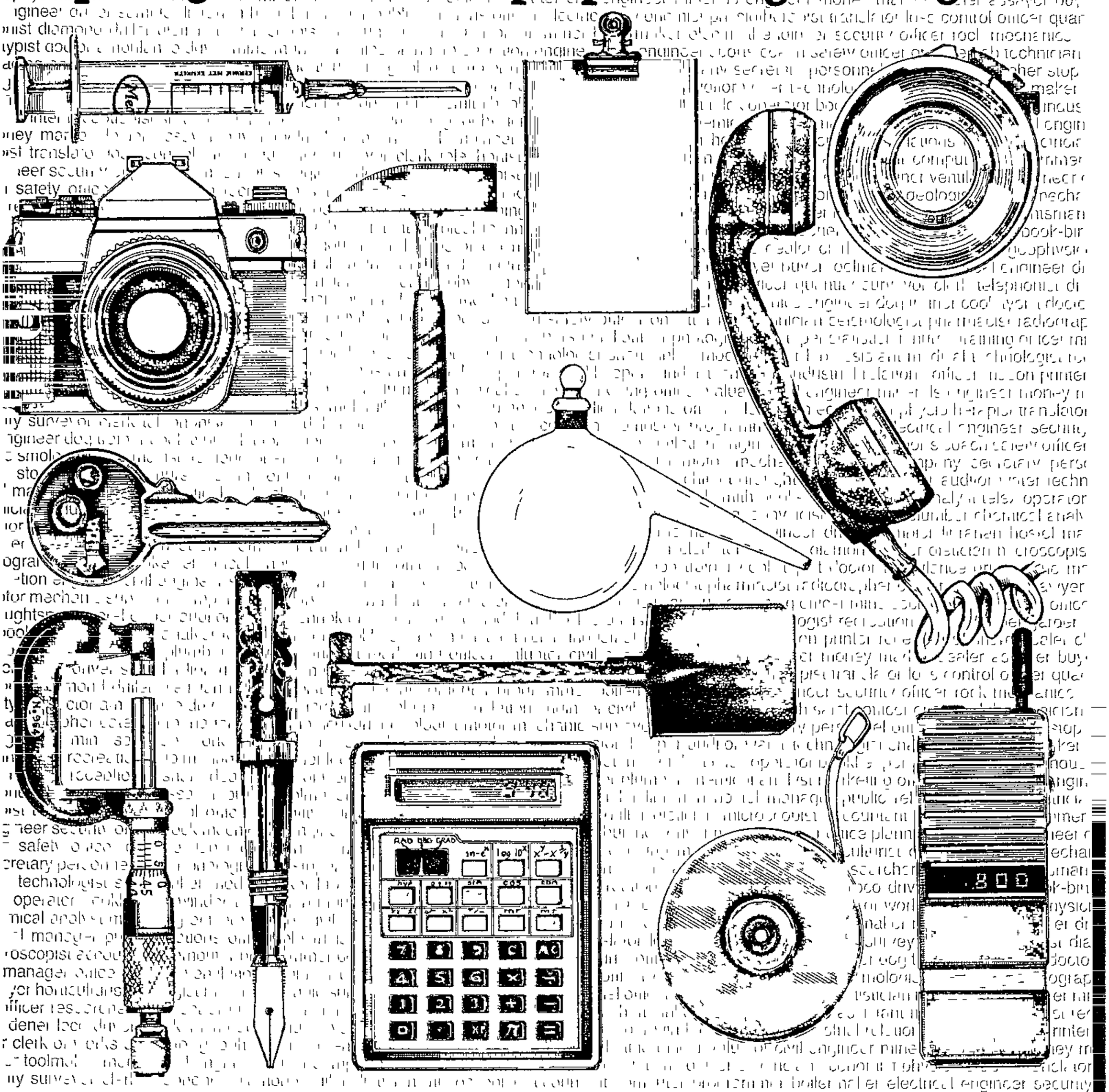

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The old diehards

The SA Confederation of Labour (Sacol) is an anachronism in the rapidly changing industrial relations arena

Once upon a time, the needs of white workers took precedence over those of any other group in SA White workers, after all, voted the National Party (NP) into power in 1948 Today, things are different Many white workers have found their political home elsewhere

Serious cracks in the traditional alliance between government and white workers had appeared in 1969 with the formation of the Herstigte Nasionale Party (HNP) The move was a direct reaction against what was then perceived to be PM John Vorster's moves away from the Verwoerdian model of apartheid

With Wiehahn, and the rather more strenuous reform programme of P W Botha, Sacol found itself in the position of being out of step with majority Afrikaner opinion With its roots firmly in the old apartheid past, it was unable to adapt So the organisation has suffered a 40% drop in membership over the past eight years, and a corresponding decline in its influence But its rightwing orientation remains strong Gert Beetge, general secretary of Sacol's White Building Workers' Union (WBWU), is an HNP office-bearer, and a number of other confederation officials have links with verkrampte political parties and organisations

Furthermore, the growth of black trade unionism since 1979 has, if anything, given Sacol an almost religious fervour about its members' rights With numbers down, it has retained a hardcore membership of white worker *bittereinders*

In 1977, the confederation had 25 affiliates with a total membership of some 200 000 Now it is down to 12 unions with 120 000 members But prominent among them are the powerful Mineworkers' Union (MWU); the 38 000-strong SA Iron, Steel and Allied Industries Union (Yster en Staal), which is influential in the metal industry; and four unions representing nearly 60 000 SA Transport Services (Sats) employees

Typically, most of the disaffiliations took place when member unions "sold out" by enrolling other-than-white members Among recent ones to do so are the Artisan Staff Association and other unions operating in Sats Confederation vice-president Sakkie Els, who is also assistant general secretary of the WBWU, claims it was government pressure that caused these unions to open ranks He maintains they are not really unhappy with the confederation's diehard policies, though this may be wishful thinking

Precautions have been taken against any further erosion Sacol has amended a clause in its constitution which automatically obliged it to dissolve if membership dropped below 100 000, which is not inconceivable Nevertheless, perhaps with good reason, confederation officials appear confident that the unions which have stuck, will continue to do so And they've been buoyed by two recent affiliation applications from the Provinsiale Huishoudelike Personeel Unie, which represents school hostel staff, and the State and Provincial Workers' Association, which organises unskilled workers in national and provincial government offices. Civil service cuts — if they come — and an effective reduction of public-sector remuneration could provide further boosts for Sacol

Sacol's political and social philosophy is simple, if crude Els is one of those who holds that not just cultural, but *biological* differences rule out the possibility that blacks will ever be capable of performing skilled work as well as whites And Beetge says the confederation does not accept the argument that the strength of black worker organisation makes acceptance of black trade unionism inevitable He believes that black unions should be banned "Government had, and still has, the power to break black unions It just lacks the will," he argues

Els says "There is no necessity for black unions White unions have always looked after the interests of blacks better than they are doing themselves today My union takes credit for the good wages and working conditions of black builders We have always fought the bosses' cheap labour policies" Government has "sold out" whites, and the new constitution is the first step on the road to black majority rule in SA "Big business and the Americans" are to blame for forcing government to yield

There is a very old fear behind all this white workers don't want to be undercut by "cheap" black labour Hostility to employers therefore rests on the thesis (which, presumably, they would deny) that their own labour is overpriced But try as it may, and it does, Sacol has not been successful in preventing black worker advancement

Despite resistance from the WBWU, the Black Building Workers' Act was repealed some years ago and paved the way for the entry of the present 2 500 skilled and semi-skilled black workers in the building trade Els, however, is confident that whites can, on merit, avoid losing their jobs to skilled blacks under what he calls "normal" conditions Sacol's strategy, he says, is "to strengthen organisation and employ skilful negotiating techniques to resist these employer efforts to lower our living standards" But even the powerful Mineworkers' Union has had mixed fortunes

Last year, the MWU was successful in blocking a Chamber of Mines move to integrate the mining industry's pension fund. But that was a symbolic and futile victory Its crushing defeat in 1979 — after widespread strikes protesting against the employment on a coloured artisan at the O'oKiep copper mine in the northern Cape — really showed what it is up against

The big issue now is the last vestiges of job reservation in the mining industry It's a life-and-death battle for the MWU — and will be critical for Sacol's future as well

As the O'oKiep incident demonstrated, the strike weapon for white workers, even as a last resort, has been vitiated Nineteen eighty-five is not 1922

Wandering tribe

The death of veteran trade unionist Arthur Grobbelaar has left Tucsa leaderless

Like the children of Israel, wandering and lost in the wilderness, the Trade Union Council of SA (Tucsa) is in desperate need of a blueprint for the future

The late Arthur Grobbelaar may not have been the Moses of SA's union movement, but his passing certainly meant a distinct end to an era in Tucsa's life Twenty years is a long time for anyone to spend in one job Grobbelaar did In that time he imprinted his personality on Tucsa most strongly He was its top strategist, and personally responsible for many of the achievements Tucsa claims for itself He was also responsible for some of its failures Now Tucsa is in need of a fresh *modus operandi* Will it find one?

Many dismiss Tucsa as a lightweight in today's labour affairs Much, for example, is

made of the blows the council has suffered over the past two years with the loss of 12 affiliates, including some unions regarded as key to Tucsa's success The assessment has some truth the loss of 110 000 members is a serious matter

But Tucsa *is still* largest trade union federation in SA It has influence with government and on bodies like the National Manpower Commission And some of the unions which form the bulk of its present 333 000 membership have closed shops, thank you very much, and *all* those that remain are staunchly pro-Tucsa It is their efforts which will determine how the council fares in future — its three garment unions, the Artisan Staff Association, the Building Society Officials of SA, the Mine Surface Officials' Association, the National Union of Leather Workers, the SA Typographical Union, and the Textile Workers' Industrial Union

It seems Tucsa is taking a serious look at itself The council's last conference took place in Durban last September, shortly after Grobbelaar's death For the first time it was held behind closed doors, officials claiming this was because they wanted an atmosphere in which delegates would not feel inhibited about speaking out From it came a Statement of Intent which gave an outline of how Tucsa perceives itself and its relationship to the contemporary labour scene Conciliatory sentiments were finally expressed towards the emerging union movement

Tucsa also announced that it would not immediately appoint a general secretary In the meantime, Ruth Imrie, compiler of the invaluable *Tucsa Trade Union Directory*, has been acting general secretary

The problem is that there is no obvious successor to Grobbelaar The council has advertised the post, and was due to announce the new incumbent's name in early March, but has yet again delayed doing so Sources in Tucsa say a general secretary will only be appointed in September There is strong speculation that Imrie will take the job

Tucsa's planners have plenty to worry about Even the strong words in the Statement of Intent were not enough to stop two more unions — the SA Society of Bank Officials and the Engineering Industrial Workers' Union — from disaffiliating after last year's conference

Of the defections Imrie says "We regret all of them, especially the ones since the last conference When we decided to keep the press out it was in order to create an atmosphere in which people would feel free to speak very openly They were obviously feeling negative at the conference, but they didn't say anything"

One of Tucsa's first actions after the conference was to vigorously set about reviving its education unit, establishing a legal unit and appointing an economist to look into a number of crucial issues affecting the union movement According to Imrie, the education unit is doing well Wits University business economics lecturer Bob Jones is acting as Tuca's education consultant for a while, and has been travelling round the country conducting seminars But with financial restraints introduced by the loss of membership, Tucsa has to watch the purse strings

Money is a real headache Some of the unions which disaffiliated quoted the rise in Tucsa affiliation fees as the main reason The fee was raised to 8c/member at the beginning of 1984 and to 10c in January Pressure will probably force Tucsa to lower the fee at its next conference, and it now has to find a way to do what it wants within the limits of its reduced budget The *FM* understands that the legal and education units will continue functioning but that questions have been raised about the value of some of Tuca's other services

Then there is Tucsa's relationship with the emerging unions Relations between the two have been less than cordial for a long time Tucsa unionists tell the *FM* they feel that some of the emerging unions — especially those in the Fosatu camp — are rabidly anti-them Pressure from these unions — most notably in the revived SA Co-ordinating Council of the International Metalworkers' Federation — played a role in getting some of the former Tucsa unions, like the Boilermakers' and the Motor Industry Combined Workers' Union, to disaffiliate

Fierce rivalry exists between Fosatu's National Union of Textile Workers (NUTW) and Tucsa's clothing, textile and leather unions Last year NUTW used legal means to break the closed shop the Garment Workers' Industrial Union (Natal) enjoyed at protective clothing manufacturer James North (Africa) According to *FM* sources, employers in the province expect NUTW to eventually clean up in the industry unless the two unions can reach some sort of compromise

But while the Tucsa unions are not going to sit idly by in the face of the emerging unions' challenge, Imrie claims there has been an "attitude change" within the council "There is an acceptance that people outside Tucsa also have valid claims Without that we could not have had the Statement of Intent" In any case inter-union rivalry cannot be in the best interest of workers, she adds

What Tucsa is looking for from the emerging unions, according to Imrie, is the possibility of taking united action on issues common to all unions in SA forced removals, the Budget, and rail and bus fare tariffs, for example

After the September conference Tucsa took the bold step of writing to every single union in SA proposing meetings Although she is tight-lipped on the details of the response, Imrie says it has been very heartening "We have been talking to a lot of people and are going to see a lot more," she says

Tucsa has also been careful to be seen to be doing the "right" thing For example, it reacted quickly to condemn the detention of union leaders after last November's stayaway — even though at one stage in the past it could not see its way to condemning detention without trial at its annual conference It has also been vocal on the recent bus and rail fare hikes Imrie is, however, pragmatic about Tucsa's image in the eyes of the emerging union camp and does not expect a miraculous change in attitude

Tucsa faces profound challenges Half its membership is coloured and Asian with a quarter white and a quarter African It is to these people's needs that the council will have to cater in the turbulent period ahead If it is not to perish as a wandering tribe that never quite gets to the Promised Land, Tucsa has to find answers for these constituents Or they will begin to think of seeking them elsewhere ■

Holding the line

For 60 years the Confederation of Metal and Building Unions has effectively protected artisans' wage levels

Throughout the industrialised world, craft unions have a reputation for being the bane of employers' lives The primary reason for this is the perception that they deliberately strive to maintain a shortage of artisans in the job market so as to keep their members' wages artificially inflated

In SA, the Confederation of Metal and Building Unions (CMBU) — made up of nine unions representing the vast majority of SA's artisans — has faced similar charges But while it now has a fairly good relationship with employers in the industries where it operates, there is friction in it dealings with the emerging unions who mainly organise unskilled black workers They perceive the confederation's efforts to protect its members wages as an attempt to maintain a wide gap between the wages of skilled and unskilled workers

The CMBU is a union federation — but not in the way the term is generally used It avoids social and political issues and "devotes its attention to the crafts" and other purely shopfloor concerns In addition, some of its unions are, or have been, affiliated to

the Trade Union Council of SA

The confederation's major negotiating forum is the National Industrial Council for the Steel, Engineering and Metallurgical Industry (the metal industrial council, for short) It also has sub-committees representing affiliates at the industrial councils for the paper and explosives industries, and a major presence in the mining industry, as well as at Escom and the Rand Water Board The individual unions are represented on a number of other industrial councils in their own right.

Known at the time as the Mechanics' Unions Joint Executive, the CMBU was formed in 1925 and for decades comprised only unions of white, coloured and Indian artisans, plus some semi-skilled whites For the first 53 years of its existence blacks were legislatively barred from being indentured as artisans CMBU director Ben Nicholson says this was not because of demands made by members, he blames the conservative SA Confederation of Labour, and government

Today many of the CMBU unions are multiracial, and open to non-artisans Indeed, says Nicholson, there are no longer any racial restrictions on artisan training, he adds that CMBU unions have always been "reasonable" on the issue And, by all accounts, they *have* been more flexible than many overseas unions — at least in terms of numbers entering the trades, and in not laying down strict job definitions for members

As Nicholson tells it, the turning point came during the manufacturing boom of the Sixties The pure status of the artisan began to be diluted as more and more work on production lines was done by semi-skilled operatives In 1969 coloured and Indian semi-skilled operatives began entering the CMBU unions for the first time

The big breakthrough for African artisan training occurred in 1978 at the metal industrial council, where the CMBU and the rightwing SA Iron, Steel and Allied Industries Union were well-entrenched Employers wanted black artisans to meet their needs, and in return for agreeing to the abolition of job reservation in the metal industry the unions demanded a *quid pro quo* They got one the famous "security of employment" clause in the industrial council's main agreement

The clause was ingeniously framed to allay the fears of skilled (mainly white) workers that they would be "unfairly dismissed" and replaced by cheaper black labour. It places limits on any employer's ability to dismiss or retrench workers and makes provision for the retraining of employees in danger of being replaced According to Nicholson, it has generally served its purpose well

Now the only restrictions on the training of artisans are "the high standards which applicants must fulfil," Nicholson says These are determined jointly by the unions and employers, who sit on manpower training committees for the various trades Potential trainees must have a minimum educational qualification and pass a series of stringent aptitude tests to qualify for training "Employers also want competent people," Nicholson comments, pointing out that it costs about R25 000 to train one artisan

Notwithstanding these developments, the influx of blacks into most trades has been slow Nicholson attributes this to the fact that many people who would have been suitable candidates prefer white-collar work, an area into which blacks have been moving in increasing numbers over the past decade

The appearance of many of the emerging unions in forums where the CMBU traditionally reigned supreme — especially at the metal industrial council — has given rise to a new set of problems for the confederation Its present relationship with these unions is uneasy The emerging unions mainly represent unskilled black workers, and part of their battle is for a slice of the cake which has traditionally gone to the skilled, mainly white, section of the workforce Last year's revival of the SA Co-ordinating Council of the International Metalworkers' Federation — in which the emerging unions dominate the established unions — is bound to aggravate the differences

The basis of the distrust is that the emerging unions have a tendency to question the *bona fides* of the established ones, whom they see as having had little interest in the welfare of black workers Established union moves to incorporate blacks are viewed as a cynical attempt to maintain control over entry into the trades

The differences, however, run even deeper In 1982 two CMBU unions — the SA Electrical Workers' Association, and the Amalgamated Engineering Union — were expelled from the International Metalworkers' Federation at the behest of Fosatu's metal and motor unions, after being accused of racist practices What this meant was that the electrical union had created a parallel union for blacks, and coloured and Indian electricians have had a separate union since 1956 — when an amendment to the Industrial Conciliation Act imposed second-class membership on coloureds and Indian members of mixed unions (The law debarred them from the unions' executives and from real control over their affairs) The all-white engineering union does not cater in any way for workers of other races

In addition, the two groupings have vastly different methods of operation As Nicholson sees it "We use diplomatic and low-profile means We have no need for rhetoric and foot-stamping " Nevertheless, "We have offered them a hand of friendship We counselled them on joining industrial councils and they did But once there they haven't joined our caucuses despite an open invitation to do so "

Nicholson believes the main fear of the new generation of unions is that the CMBU will use the expertise it has gained in its long history to dominate proceedings He gives the assurance that this will not be so

The fact remains, however, that the only CMBU union which has built anything more than a highly informal relationship with the emerging unions is the SA Boilermakers' Society Last year it participated with Fosatu's Metal and Allied Workers' Union (Mawu) in two major disputes They were the only unions to refuse to sign the metal industrial council wage agreement, and later they jointly tackled Highveld Steel and Vanadium in another wage dispute

But even the relationship between the Boilermakers and Mawu is fraught with difficulties White and coloured boilermakers failed to participate in a work stoppage at Highveld and this led to speculation about the ability of the Boilermakers' leadership's ability to translate intentions into action In other sectors, mistrust has prevented the development of any relationship between the Boilermakers and emerging unions

The CMBU has also had difficulties with the rightwing unions ever since some of its unions went multiracial The confederation is acutely aware of the advantages to be gained from presenting a united front to metal industry employers, and would dearly love to see greater co-operation with the all-white Iron, Steel and Allied Industries Union But ideological considerations are a serious obstacle to anything more than joint consultations during negotiations

Another pressing concern is the effect the recession is having on membership The CMBU has made frequent representations to the Manpower Minister recommending various job-creation programmes It believes, for example, that the resources of the

THE NINE

CMBU union	Membership (rounded off)
[illegible]	33 000
[illegible] Trade Workers of SA	19 700
[illegible] SA	10 200
[illegible] of SA	19 000
[illegible]	2 200
[illegible] Workers Union of SA	1 850
[illegible]	52 000
[illegible]	21 000
[illegible] and Operators' Association	7 100
[illegible]	166 050

Unemployment Insurance Fund should be used to create jobs as a matter of urgency Nicholson also argues that pension fund monies should be used to alleviate the effects of retrenchments

Finally, Nicholson argues that the CMBU still has a vital role to play in the South African economy "We will continue to make our views known to the authorities in the same low-key and constructive way," he says, echoing the fashion in which the CMBU has always operated ■

The political brigades

Unions linked to the UDF and those which espouse black consciousness are more overtly political than other emerging unions

SA unions are prohibited from formal links with political parties — unlike those in most of the Western world Yet political activists were not slow to draw lessons from the surge in black unionisation during the Seventies and the reforms engendered by the Wiehahn Commission The message was clear unionisation could provide a potent power base

Following the example of the mainstream emerging unions, such as the General Workers' Union and those in Fosatu, other opponents of apartheid began to unionise workers in the late Seventies Broadly speaking, these unions today fall into two camps those linked or affiliated to the United Democratic Front's (UDF) populist opposition movement, and those that explicitly identify themselves as part of the black consciousness (BC) movement

The two camps are mutually hostile An important plank in the UDF's non-racial platform is the ANC Freedom Charter, though UDF spokesmen have consistently denied any links with the banned organisation

The BC movement, on the other hand, explicitly excludes whites — whom it defines as "oppressors" — from participation in any of its projects It sees as a priority the forging of organisational and co-operative bonds between coloureds, Indians and Africans to realise black aspirations for freedom

Nonetheless, the two groups have much in common Both are overtly political, and claim "national liberation" as their ultimate aim They set great store by township and community support, and have criticised unions that focus exclusively on shopfloor organisation as being restrictive of worker aspirations

These "political" unions are in turn criticised for their weakness on the shopfloor In extreme cases they tend to accept as members any workers who approach them, rather than restricting themselves to tight organisation in specific factories and industries This, some older emerging unions believe, forces them into excessive use of community-orientated strategies — such as boycotts — rather than developing solid industrial bargaining procedures

But spokesmen like Donsie Khumalo of the UDF-affiliated National General Workers' Union (NGWU) argue that the experience of membership in general unions is an essential stage in implanting acceptance and understanding of the concept of trade unionism among workers

Sisa Njikelana, general secretary of the UDF-affiliated SA Allied Workers' Union (Saawu), goes further He says that general unions enable workers to see themselves in solidarity as a class, rather than as an industrial grouping, and that the general union structure is compatible with that of the communities workers belong to, allowing that support base to be tapped "in the struggle"

Disagreement about general versus industrial unionisation was one of the issues which led last year to the UDF unions' walkout or expulsion — versions vary — from the unity talks with Fosatu, Cusa and four independent unions These unions, which organise on an industrial basis, are forming a new federation of emerging unions They saw many of the UDF unions as inveterate "poachers," weakening their representation in factories by recruiting small numbers of workers across a number of industries

Bamcwu's Nefolovhodwe ... constitution architect

The UDF general unions, in turn, were reluctant to supply details of their membership in particular factories and industries They suspected that this was a prelude to being asked to hand over members to industrial unions in those areas where their organising overlapped There were fears that they would be dismembered for the benefit of the older emerging industrial unions

The UDF unions' reluctance to reveal their membership engendered scepticism on the accuracy of their claims

Both sides are working towards *rapprochement* Despite rumours to the contrary, the UDF flatly denies that it is considering forming a federation of its own And, indeed, the drive among UDF-linked unions to spawn industrial unions out of their general structures does indicate a desire to meet and deal with the industrial unions on their own terms — when the time comes

Khumalo's Pretoria-based NGWU has, for example, organised its members in the retail sector into the Retail and Allied Workers' Union, while Saawu's Njikelana has been building up the SA Mineworkers' Union This gives credence to the observation that the newer emerging unions often seem to reproduce by division

Stresses in the early Eighties on the issue of a more extensive use of township and community support bases were a factor in the split of the eastern Cape-based Motor Assembly and Component Workers' Union (Macwusa) from Fosatu's National Automobile and Allied Workers' Union The NGWU later emerged from a split in Macwusa, because, explains Khumalo, the Port Elizabeth-based based Macwusa was not sufficiently responsive to Transvaal conditions in the course of a major strike at Sigma's Pretoria plant in the early Eighties

In its turn, Saawu, the largest of the UDF general unions, split last year Until then, its strongest base was in East London, where the union has recognition agreements with Da Gama Textiles, Johnson & Johnson, and Chloride (now Fry's Metals)

East London officials challenged Saawu's Durban-based general secretary Sam Kikine and Transvaal leader Herbert Barnabus The upshot was a bloody battle that shook the organisation to its foundations The rift is still unhealed — and is unlikely to be as almost all the officials involved were jailed in February this year

Most of the BC unions trace their origins

to the Black Workers' Project, an organisation established by the SA Students' Organisation This later developed into the first BC trade union — the Black Allied Workers' Union (Bawu) Ironically, of the UDF unions, both Saawu and the General and Allied Workers' Union also descend — via a series of splits — from Bawu

The BC unions form a tight grouping which would never consider UDF affiliation They would, however, consider participating in the unity talks — but have not yet done so because they were not invited Their formal relations with other unions consist of "no animosity, no contact"

However, they are busy forming a BC union federation — the Azanian Confederation of Trade Unions (Azactu) At a meeting in February last year, seven BC unions agreed in principle to form an alliance, the first step towards the putative federation

Pandelane Nefolovhodwe, general secretary of the Black Allied Mining and Construction Workers' Union (Bamcwu), was entrusted with formulating the constitution for the federation, and with responding to any union approaches to the group

Nefolovhodwe and other alliance officials are reluctant to give figures for paid-up membership of their individual unions They argue that this gives management an edge in retrenching their members, but they claim a total of 75 000 members for the alliance For similar reasons they say they are reluctant to name the factories where they are active On the other hand, they will also not reveal their recognition agreements because these, they say, are a matter purely between them and management

All the alliance unions are self-sufficient, operating off members' dues, and have never received any outside funding However, they need to fund-raise for legal advice and action, and this is one of their reasons for forging a federation

Alliance unions span almost all industries, officials point out Nefolovhodwe points to "mining, construction, quarries, cementation, civil engineering and allied industries in Bamcwu," the skilled electronics and electrical employees in the Black Electronics and Electrical Workers' Union, and white-collar workers from a range of financial and commercial institutions represented in the Insurance and Assurance Workers' Union of SA

Since four alliance members are general unions, they draw members from a broad spectrum of industries as well, though Nefolovhodwe says they are concerned to organise by industry, "rather than accept any man in the street"

Ultimately, the BC general unions also aim to create industrial unions out of themselves The BC group opted to begin with general unionisation because only a small proportion of SA workers are organised Once these vehicles have gathered enough members, they will be "streamlined" into industrial unions ■

Trailing Wiehahn

The National Manpower Commission — a permanent think-tank on labour issues — has come in for much criticism of late

Later this month, the Minister of Manpower will announce the names of those who will serve on the third National Manpower Commission (NMC) to be appointed since 1979 They will advise him on all matters concerning manpower development and utilisation in SA It's a difficult job in a highly controversial area — involving as it does research, monitoring, and liaison with many different interest groups So the pressure will be on to prove that the NMC is equal to the task Many have their doubts

The NMC, which enjoys the status of a government-appointed commission of inquiry, is a tripartite body government, employers, and trade unions have representation It is a product of the Wiehahn Commission of Inquiry into Labour Legislation, which published its first report in 1979 Wiehahn provided the blueprint for a new labour dispensation in SA in which black workers were, for the first time, granted the statutory right to form and join unions

There are seven specialist sub-committees They cover employment creation, industrial relations, education and training, employment services, conditions of employment and social security, productivity, and international labour affairs

As a permanent statutory body, the NMC is empowered to monitor progress on any of its recommendations which have been accepted by government, as well as recommendations emanating from other committees or commissions of inquiry relating to labour According to NMC chairman, former Federated Chamber of Industries executive director Hennie Reynders, the commission's operations are unique it is the only SA body which does monitoring of this nature and makes its findings public

Until recently, the NMC had most of its work laid out by directives in White Papers, other government documents, or instructions from the Minister of Manpower But it can also initiate research — and has done so

Until now its industrial relations committee carried the largest workload This is largely because it inherited much of the Wiehahn Commission's unfinished business Some highly sensitive labour issues remained to be settled — the closed shop, the position of farm workers and domestics, the Industrial Court and union registration Labour observers have correctly pointed out that the NMC was saddled with many issues that Wiehahn was unable or unwilling to resolve

Given the controversy surrounding these issues, the NMC has naturally come in for some intense criticism Some critics have pointed out that the commission is not truly representative on the union side It seems that the emerging unions were never invited to join it — not that they would have accepted in any case, but their absence creates a conspicuous gap On the other hand, others, most notably the Trade Union Council of SA (Tucsa), have slammed the academics who serve on the industrial relations sub-committee as being biased in favour of the emerging unions And the NMC's last annual report — that for 1983 — was slammed for being out-of-date by the time it was published and too lengthy

Reynders refuses to comment on why emerging unions are not represented, but he has strong views on the other criticisms For a start, he defends the academics, saying that they have been responsible for some of the NMC's most useful work As for the alleged bias in the composition of the NMC, he comments "I have not experienced any undue pressures within the NMC from the one or the other point of view Inevitably, some of our recommendations represent a compromise If anything, the NMC has contributed to a better understanding among the participants of the intricacies of the relationships in the labour relations area "

The annual report was late because of factors "beyond his control," and he defends it as the only document published in SA which gives an overview of *all* matters relating to labour, including most of the important labour statistics

But that is not the end of the criticism There is speculation now that the NMC's influence has been on the wane ever since former Manpower Minister Fanie Botha's ignominious retirement The critics draw attention to the fact that, last year, new Manpower Minister Pietie du Plessis left an unpublished NMC report containing recommendations about union registration to gather dust while Pretoria pushed ahead with the Labour Relations Amendment Act (LRAA) — which contains different provisions on exactly the same issue The discrepancies became all too apparent when the NMC's report was subsequently released Eyebrows were also raised because certain members of the NMC's industrial relations sub-committee were not even consulted on the drafting of the LRAA

It is difficult to weigh up the merits of this argument Sources have pointed out that important new legislation has to be cleared by the Cabinet before the end of September each year It is therefore possible that the LRAA was a legacy of the Fanie Botha regime There is also speculation that government was under severe pressure from private sector quarters to restrict the activities of unregistered unions and to gain control over recognition agreements

While refusing to be drawn on the issue of the LRAA, Reynders pooh-pooh's the implication that the NMC is far from being as influential as it might like to think He claims that government has accepted more than 90% of the commission's recommendations

Complaints that the NMC is too large and too unwieldy are legion The first commission had 41 members — including Reynders and his vice-chairman The second, whose term runs out at the end of this month, has 61 members Will the third commission be smaller? Speculation is that the criticism has been taken to heart and that numbers will indeed be pared

Concern has also been expressed about who will take over from Reynders — a highly capable man who has been NMC chairman since its inception Reynders retires at the end of September However, he argues, "You need someone who is acceptable to management and labour, and who is knowledgeable about labour and economic affairs " And there are some suitable candidates around, he says

Speculation that the NMC may be disbanded has surfaced of late — or that it will be incorporated into Manpower as a research division Reynders, however, gives short shrift to these arguments On the contrary, "The NMC's influence is not on the wane "

Two major reports — on farm labour and the closed shop — are due to be published this year So it does seem unlikely that the NMC is a dying duck But what we might see, according to Reynders, is a shift in its emphasis

He feels there are two kinds of approaches the NMC can adopt, "reactive and proactive " The latter term means, essentially, adopting a stronger initiatory role in labour affairs Reynders notes "So far, because of circumstances and injunctions, we have tended to be reactive But we are working off the backlog of the past My own feeling is that we should get much more onto the proactive side For example, it is important to try to anticipate SA's labour requirements, on which little work has been done so far This is very important but also very difficult There are many similar areas requiring research for policy purposes "

But whether the Department of Finance will give the NMC that latitude remains to be seen ■

'Insecurity hampers workers'

Sowetan 15/4/85

INSECURITY, poverty and political harrassment are among factors contributing to low productivity among black workers, a survey by a social anthropologist has found.

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"I don't know if productivity is low, but if it is, there's a combination of factors contributing to it," said Jeremy Keenan, professor of social anthropology at Wits University

He found there was immense insecurity among black workers Many lost their jobs because of illness resulting from poverty and black workers, particularly those residing in the homelands, but working in South Africa, were subjected to extremely harsh political harrassment.

A worker's place of employment was therefore also his place of safety and relaxation

Prof Keenan said black workers had no say in decisions taken by management involving investments and pensions.

"There is lack of worker control and therefore very little motivation," he said.

Prof Keenan said insecurity among black workers resulted from what he called the absence of a dislocation policy in the country which would cushion or protect workers in the event of a plant or factory closing

"This country has no dislocation policy whatsoever security for workers in this country is probably the lowest in any of the capitalist countries"

The degree of security enjoyed by the workforce was directly related to their productivity The higher the degree of their security, the higher would be their productivity.

It had been proved, he said, in countries like Sweden, West Germany and Japan where the workforce was secure the productivity was also very high.

Bosses and State 'can cause disorder at work'

Sowetan 18/4/85 (132)

All stories by JOSHUA RABOROKO

EMPLOYERS defensiveness and State security legislation in union affairs are preparing the way for South Africa to follow the British tradition of disorder in the workplace, a Wits senior lecturer has said.

In a Wits Business School publication *Business Alert,* Mr L C G Douwes-Dekker, says however, that the development of unions is crucial to the satisfactory emergence of the country's future political system.

"He says "Managers took on the role of fathers who would solve problems, but at the same time treated them autocratically

"Black unions provide a power structure which protects the dignity of the employee at work, promotes a sense of belonging together as a disadvantaged people and demands an improvement in the quality of life "

Analysing South Africa's labour relations by comparing them to the USA's Mr Douwes-Dekker says unionisation of a work force brings with it experience in the principles and processes of democracy, including the organisation of meetings, elections, and influencing the decision-making process

In South Africa, most companies say they support unionism, but "line managers often resist establishing good relations with the shop-stewards while in general insufficient time, effort or reward is given to the industrial relations function

The legal "right" for workers to strike is nullified by the employers common-law right to sack striking workers

"The employer response to a legal strike by telling workers 'Return or else you have dismissed yourselves' has endangered the institutionalisation of the right to strike as a last resort weapon

"Stoppages of work are and will be seen by workers as the best means by workers to get results "

He adds that freedom of association should be understood to include the right to strike and lock-out Even if these expressions of power are not acknowledged, "the power will express itself in any case, though not in a positive manner but as a negative show of force

"The issue of basic civil rights requires to be brought into the debate, in particular the right to pickets, hold strike meetings, etc "

He says the white individualism is a credo in the US, black people in South Africa are community-minded

"The humaness of people is a quality which is valued and respect, trust, dignity and unity are expected to be honoured

"The modern place of work with emphasis on efficiency, and meritocracy does not allow the expression of these qualities of humanity and promotes impersonal behaviour," he adds

Mr DOUWKES-DEKKER

(132) Star 22/4/85

Playing Russian roulette in IR

By Sheryl Raine

Industrial relations (IR) in South Africa at the present time amounted to "relationship roulette" or Russian roulette with five chambers of the pistol loaded, an IR seminar heard at the weekend

About 100 delegates attended the SA Motor Industry Employers' Association (Southern Transvaal Divison) seminar on industrial relations at a Sandton hotel

Delegates were employers in the motor industry, which employs about 30 000 people.

Speakers included Professor J Fourie, chief director of labour relations in the Department of Manpower, Mr J H van Huyssteen, director of the Motor Industries' Federation, and industrial relations consultants Mr S Pennington and Mr G Busschau.

The chairman of the seminar, Mr A D Hawes, said South African companies faced probably the most difficult IR job in the world

"It amounts to relationship roulette," he said One delegate commented that it was more like "Russian roulette with five chambers loaded".

Apart from a few enlightened employers, Mr Hawes said, many companies had no systematic procedures for hiring or firing staff, no formalised retrenchment procedures despite the recession and too few had personnel assessment or real motivation programmes

He emphasised the importance of one-to-one relationships in the workplace and the need for employers to learn about modern trends in personnel management

Mr van Huyssteen put the spotlight on the imprecise definition of an unfair labour practice in the Labour Relations Act.

He urged employers to follow the golden rules of fairness in their dealings with employees

Mr Pennington said that in many cases the level of sophistication among black trade unions had outstripped that of management as far as industrial relations was concerned

He stressed the need for IR training of managers

Mr Busschau emphasised the importance of human relations in the workplace

"Every year we audit our companies to understand, monitor and investigate the use of financial resources, but we rarely look back on the year to discover how human resources fared and whether there was frustration, prejudice and antagonism," he said

Employers challenged

South African employers are facing a number of important challenges says the Chief Director of Labour Relations of the Department of Manpower, Professor J Fourie

Speaking at an Industrial Relations seminar held by the SA Motor Industry Employers Association in Sandton at the weekend, Professor Fourie listed a number of these challenges, including:

- **Resolving the difficult and sensitive question of the registration or non-registration of trade unions**
- **Clarifying the definition of what constitutes an unfair labour practice and the inclusion of specifically identified unfair labour practices in the law.**
- **The issue of legal strikes and the greater protection of workers involved in legal strikes, who, in terms of the present legislation, may be dismissed for legal work stoppages**
- **The handling of illegal strikes.**

Prof Fourie said the level of unemployment remained a serious problem in South Africa and that it was expected to remain high and even rise in 1985

The James Clarke Column

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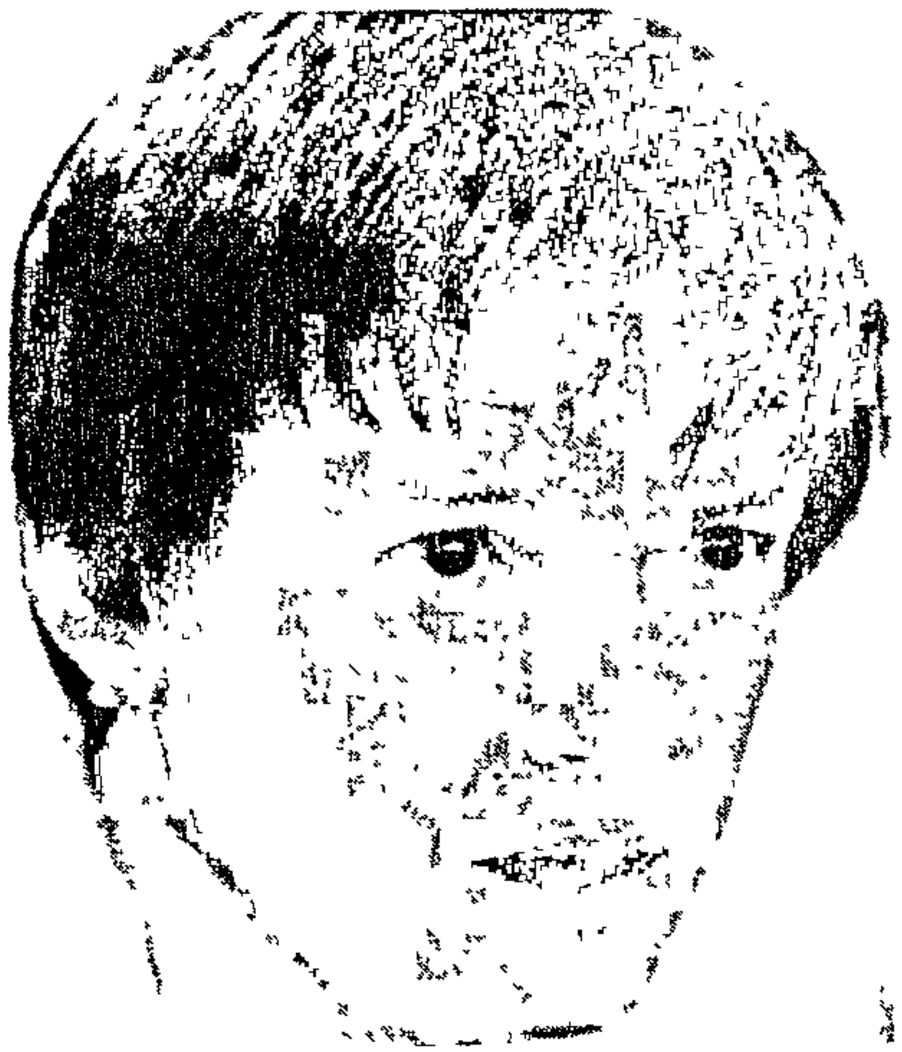
The economics of survival . . . by the man fro

In her occasional series on South Africa's labour leaders, Sheryl Raine speaks to Anglo American's Mr Bobby Godsell, head of the group's industrial relations department



Bobby Godsell . . things will get worse, he says

Bobby Godsell is one of those bright young consultant/executives whose job category in the corporate scheme of things didn't feature prominently 10 years ago.

He and other consultants like him have come into their own in the hurly-burly of labour relations in South Africa in the 80s.

His job is to advise and assist the executives of Anglo American on the vital issues of industrial relations.

This year he is talking about the economics of survival as the recession lingers on, the importance of ending job reservation on the mines, the industrial court, the role of management in the broader social scene in South Africa, and the nature of trade unions.

Times are tough and he insists that the words "economics of survival" are not over-dramatic.

Things will get worse before they get better.

He would like to see the issue of wage demands-versus-unemployment higher up on the agenda of labour issues.

But he believes there is another side to the recession which could have a positive spin-off.

"In 1985," he says, "there is so little money in the kitty (for wage increases) that the battle of white skilled workers and black industrial workers is going to be to try to preserve their purchasing power or have it eroded as little as possible"

Although there are obvious areas of conflict between skilled whites and blue-collar blacks, he believes the recession will tend to remind both of their common interests

There are already examples of this greater coincidence of interests . . . for instance in the current metal industry wage negotiations where previously incongruous union groupings are striving together to get their members the best deal possible.

There are still hurdles to leap in the black-white labour forum, the most important of which is statutory job reservation in the mines.

He is confident that job reservation will go and that a new industrial relations structure for the industry as a whole will be forged.

But he says the exact time frame of both developments is hard to predict

His concern about the industrial court is shared by others in the field.

As an essential and widely-used institution he believes it has had an encouraging start to its life

But the role of the court in relation to the rest of the judiciary and its role in collective bargaining urgently need to be clarified.

"There are three judgments from the Supreme Court which have cast doubt on the Industrial Court," he says

"Is it a court or an administrative agency?

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mics of survival . . . by the man from Anglo

In her occasional series on South Africa's labour leaders, Sheryl Raine speaks to Anglo American's Mr Bobby Godsell, head of the group's industrial relations department

Godsell is one of those bright young consultant/executives job category in the corporate scheme of things didn't e prominently 10 years ago.
l other consultants like him have come into their own hurly-burly of labour relations in South Africa in the

) is to advise and assist the executives of Anglo Ameri- the vital issues of industrial relations.
ear he is talking about the economics of survival as ·ession lingers on; the importance of ending job reservation mines, the industrial court; the role of management in the ·r social scene in South Africa; and the nature of trade

are tough and he insists that the words "economics ival" are not over-dramatic
will get worse before they get better.
uld like to see the issue of wage
ds-versus-unemployment higher up on the agenda of issues
believes there is another side to the recession which could positive spin-off
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But he says the exact time frame of both developments is hard to predict
His concern about the industrial court is shared by others in the field
As an essential and widely-used institution he believes it has had an encouraging start to its life
But the role of the court in relation to the rest of the judiciary and its role in collective bargaining urgently need to be clarified
"There are three judgments from the Supreme Court which have cast doubt on the Industrial Court," he says
"Is it a court or an administrative agency?
"It should be integrated into the judicial process.
"Clearly you can't expect a new institution to be perfect
"On the other hand both unions and management need help from the state now to rectify these two problems."
The broader social conflicts of South African society, trade unions and management's role in the present era are things about which he has thought long and hard
In his opinion trade unions are not revolutionary in nature but reformist
Modern history has failed to reveal a successful revolution where trade unions have played a central role.
In South Africa the unions have been a major vehicle for leadership emergence in black communities.
So far management has been pulled into a transitional role of mediation not only with workers but with the broader black community involving a range of social issues
In modern industrial countries private enterprise inevitably becomes involved in public policy debates and contributes expertise to government
This, he believes, is growing in South Africa.
But he says "There is no way that employers (in South Africa) can act as a substitute for political participation for black people
"There is no doubt that the unrest we see in the townships now and other conflicts in society have their origins in and can only be resolved within the political structures."
He believes the country's labour dispensation is in advance of the constitutional dispensation for blacks and what industry now desperately needs is successful socio-political reform outside the factory gate.

RDM 24/4/85

New labour assessments could be premature

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Industrial Editor

SUGGESTIONS that industrial councils and union registration should be re-assessed are premature, says Mr J Fourie, the chief director of labour relations at the Department of Manpower

He told an industrial relations seminar in Sandton, organised by the Motor Industry Employers' Association "Certain unions, which were initially totally opposed to registration, are now prepared to register

"Perhaps we could learn a lesson from this Are we not too anxious to change our legislation? Should we not allow the new labour dispensation to settle in?"

Mr Fourie admitted that it might be necessary to take another look at the role of industrial courts

He said these courts had been set up for three main reasons.

- Because of the complexity of labour law and the need for specialisation, general courts were considered too cumbersome and formal,
- There was need for a faster and less expensive system,
- There was need for an official body to be the final adjudicator in order to prevent strikes.

"I must concede that unfortunately lawyers got hold of the industrial court. Being a new institution, many rules and principles were to be raised before this court.

"In the end, the court was from day to day involved in long-drawn-out hearings. These cases are costly. Strikes increased and on the face of it, the industrial court did not succeed"

Mr Fourie added "If, however, one looks at the reasons for the establishment of the court, it is difficult to argue that they are not still valid It will therefore be necessary to again look at the rules and regulations regulating the functions of the court in order to achieve the principles that led to the establishment of the court."

ARGUS 26/4/85

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MANPOWER

'Labour stability essential'

Parliamentary Staff

STABILITY in the labour field was an essential prerequisite for economic growth and development in South Africa, the Minister of Manpower, Mr P T C du Plessis, said in the House of Delegates.

During the debate on the Manpower vote yesterday, Mr du Plessis said in the past year increased use had been made of the conciliation machinery provided for in the Labour Relations Act.

Although the number of strikes and work stoppages increased to 469, involving 181 942 workers in 1984 compared to 336 strikes involving 64 469 workers in 1983, they had been of relatively short duration — an average of 2,1 days

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Warning against 'tit-for-tat' in labour relations

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E. Post 27/4/85

Post Correspondent

CAPE TOWN — The present recession should not be used by employers to get even with the trade unions, Professor Roux van der Merwe, holder of the Volkswagen Chair of Industrial Relations at the University of Port Elizabeth, said here this week

Addressing a seminar on industrial relations attended by senior managers, he said tit-for-tat strategies would result in labour relations deteriorating into a series of cyclic catastrophes, where trade unions smashed employers in the good times and employers retaliated in like measure when tides turned

After 1980, when blacks were no longer legally excluded from organised labour structures and collective bargaining, black unions and their leaders gained the wrong impression of what labour relations were all about

"Direct action, rather than negotiation, was often the first line of attack, and as a strategy it paid handsomely

"Concessions were won, union membership boomed and expectations rose dramatically as one favourable settlement followed another

"Employers sighed, paid up, and passed on the cost to the consumer

"The scenario in 1985 is very different Large retrenchments have already taken place in most business sectors The economy is expected to worsen before it improves"

Trade unions that had not read the signs early enough and resorted to direct action just once too often, had suffered major setbacks Thousands of workers had lost their jobs as employers, now on the attack, fired workers on go-slows or walk-outs, he said

Over the past three years both management and trade unions had amply demonstrated they had the power to hurt each other It was hoped, he said, this would incline both sides to negotiate rather than resort to more drastic action

Most unions polarised Baqwa

Star 3/5/85

By Anna de Jager (32)

The present structure of unions in South Africa readily assumed the pattern of governmental structures and there are far more polarised unions than multiracial ones, says Mr Wilby Baqwa, industrial relations manager of Barlow Rand

He was speaking yesterday at a seminar in Springs on labour relations within local government The seminar is organised by the Institute for Municipal Personnel Practioners of Southern Africa

Mr Baqwa said black unions tended to see their role as encompassing the need to correct variances in the workplace, socially, educationally and also politically.

"The lack of black advancement into senior levels is seen as being a derivative of the social and political structures of this country. We face the untenable quandry where labour problems are inter-twined with political philosophies

"All or most of the issues are entangled in the political structures of this country and tend to seek solutions via the political route," said Mr Baqwa

He marvelled at the way farmers had kept workers relatively happy for years They have a basic way of doing things by entrusting the induna with tasks such as ploughing, reaping etc "We in the industry believe in continuous surveillance, probably because we lack confidence in each other"

Mr Baqwa said there was a need for employers to solder partnerships with their employees Commerce and industry tended to ignore the importance of the continual improvement of basic relationships with their employees, he said

Employee organisations even demand annual reports of companies, to ascertain the size of profit margins

Professor J Piron of the School of Business Leadership at Unisa, said dismissal of employees was a fairly simple matter in South Africa until the introduction in 1980 of the unfair labour practice definition in the Labour Relations Act and the transfer of the discretion to grant status quo orders, from the Minister of Manpower to the Industrial Court

Professor Piron said the path of dismissal was fraught with danger "Dismissal procedures are becoming increasingly important, and well-constructed dismissal procedures should contain essential points of procedural and substantive fairness"

Professor Piron said procedures were merely guidelines and could never be a substitute for well thought-out management decision-making

Industrial courts criticised

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Star 10/5/85

PARLIAMENT — Industrial courts, set up in terms of the Wiehahn Commission's recommendations, risked credibility unless they became more independent of Government influence, the House of Assembly heard yesterday.

Speaking during the Manpower Vote, *Mr Andrew Savage (PFP, Walmer)* said the courts were understaffed and often people with no training in labour law were handing down contentious judgments on disputes between workers and employers.

Replying, the Minister of Manpower, *Mr P T C du Plessis*, said his department was optimitic that it could appoint more people to positions in the Industrial Court. It was a court of equity. — Political Staff.

Trade unionists hold seminar

MEMBERS of several trade unions are [illegible] seminar which started yesterday at the St Peter's Seminary in Hammanskraal, to learn various union techniques, including health and safety, wages and negotiation strategies

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The seminar, organised by the Urban Training Project (UTP), will end on Sunday when several resolutions will be taken affecting thousands of workers throughout the country, according to one of the organisers

UTP's deputy education official, Mr Jacob Noe said the seminar is the 11th of its kind organised by UTP which services about 25 trade unions, including the giant federation, Council of Unions of South Africa The purpose of the seminar is to educate and share ideas with trade unionists

The Hammanskraal seminar comes at a time when a group of local trade unionists are converging in Harare, Zimbabwe, where the International Labour Organisation (ILO) has organised a congress to exchange programmes Sowetan

The local seminar is attended by several members of Cusa and its affiliates, and African Workers' Association, Domestic Workers' Association of SA, South African Domestic Workers' Association, Electrical and Allied Workers' Union and the Electricity Workers' Association 24/5/85

Subjects to be discussed are "Negotiation strategies" by Cusa's general secretary Mr Piroshaw Camcy — "earnings in South Africa in the past five years" by Mr Martin Nicol of the South African Labour Development Research Unit (Saldru), Cape Town University — "the recent employers' strategies" by L C G Douwes Dekker, senior lecturer in Industrial Relations, Wits Business School — "countering employers' scientific strategies" by Judy Mallet of Technical Advice Group

Metal firm's hearing on dispute adjourned

NM 24/5/85

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Labour Reporter

THE Industrial Court hearing into a dispute between the Metal and Allied Workers' Union and a Durban metal company over union bargaining rights at plant level has been adjourned to July 12 for legal argument

The dispute arises from a refusal by Hart Limited, manufacturers of cooking utensils, to negotiate wages and certain other matters at plant level directly with the union

The company argued that it was not obliged to negotiate wages with the union other than at Industrial Council level

Mr Geoff Schreiner, general secretary of the union, told the Court considerable industrial unrest could be avoided if the union were allowed to 'collectively bargain wages and a funeral benefit scheme directly with the company'

Acceded

He emphasised the union saw 'plant bargaining' as supplementary to industrial bargaining through the National Industrial Council for the Iron, Steel, Engineering and Metallurgical Industry

Eighteen local companies covered by the national council main agreement had acceded to such supplementary bargaining whereas there were only between six and eight companies who were refusing bargaining rights, he said

Mr Sam van Coller, director of the employers association — Steel Engineering Industries Federation of South Africa — told the hearing that if employers were to accede to 'plant-level bargaining' on wages it could lead to the disintegration of the Industrial Council system

Dr D B Elhers and Mr Mohamed Ameen Bulbulia presided at the three-day hearing at the Ecumenical Centre in Durban

Sowetan 27/5/85

On the labour front

MAJOR trade unions, previously excluded from the "unity talks", were presented with a draft constitution of the proposed "super federation" of emerging unions during a meeting in Johannesburg.

However, serious difficulties and differences between the unions participating in the talks, still have to be resolved before such a plan becomes a reality

The Federation of South African Trade Unions (Fosatu) and the Council of Unions of South Africa (Cusa) are engaged in talks with several "independent unions" for the purpose of forming the "giant federation"

The SOWETAN has established that during the meeting last week, three unions, Cape Town Municipal Workers' Association, Food and Canning Workers' Union and General Workers' Union, have asked the federations to exclude those unions which did not take part in the original talks

The reasons advanced by these unions, are that the talks are already at an advanced stage and their inclusion will only delay the steps that have been taken so far

Inauguration of federation

But, Cusa and Fosatu have been requested to urgently meet these unions before the meeting on June 8 and 9 when all unions converge to inaugurate the federation The federations have also been requested to hold a meeting with "independent unions" this week to ratify problems before the June meetings

The request by the three unions may cause further delays in the timetable leading to the formation of the new federation and some sources argue that the delay is caused by "liberals" in some unions

On the whole, it remains to be seen how far the unions are committed to the new federation, especially because of the working together that has taken place recently — the November stay away from work, the May Day celebrations and Raditsela's funeral

Spar boycott

Ccawusa's Emma Mashinini has called off the boycott of Spar stores in the country after management had agreed to reinstate sacked workers at eight stores in the Natal and Pietermaritzburg plants

"We thank everybody who supported the boycott" Mrs Mashinini

JOSHUA RABOROKO, labour reporter, gives labour tit-bits on happenings in unions last week.

said "Some boycotts against managements do pay off after all "

Legal strikes seem to be fashionable among emerging trade unions, but do they really pay off? Several workers have been threatened with or dismissed by managements for going on strike More than 1 000 Corobrick workers at five plants in the Western Cape and Natal are still on legal strike over wages

Dismissed

- Anglo American has started to re-employ miners dismissed from its Vaal Reefs goldmine last month, after striking over working conditions
- Sappi Novobord in Port Elizabeth has dismissed another 117 workers, bringing the total dismissed to 425 since the plant was hit by a strike more than a week ago The strike was over wages
- At Ford's Struandale, the plant has closed A company spokesman said a depressed vehicle market had necessitated the move
- About 65 Metal and Allied Workers' Union members, dismissed by Litemaster Electrical in the Transvaal in 1983, will be reinstated by order of the Industrial Court Back-pay is expected to amount to R800 000
- The Fosatu-affiliate Paper Wood and Allied Workers' Union is to take C and G Cabinets Company to the Industrial Court over the retrenchment of six workers.
- Fosatu has threatened to take industrial action against companies that dismissed or victimised workers who took time off to attend the funeral of the late trade unionist, Mr Andries "Lasi" Raditsela
- TFM (Pty) Ltd will selectively re-employ about half the workers it dismissed last week after a work stoppage at its Olifantsfontein and Wynberg plants

The United African Workers Union said the company has hired "scabs" and accused some of its members of been "agitators " Mr G Modin, managing director, said the number of dismissed workers was 300

WORKERS in South Africa have threatened to go on legal strikes, but managements usually fire workers on strike. The metal and mine industries are threatened by legal strikes and managements have insisted that instead of offering pay rises they would rather cut salaries The stage is set for this kind of action within a few months

The Afrikaanse Handelsinstituut Congress 1985 in PE

Collective bargaining system 'under attack'

28/5/85

Motor industry

"THE established and proven system of collective bargaining is under attack and these attacks have shaken the established trade unions

This message was delivered to delegates attending an opening session in Port Elizabeth today of the Afrikaanse Handelsinstituut's 40th annual congress

Delivering a cautionary analysis of latest developments in the trade union movemen — with specific reference to the motor trade — was Mr Piet Pretorius director of the Motor Industry Employees Union of South Africa (MIEU)

Mieu, together with the Motor Industries Staff Association, and the Motor Industry Combined Workers Union (recently disaffiliated from Tucsa), comprise the employee parties to the National Industrial Council for the Motor Industry Employer parties are the SA Motor Industry Employers Association and the SA Vehicle Body Builders and Repairers Association

The council is primarily concerned with the motor repair and vehicle bodybuilding sector of the market and is quite separate from the Industrial Council for the Automobile Manufacturing Industry (Eastern Province), on which are represented Ford, General Motors and Volkswagen as employer parties, and Naawu — the National Automobile and Allied Workers Union — and the SA Iron, Steel and Allied Industries Union, as employee parties

Addressing delegates attending the AHI's motor trade sectoral congress at the Hotel Edward, Mr Pretorius said emergent unaffiliated trade unions were blossoming in South Africa — with a penchant for striking up ad hoc shopfloor agreements as opposed to industry-wide settlements negotiated via long-established Industrial Councils

This development, said Mr Pretorius, could lead to "serious problems'

Whereas workers in the sector covered by the National Industrial Council for the Motor Industry were represented by only three unions prior to 1979, an additional four registered unions had been established in the wake of the Wiehan Commission, and "a further two unions periodically pop up

"These unions focus their attention on concentrations of black or brown workers, but also on factories employing small numbers of black or brown workers

" they endorse shopfloor, as opposed to centralised agreements and ironically employers have in many cases bowed to the pressure and this has lead to the creation of a large number of recognition agreements

"The established and proven system of collective bargaining is under attack and these attacks have shaken the established trade unions to their foundations in all industries,' said Mr Pretorius

As a result the established unions lagged in the creation of benefits for members, who were increasingly questioning the ability of their representatives

"It is thus clear that the established trade unions will have to revise their ideas and attitudes

BUSINESS

D. Dispatch 29/5/85 132

Labour stability is the key: Reynders

PORT ELIZABETH — Labour stability was a precondition to achieving "our national economic goals," Dr Hennie Reynders, chairman of the National Manpower Commission, told the AHI congress here yesterday

Terms of reference of the NMC were to advise the Minister of Labour on labour matters and policy, which implied on-going research in these fields

The contribution by the NMC to the promotion of labour stability was evident in its various reports, and these included studies on job-creation and the promotion of formal and informal small business sector.

The NMC was also currently researching rural development, methods of containing cyclical unemployment, and the role of the government institutions in labour-intensive production techniques

In the field of labour relations the NMC had already submitted numerous reports on the questions of closed-shops, trade union subscriptions, the autonomy of trade unions, the position of workers prepared to work but prevented by strikes, and aspects of collective bargaining

"A report on further aspects of closed shops will shortly be submitted to the minister, and a study on strikes over the past decade is being prepared," said Dr Reynders

Dr Reynders added that the emphasis in studies on labour affairs internationally had shifted to co-operative potential and away from conflict potential

"In this context we shall have to consider carefully whether the time has arrived for the introduction in the Republic of South Africa of further refined systems

"It will in any event become necessary within the foreseeable future to give attention to this issue, including the relationships between labour affairs and the political situation, technological development, the increasing level of education among black workers, and the increasing aspirations of black workers

Labour stability in South Africa compared favourably with certain other countries, the Director-General of the Department of Manpower, Dr P J van der Merwe, told the congress

He said there were 87 strikes in the first quarter of 1985 compared with 132 in the same period last year

However, many more workers had been involved in strikes this year than last, due to strikes by about 52 000 mineworkers

What was important was that strikes in South Africa were of relatively short duration compared with various Western countries

"In 1984 the average was only 2,1 days, and almost 50 per cent of the strikes ended within one day, while 80 per cent ended within three days

"This comes down to the loss of 40 man-days per 1 000 economically active people, compared with 255 in the United States, 205 in the United Kingdom and 52 in Sweden over the period 1981 to 1983"

Reasons for South Africa's good record included the increasing willingness of trade unions to make use of the conciliation machinery in the Labour Relations Act, and that, generally, unions and their leaders acted very responsibly

Unions and employers were also becoming more experienced in the art of negotiation, and common ground was being found more readily

Dr Van der Merwe said the definition of an unfair labour practices, the status and functions of the industrial court, and the right to strike were matters which still would have to be given careful attention — SAPA

SA labour stability on even keel

Sowetan 29/5/85

(132)

LABOUR stability in South Africa compared very favourably with that of certain other countries, Director-General of the Department of Manpower, Dr P J van der Merwe, said yesterday.

Speaking at a meeting of the Afrikaanse Handelsinstituut, he said there were 87 strikes in the first quarter of 1985 compared with 132 in the same period last year

However, many more workers had been involved in strikes this year than last, due to strikes by about 52 000 mineworkers

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Dr van der Merwe said the definition of an unfair labour practice, the status and functions of the industrial court, and the right to strike were matters which still would have to be given very careful attention. — Sapa.

U S consulate 'observing code for all workers'

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So Mercury 10/6/85,

Mercury Reporter

THE United States Consulate-General in Durban is observing almost all the conditions of the Sullivan Code and the minimum salary paid is more than R10 000 a year

This was pointed out by the Consul-General, Mr Harry Geisel, who was commenting on a report that one of the recommendations of the Foreign Relations Committee of the US Senate last week was that the provisions of the code should be made binding on overseas missions of the American Government

He said the lowest paid member of staff, the driver, earned just under R11 000 a year — 'pretty good wages, I think'

Members of the consulate did employ domestic servants, but because the servants were not employees of the American Government their salaries were not governed by the Sullivan Code.

It was possible for U S employees to pay their personal employees in accordance with the code and then claim reimbursement from the American Government.

But, said Mr Geisel, this was still 'very much in the air' and it had not yet been resolved where to draw the line on how far the provisions of the code should be extended

The consulate was observing all conditions with regard to equal and fair employment practices and provisions which dealt with equal pay for equal work

The consulate employed six people — three whites and three blacks

At the Cultural Centre in Durban, governed by the same rules, four South Africans were employed — one white and three non-whites

Pass laws 'causing hardships'

INFLUX control laws have created tension and confrontation between employers and employees after workers have been dismissed because of strikes.

Addressing the annual congress of the Electrical Workers Union in Hammanskraal at the weekend labour lawyer Mr Charles Nupen said 30 percent of strikes in South Africa were sparked off by dismissals.

He said dismissed workers especially migrants have suffered because they were expected to go to their "homelands' and other rural areas. Their chances of employment in urban areas was slim because employers complain of recession.

Problems

Unemployment, poverty and other social problems were rife in the rural areas because blacks could not find jobs as a result of the influx control laws.

He also said the Government's policy of separate development has caused thousands of blacks to "lose their citizenship'.

The movement of blacks was controlled by laws such as Section 10 of the Urban Areas Act. Unless these laws were repealed tension and confrontation will erupt, especially on the factory floors, he added.

"The ultimate and logical conclusion of the apartheid system is to remove blacks from South Africa because every black is supposed, because of the language he or she speaks, to belong to a homeland.

Another labour lawyer Mr Paul Benjamin said employers have often been taken to the Industrial Court because of "unfair dismissals" and retrenchments, especially of migrants.

The influx control laws have also worsened the situation of workers and trade unions have fought hard to secure the jobs of their members who might be sent to their homelands after losing their jobs.

Labour reforms 'gave blacks power'

(132) NM 21/6/85

Labour Reporter

BLACK advancement in industry, brought about by labour reforms and pressure on companies, had created a labour force with real negotiating power, Mr Chris Heunis, Minister of Constitutional Development and Planning, said in Durban yesterday

Speaking at a Natal Chamber of Industries seminar on labour relations, he said that until recently there had been a 'dualistic' labour movement in South Africa

White and coloured unions had been recognised and registered as such but black unions were never recognised As recently as 1980 strikes by blacks had been illegal

'The effectiveness of labour legislation and the need to bring black unions out into the open were the main reasons for the appointment of the Wiehahn and Riekert Commissions

'But it was also necessary to avoid the politicisation of the labour movement in our country

'In order to succeed in this we had to change labour legislation on the one hand but on the other hand we also have to accommodate the legitimate political aspirations of blacks,' he said

Meaningful

Meaningful negotiations now took place between labour, management and the State, he said, adding that these three groups needed each other

The Government accepted that industrial peace would last only if there were social and political justice

Commenting on the increasing number of unions which were registering, he sounded a note of warning

'By overburdening the private sector with wage demands one could kill the goose that lays the golden egg Furthermore by demanding unrealistically higher and higher wages one is shutting the door in the face of newcomers on the labour market,' he said.

The Government was aware of certain people who wanted a showdown between organised commerce and the Government on the question of labour reform

Solution

Conflict would lead to instability and that should be prevented, he said

Although the past session of Parliament showed the new system worked, the constitution was not the final solution to South Africa's political problems, he said

The new constitution did not represent a 'final, all-embracing solution to all the political problems of South Africa'

Mr Heunis said all communities must be brought into the political process

Steps were envisaged ensuring that black communities might participate in decision making on matters of 'own' and general interest.

Ciskei boom

JOHANNESBURG—More than R20 million had been invested in Ciskei in the form of new factories and industries since January, a spokesman for the Ciskei People's Bank said here yesterday Expected to employ 2 900 people, the factories were established by businessmen from South Africa, Hong Kong, Israel, Taiwan, the United States, Britain and West Germany — (Sapa)

W/ARGUS 22/10/86

Keeping the union wolf from the door

LABOUR AFFAIRS

DICK USHER

AFTER Professor Nic Wiehahn took a hand, labour relations in South Africa could never be the same

The most significant change was that black workers were included in the definition of employee and suddenly, for management, it was a whole new ball game

There was an Industrial Court with the power to rule on unfair labour practices and order the reinstatement of workers it considered had been unfairly dismissed

Trade unions looking after the interests of black workers emerged at a rapid rate and the Department of Labour (as it had been) took a fairly sharp step out of involvement in industrial relations

Managers, accustomed to a situation where they could call in the department and, too often, the police to mediate in disputes, floundered

The situation was, in accordance with good, capitalist, free enterprise principles, open to exploitation by people more understanding of the role of trade unions and the needs and aspirations of black workers.

They had skills and insights to sell, and a new group of professionals — the industrial relations consultant — appeared.

Their role, to mediate between managements who were very often completely antagonistic to the emergent trade unions, and the economically disadvantaged, politically powerless black workers the unions represented

One such, Steve Woods, had his first exposure to industrial relations with a major engineering group in the pre-Wiehahn days, and was still with the company when it negotiated one of the first recognition agreements with a "black" trade union

"It caused quite a controversy and we came in for a lot of criticism from other employers

MONEY TO BE MADE

"But, as events progressed, I started getting tired of former critics 'phoning and asking how we had managed to develop a relationship with the unions that did not result in massive industrial unrest

"I realised that there was money to be made out of helping companies analyse their industrial relations problems and the practical training of factory level supervisors in dispute and grievance procedures

"The problem is that many companies do not have their industrial relations house in order which makes it inevitable that the union wolf will come knocking at their door," he says

"And the company that says it will never deal with a union is, nine times out of 10, practising a style of management that makes it a sucker for the unions

"Then, often when it's too late, they call in an industrial relations consultant to help sort out the mess

"You arrive to find the workers have been organised, management is very confused about it all and if nobody tells them they are wrong they will carry on thinking they are right

"We come in as outsiders with a different persepctive and try to bring some objectivity to an often very subjective situation in which management allows personal political attitudes and feelings about unions to cloud their judgment

"They don't treat dealing with a union as a business problem in the same way, say, as they would deal with an increase in GST

"So they make short-sighted decisions where they are always looking for an out rather than accepting the union as a long-term fixture

"In the main, our role is important because we're independent of the company and the company's survival We all tell management that they're acting like idiots because we're hired by the company, not employed by it"

Professor outlines the vital issues in labour relations

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STAR 5/8/85

The art of negotiating and the importance of establishing sound relationships between workers and employers will be discussed at a labour relations seminar later this month. SHERYL RAINE interviewed Professor Dick Sutton who will speak at the seminar.

With years of personnel management experience under his belt, Professor Dick Sutton, who lectures on personnel mangement and industrial relations at the Unisa School of Business Leadership, is more than qualified to speak on the importance of relationships in the workplace

On August 20, Professor Sutton will join Dr Daan Ehlers, president of the Industrial Court, Mr Theo Heffer, of Grinaker, Mr Mof Lemmer, of Samcor, Mr Mike Alfred, manpower consultant, and others at a seminar organised by Thomson Publications to be held at the Wanderers Club

PERTINENT

Professor Sutton says there are several pertinent issues in the labour field which need to be resolved and in which relatationships within the workplace could play either a positive or an aggravating role

He cites issues which need to be thrashed out

- The need to ensure equal employment opportunities for all workers
- The industrial council system of collective bargaining
- The need to improve productivity

In all these issues, he says, the key to success is the need for effective communication, negotiating skills and the need to establish sound relationships between employers and employees

Despite rapid and positive change in the country's labour dispensation, Professor Sutton believes there are still gaps in management's labour relations expertise which need to be filled

"We still have to come to grips with the full implications of the new labour dispensation, quite apart from the economic issues involved We cannot continue with the traditional relationships between employers and employees and we cannot continue using the same old management approaches."

Methods of supervision on the shop floor, hiring, firing and disciplinary procedures, the concept of fairness in the workplace which is now being entrenched by various court decisions, are issues which cannot be ignored

"I believe," says Professor Sutton, "that what we need is a change in management philosophy at the very top levels of management."

- For further information on the seminar contact Mrs Bess Artus on 789-2144, ext 260

ARGUS 5/8/85 (132)

'Social tensions likely if ambitions are not met'

Staff Reporter

IF people's aspirations, heightened by the increasing rate of education and employment, were not met "all manner of social tensions" could result, the National Manpower Commission has found.

The commission's report for 1984 says that although many positive developments have taken place, negative forces such as high unemployment still exist

A cause for concern was the wide cyclical fluctuation in economic activity over the past two years, from negative to highly positive to negative

Unemployment

Although there was a fairly sharp upswing in the economy during the second half of 1983 and the first half of 1984, unemployment — particularly among blacks and coloured — began to increase again.

The report said there was also an imbalance between the supply and the demand for unskilled and skilled workers Labour shortages in skilled occupations continued in spite of an oversupply in semi-skilled and unskilled occupations

It seemed a greater degree of order was developing in the labour-relations system More workers were involved in the collective bargaining process The newer trade unions displayed a greater willingness to use the statutory dispute settlement machinery

There were indications that some trade unions which had not wanted to be registered were starting to see registration in a more favourable light

Employers continued to develop their understanding of the importance of labour relations

Although increasing use was made of statutory means to settle labour disputes, there were also differences of opinion among some employee and employer groups about the effectiveness of the mechanisms.

The degree of support given to the general stayaway campaign indicated that this type of action could spill over into labour relations

0 for running brothel

Mulder, 20, and Zoe Louis both of Ladbrook Street, , and Michelle Fourie, 19, Silva Steet, Ysterplaat, uilty in Wynberg Magistrate's Court,

It was found that the women operated the brothel between May 30 and July 4 in Ladbrook Street.

ARGUS 6/8/85

Industrial Court 'no longer favours' unions

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Labour Reporter

THE Industrial Court at first appeared to favour unions and workers in its decisions but there had recently been a reversal in favour of employers, a University of Cape Town Commerce Week focus seminar on trade unions was told

Professor Denis Davis, associate professor in the department of commercial law and a labour legislation specialist, said yesterday the reversal was the result of certain appointments to the court

FEDERATION

The courts had also tended to be far less sympathetic to strikes

There was a strange anomaly in South African labour law in that if certain procedures were followed, workers were guaranteed immunity from prosecution for striking, but employers could still dismiss them

Mr Johan Maree, a lecturer in industrial sociology, said the significance of moves to form a super federation of emergent unions was that for the first time it would unite a number of national unions in key industries — mining, metal, motor, transport, food, chemicals and textiles — which would negotiate on a national level

Member unions would be tied together on the national level and would have considerable muscle if they decided to act together, he said

An industrial relations consultant, Mr Ernest Harvey, said management attitudes to unions had initially been concern that management prerogatives would be challenged and there had been a great deal of hesitancy in dealings with unions

But now that management had passed through that phase, which had been one of rapid learning, there had been many instances where top management had over-ruled shopfloor management decisions

The next phase would be one of joint problem solving

The focus continues today with a seminar on trade unions in the retailing industry

FM 9/8/85

BUSINESS AND REFORM (132)

Spelling it out

The meeting last week between organised business and government to discuss the emergency could lead to an improvement in their somewhat soured relations

However, the joint Federated Chamber of Industries (FCI) and Assocom delegation made it clear that businessmen's patience is not inexhaustible

It is believed that the FCI-Assocom message to Pretoria was blunt and determined start talking to the relevant black leaders and move speedily ahead with reform before the overall political, diplomatic and economic situation deteriorates

After a briefing on the latest security situation, the business leaders heard that government remains committed to reform and will lift the State of Emergency as soon as possible

Whether they were reassured is a different matter Doubts still exist over the fact that government's focus is on the State of Emergency, rather than coming to grips with legitimate black grievances

As one business leader warns "Before we become too euphoric, there is still much to be done " Says another "The cordiality of the meeting must not be misread The State President should not confuse this cordiality with reality — the reality being that business is clear as to what is needed and it is now over to the State President "

Business preferences

Government was not left in any doubt about what businessmen would prefer it to do At the end of the meeting, Assocom presented the State President with a copy of its Lombard-Du Pisanie report on federalism and the political future of urban blacks (*Current affairs* June 14).

The fact that an FCI-Assocom delegation was able to arrange a meeting so soon after the State of Emergency was declared, that it was granted over two hours with the State President and that no fewer than five Cabinet Ministers were present is conceivably a reflection that government takes the lobby seriously

The Afrikaanse Handelsinstituut (AHI) was asked to join last week's business delegation, but declined as it already had a series of meetings scheduled with the State President and various Cabinet Ministers concerning the State of Emergency

Assocom's Parsons ... government must get cracking

Business leaders have continually expressed concern that reform is being imposed in a "top-down" fashion without consultation and that government is reluctant to meet relevant black leaders

"The government should be humble, go into the black areas and speak to the leaders It should not summon these leaders to Pretoria but should make the effort to understand and perceive the problems by speaking to leaders in their environment and in their surroundings," says one business leader

Organised business, particularly Assocom and the FCI, has been growing increasingly impatient with and critical of the government's reform progress and economic policy

After the November stayaway last year, organised business jointly criticised government for detaining labour leaders In January, six major employer bodies issued a joint memorandum on what they perceived to be shortcomings in the management of the economy. They also set out an agenda for political reform

Matters seemed to be deteriorating steadily, with the most recent and serious rift occurring over the newly constituted Economic Advisory Council Organised business representation was conspicuously absent from the council. This is known to have annoyed many business leaders Although it was not discussed at last week's meeting, it is understood that the matter is not closed

The *FM* also learns that the chief executives of three main business associations met with senior government officials the day before the State of Emergency was declared They were informed of the coming emergency and, it is believed, were probably able to temper the approach towards trade unions during the crisis. ■

COURT BATTLE FOR NUM

Sowetan 5/9/85

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By JOSHUA RABOROKO

SOUTH Africa's biggest black trade union — the National Union of Mineworkers — has brought an urgent application to the Pretoria Industrial Court to protect thousands of workers from threatened dismissal and unlawful eviction from mine hostels.

The registrar of the Industrial Court yesterday said the case would probably be heard towards the end of the month.

The union said it brought the application to protect the workers from threatened dismissals which it said were about to be executed by managements at some of the mines.

Meanwhile thousands of black miners streamed back to work yesterday after NUM suspended its wage strike at Gold Fields and Gencor mines pending the outcome of the court hearing.

During the strike, which started on Sunday, at least 70 people were arrested and 16 injured.

The union has also claimed that a Mr Joseph Ledwaba was killed by a police van at Gold Fields' Deelkraal mine in Western Transvaal.

Gold Fields has confirmed that it had begun to dismiss miners from its Deelkraal mine yesterday.

Following the suspension of the strike, Gold Fields said it would not proceed with dismissals at Deelkraal. About 90 percent of the workforce is back at work.

Tucsa appeals for unity

The Trade Union Council of South Africa (Tucsa) has appealed for unity among the country's major union groupings.

A presidential address prepared by Mr Robbie Botha was read yesterday to the Tucsa conference because Mr Botha is overseas STAR

The president said that, while he did not believe unity would be achieved in the near future, more co-operation would be advantageous for all trade unions in the country 10/9/85

For the sake of workers in South Africa the union groups should become allies, he said

Unity of purpose was crucial at this point in time, said Mr Botha and Tucsa wished to build bridges.

Specifically naming the Council of Unions of South Africa and the Federation of South African Trade Unions, the Tucsa chief made it known that on specific issues of common concern Tucsa would like to hear a united voice from labour organisations.

Discrimination should be a punishable crime — Wiehahn

10/9/85 STAR

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By Sheryl Raine

Leading labour reformer Professor Nic Wiehahn has called for discrimination on the basis of race, colour, sex and nationality to become a punishable crime in South Africa

Opening the 31st conference of the Trade Union Council of South Africa in Johannesburg yesterday, Professor Wiehahn said the process of legislative change in the labour market had to continue The only way to protect workers from discrimination was to make discrimination a punishable offence on the statute books

"We already have the principle in our Wage Act by which the Wage Board is prohibited from differentiating on such ground when it formulates a wage determination for the Minister of Manpower's approval The principle can easily be extended to the rest of the labour market," he said

Professor Wiehahn remarked that in South Africa today the labour sphere was the only one "where the situation was relatively normal and peaceful". This could be attributed to the fact that apartheid had been removed from the labour scene by the Wiehahn and Riekert commissions about six years ago.

Professor Wiehan regretted that there were still people in South Africa for whom the term "trade union" was synonomous with strikes, revolution and unrest

He said trade unions were a fact of South African life and few people realised and appreciated the peace-making and peace-keeping role which they played

Not all strikes in South Africa were caused by trade unions and many disputes were avoided or solved by the intervention of trade unions

In many countries employers and politicians were afraid of the political role that trade unions played in society and wished to hear trade unions' advice only when solicited

"Trade unions must act as the advocate of their members' cause even if that cause includeds matters that go beyond the workplace," he said

Announce reform plan, union chief urges

The president of the Trade Union Council of South Africa (Tucsa) has made an urgent plea to the Government to realise the seriousness of the country's situation and to immediately make known its intentions on reform.

Mr Robbie Botha, who was unanimously re-elected president of Tucsa yesterday at the council's 31st annual conference in Johannesburg, is touring West Germany with other South African trade unionists.

In a telexed message to the conference he said that with the exception of one union, all other German trade unions had refused to see and speak to the South African unionists because "they saw us as being too moderate in our attitude".

Tucsa has had difficulty escaping its conservative image in recent years but there are signs that for the sake of survival, the organisation is anxious to shed this image. About 160 delegates representing 34 of the council's 45 affiliated unions are attending this week's conference. STAR

Mr Botha said in his telex that 12 overseas meetings with various government departments, parliamentarians and other experts on South African affairs had so far taken place.

Without exception the attitude generally was that South Africa could no longer expect sympathetic support and Germany like other Western countries was greatly disappointed and could not understand the South African Government's reluctance to issue a statement of intent indicating in which direction the country's constitution was to be developed.

Mr Botha said that in view of the hardening of European attitudes and inevitable hardships which faced South Africans he and other unionists urged the Government to realise the seriousness of the situation and announce its intentions without delay.

Push Govt on better deal for workers, employers told

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STAR 12/9/85

The labour field is one of the few spheres in South Africa today where fully representative groups of blacks and whites are meeting one another across the negotiating table with some degree of equality. Labour leaders who contribute daily to this important negotiating process met in Sandton yesterday. SHERYL RAINE reports.

Some of the country's top human resources executives met at a labour relations seminar in Sandton yesterday to consider issues ranging from the future of the African National Congress and the United Democratic Front to sympathy strikes and proposed improvements to the Industrial Court

The topics for discussion indicated the broad range of matters which have become pertinent in the field of South African labour relations

Delegates to the seminar, organised by Andrew Levy and Associates, were told by Natal University sociologist Professor Lawrence Schlemmer that it was time employers made specific representations to the Government about reforms needed to improve the living conditions of their workers

Outlining the considerable economic, political and other stresses experienced by black workers today, Professor Schlemmer said black townships had become "pressure cookers" where housing shortages and unemployment problems were critical

"Talk about a new direction and crossing the Rubicon is not sufficient," he said It was the legitimate responsibility of employers to make determined and tough representations to the Government on specific reforms

Dr Tom Lodge of the University of the Witwatersrand and Mr Andrew Levy, responding to a question, said South African companies would face increasing challenges from their employees to state their political positions on Government policy and the need for reform

Traditional answers that businessmen were not politicians and therefore not required to get involved in politics would not be acceptable Silence on the part of employers would be taken to mean compliance with the Government and support for "the system"

A leading labour lawyer, Mr Halton Cheadle, highlighted issues which he envisaged would become increasingly important in the near future on the often bumpy road of labour relations

An issue currently plaguing the metal industry, namely, plant-level versus centralised bargaining in an industrial council, would have to be resolved, said Mr Cheadle

He did not consider the two incompatible as they addressed different issues on two different levels of bargaining

He suggested that, since they existed already in many factories, they could operate smoothly in future as a dual system of bargaining with appropriate rules laid down by a body such as the Industrial Court to ensure that the system could not be abused by unions

One of the most important issues still to be resolved in the evolution of South African labour law was the dismissal of legal strikers.

While the Labour Relations Act granted certain immunities to striking workers from a registered union during a legal strike, common law principles still meant workers could be fired for being in breach of their employment contracts

In other countries various degrees of protection were afforded to workers on strike and in South Africa a system of immunities to protect strikers from dismissal were needed

Mr Cheadle predicted that the issue of sympathy strikes would also have to be settled soon and probably by the Industrial Court According to his interpretation of the law, sympathy strikes were legal in South Africa It would be up to the Industrial Court to decide how an appropriate group of related employers would be constituted for the purposes of sympathy strikes

Mr M A E Bulbulia, an advocate and member of the Industrial Court, addressed criticisms of the court's lack of independence, inconsistency of judgments, unclear status and its jurisdiction over disputes of rights and interests

He said certain improvements to the court had been proposed to the Government by the National Manpower Commission and the President of the Industrial Court, including

- Changing the court's name to the Labour Court
- Measures to improve the image and status of the court These measures should include the appointment of the members of the Industrial Court by the State President rather than the Minister of Manpower
- The court should have jurisdiction to hear all disputes of rights connected with labour matters
- The reformulation of the definition of an unfair labour practice to include certain specific unfair labour practices, a general clause to ensure flexibility and a clause listing certain practices which were not regarded as unfair labour practices
- The establishment of a Labour Appeal Court specialising in legal disputes connected with labour matters
- The composition, functions and powers of the court should be consolidated in a separate chapter of the Labour Relations Act

Industrial Court rulings not automatically

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By Sheryl Raine

The Industrial Court yesterday made one of its most significant rulings to date on labour matters concerning the issue of plant-level bargaining, but because of a secrecy law no details of the ruling may be made known until the parties involved agree

The Star is in possession of a copy of the ruling in the matter between the Metal and Allied Workers' Union (Mawu) and Hart Limited, a member of the Steel Engineering Industries Federation of South Africa (Seifsa)

Seifsa, according to its lawyers, has decided not to release the judgment until next Monday A Durban spokesman for Mawu said that while the union was not placing an embargo on the ruling, the union was not prepared to comment on the ruling until Friday The union would not release copies of the judgment.

Mr M A E Bulbulia of the Industrial Court, who signed the judgment yesterday, said it was not the court's responsibility to publicise its findings

A secrecy clause in the Labour Relations Act pertaining to the court had been introduced to protect companies required to disclose sensitive material in evidence before the court. All judgments had to be cleared by both parties to a dispute before any judgment could be published

In other South African courts sensitive material may be ruled unpublishable but judgments are always made public

The assistant general secretary of the International Confederation of Free Trade Unions, Mr Enzo Friso, is in South Africa for talks with leaders of the country's emergent unions. The ICFTU has been at the forefront of the international campaign for economic pressure to force political and social change in South Africa. Mike Siluma spoke to Mr Friso, whose federation has links with major emergent unions such as the Federation of South African Trade Unions and the Council of Unions of South Africa.

'Union pressure working'

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STAR

24/9/85

The reforms which have taken place in the Industrial Relations field in South Africa since 1979 were due to the internal struggle of black trade unions and the support they got from the international union movement, and not because of a benovolent willingness to change on the part of the Government

This was said by the assistant general secretary of the 90-million-strong International Confederation of Free Trade Unions (ICFTU), Mr Enzo Friso, who is leading a delegation of three on a 12-day visit to South Africa.

In a wide-ranging interview with *The Star*, Mr Friso said improving industrial relations laws in South Africa would not solve the problem of racism and apartheid

The real problem in South Africa was not only to improve the lot of the black workers but also to fight apartheid.

He said the aim of the Government in liberalising labour laws in recent years was to divert a strong black union movement from participating in the struggle against apartheid.

"But black workers have realised this and have continued to take part in the anti-apartheid struggle," Mr Friso said.

Turning to multinationals doing business in South Africa, he said these companies did not of their own accord, fight for change in the country. Their concern about change was a result of pressure brought on them by workers in the companies' home countries, acting through the ICFTU and in co-operation with sister unions in South Africa.

Mr Enzo Friso

Mr Friso criticised the Government for portraying itself as a spokesman for the black workers and community on the effect economic sanctions against South Africa would have on blacks

"We believe that this is simply an excuse on the part of the Government to avoid measures being taken against South Africa. We will continue to campaign for economic action against South Africa because we prefer to be 'wrong' with the black unions and community rather than be 'right' and on the Government's side," he said.

Only leaders of black workers could say if economic sanctions were suitable or not, he said

Mr Friso added that one of the main reasons for the visit was to talk directly with black labour leaders about the suitability or otherwise of economic sanctions

On the special interest shown by the international labour movement in South Africa Mr Friso said "We are motivated by our commitment to the fight against violations of human rights, regardless of the colour of the victims We do it here as well as in countries such as Poland and Chile where workers' rights are suppressed We do not use the strength of the ICFTU as an ideological tool"

"But the South African situation is even worse because it affects not only the black workers but the whole black population"

He said the union campaign for economic action against South Africa was gradually succeeding

WORKERS' DIARY
By JOSHUA RABOROKO

Dismissed 500 get support

SOME of the 568 workers who were dismissed from Jet, Sales House and Edgars stores at a meeting in Khotso House, Johannesburg, yesterday.

TRADE unions, community organisations and football clubs, including Jomo Cosmos FC, have pledged their support for the 500 workers who have been dismissed by a group of chainstores.

The chairman of the Federal Council of Retail and Allied Workers' Union (Fedcraw), Mr Masilo Mpiti, said they were ready to intensify the boycott of the stores, Jet, Sales House and Edgars, if management showed unwillingness to re-open negotiations

The workers were sacked after going on strike in support of several demands, including the request that a white store controller be dismissed because he "uses racist remarks" at the Blackheath store.

Since their dismissal three weeks ago, the workers have been meeting at Khotso House in Johannesburg They sing freedom songs, give black power salutes and on one occasion they staged a demonstration at several stores in the city

The organisations that have pledged solidarity with the workers are Fosatu, Cusa, Azapo, Azactu, UDF, National Union of Mineworkers and Jomo Cosmos who donated a substantial amount of money

• The calling for a national day for all Christians to be held on October 9 and asking them to stay away from work was not a "cheap political act" and should not be seen as "a strike" or a "stayaway", the organisers have said

The National Initiative for Reconciliation Continuation Committee said the call was not a threat but an act of penitence Appealing to trade unions and political organisations, they said they should neither oppose the call nor enforce it, because any response had to be voluntary

The union which include Fosatu, Cusa, Azactu and several independent unions, were reacting to the arrest of 62 members of Fedcraw and detention of 14 unionists under the emergency regulations.

put pressure on the Minister of Law and Order, Mr Louis le Grange, to release all trade unionists detained under the state of emergency regulations and to halt further harassment of their members

3 held

• The three members of the Chemical Workers' Industrial Union who were detained under the state of emergency regulations, have been released They are T Ntaopane, B Ntshalintshali and B Moholo

The union has condemned the detention and called on employers to put pressure on the Government to lift the emergency regulations and remove the SADF and the SAP from black townships

• The general secretary of the Retail and Allied Workers' Union, Mr Donsie Khumalo, who is out on R1 000 bail, will appear in the Pretoria Regional Court on November 25 on allegations of intimidation

Mr Khumalo (30), of Mamelodi, appeared before Mr J A Carsten on September 17, two weeks after he was arrested following a foiled strike at Harrop Alling, a retail outlet in Pretoria.

• The National Union of Clothing Workers has succeeded in getting eight fired workers reinstated in their jobs by taking the case to the Industrial Court

Eight workers of Nieman Dyers and Finishers in Pretoria were dismissed after a wage dispute The union had already negotiated their return to work with a wage increase, and had warned the company that it should not victimise any of the workers involved

• The annual conference of the Consultative Committee of Garment, Textile and Leather Workers' Union was held in Johannesburg last week The meeting was attended by delegates from all the unions who make up the CC

Influx

The unions called on the Government to react positively to the report that influx control be abolished A major focus of the conference was the issues of retrenchment and what the unions could do to protect members.

• The trade union unity talks resumed this week after a walk-out by two major unions Metal and Allied Workers' Union and the National Union of Mineworkers

The two staged a walk-out after a misunderstanding over vital issues, including the draft constitution, disbandment of small unions and on increasing the members of the feasibility committee

It is understood from reliable sources that the proposed "giant federation" will be inaugurated next year. A crucial meeting is to be held in November/December to decide on the inception day

• The Textile Workers' Industrial Union is to take the management of Associated Spinners to the Industrial Court under section 43 of the Labour Relations Act

The company has retrenched 41 workers and has dismissed 230 others Those who were dismissed have been re-employed under new conditions and the union is demanding that they be employed under previous contracts

BTR Sarmcol

• The Metal and Allied Workers' Union which claims more than 30 000 members, is to call a strike at the end of this month against 70 Transvaal companies who have responded "negatively" to the union's demand for plant level bargaining.

The union has declared disputes with the companies involved at the industrial council.

• Trade unions have called on employers to

Toyota chief calls for single-union factories

Mercury 3/10/85

Labour Reporter

ONE of South Africa's prominent industrialists and chairman of Toyota, Dr Albert Wessels, yesterday called for the removal of distinctions between 'white collar and blue collar workers'.

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Speaking at the Institute of Personnel Management conference in Durban, he said at present the two groups of workers were represented by two separate trade unions.

'I would like to see at all factories all categories of employees, right up from senior management to workers on the factory floor, being represented by one trade union which can negotiate with the company about conditions of employement and wage negotiations,' he said.

In Japan, he said, white-collar and blue-collar workers belonged to one trade union.

By getting all workers to belong to one union there would be a feeling of belonging among employees and a better level of co-operation among all, he said, adding that by having a united team, companies could focus attention on competing with the export market.

Dr Wessels called for extended training for workers He said employers should ensure that new recruits had a minimum of six years of formal education 'These recruits should then undergo a further six years in plant training in the various jobs to enable them to become completely self-sufficient.

'There will be no need for the Government to look after them,' he added

industrial councils

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Manpower Dept has plans to deregulate

By Sheryl Raine

The Department of Manpower has asked all industrial councils (ICs), trade union federations and employer organisations for comment on a comprehensive set of suggestions about industrial council agreements

The final result could have far-reaching implications for industrial councils.

In a memorandum being circulated, the department has suggested guidelines for the extension of IC agreements to non-parties as well as to additional geographical areas and ways to make IC agreements more flexible

At present when parties to an IC come to an agreement on wages or conditions of service the agreement is sent to the Minister of Manpower for approval and then published in the *Government Gazette*

Non parties to the IC operating in the same area of the parties to the council or any geographical area considered relevant can be subjected to the terms of the agreement if the council believes it to be in the interests of industry and if the council secures the permission of the Minister of Manpower

"In the light of the large-scale structural and cyclical unemployment problem in South Africa, which has reached alarming proportions, the searchlight is increasingly falling on measures which have a restrictive effect on entrepreneurial initiative and employment creation," says the Department of Manpower in its memo

Investigations had shown that the provisions of IC agreements could adversely affect small business undertakings and those in the informal sector which had difficulty complying with certain of the provisions of IC agreements

In keeping, it says, with its adoption of the principles of individual economic freedom of choice, voluntarism, consultation and co-operation and minimum State intervention, the department suggests that

- Representativeness of parties to ICs be examined closely
- Probable effects of the extension of council agreements to non-parties on existing and future employment should be considered as well as the ability of non-parties to comply
- Non-party employers and employees be given an opportunity to lodge written or oral representations on the extension of agreements
- The degree to which an IC accommodates the problems of particular employers by granting exemptions from its agreement be indicated

Further steps which ICs have been asked to consider is the shortening and simplification of agreements to facilitate understanding and printing in the *Government Gazette* The ICs have also been asked to remove provisions from agreements which may generally adversely influence the creation of jobs, retention of jobs, establishment of new undertakings and growth in the industry

The department has also proposed that the procedures for handling disputes and disposing of applications for exemption be improved and speeded up and that a sympathetic approach be maintained towards exemption applications

It is suggested that the relationship between ICs and their parties as well as non-parties be improved to promote consultation and the exchange of views with non-parties

To improve the representative character of ICs it has been suggested that consideration of eligible applications by other employers' organisations and trade unions for admission as parties to a council be given "well-disposed consideration".

Replies to the department's suggestions must be submitted by October 31.

Bid to avert labour rows

SOWETAN 28/10/85

(132)

A CO-ORDINATING committee of various industrial councils will be established to speed up settlements of labour disputes and to avert industrial unrests.

This was announced by the Director General of the Department of Manpower, Dr Piet van der Merwe who told a Press conference in Johannesburg that industrial councils have to play a vital role in settling disputes

Members of various industrial councils in the Witwatersrand and Pretoria districts had come to discuss important issues

The conference was earlier addressed by the Minister of Manpower Dr Pietie du Plessis who encouraged the private sector and trade unions to fight hard to curb the problem of unemployment

Unemployment the Minister added had reached alarming proportions At least 300 000 new jobs had to be created annually to satisfy the demand for employment

The Director General said the co-ordinating committee would act as both a mediatory and conciliatory body in helping to settle disputes in various industries

He added that members of the industrial council should also give hearing to non-party members

Dr Van der Merwe said while agreements at the industrial council were legally binding many unions had followed-up more demands at shop-floor levels This could be seen in the demand by the Metal and Allied Workers Union (Mawu) which made further demands after the agreement at the metal industrial council.

He said that there had been indications in the mining industry that the Chamber of Mines was keen on the possibility of forming an industrial council in the industry

However it would depend on the different mine houses whether they were prepared to form a council

SOWETAN 30/10/85

Industrial Court hearing

(132)

SOWETAN 30/10/85

WORKERS' DIARY

By JOSHUA RABOROKO

THE Industrial Court is to hear a case of sacked workers who have applied for reinstatement following a dispute earlier brought before the Supreme Court which postponed its ruling indefinitely.

This is a new and major development in the debate wich has been on the tongues of many labour experts about the IC's powers of jurisdiction and position it occupies in legal structures.

The typical example of this matter is the dispute between the National Union of Mineworkers (NUM) and Anglo American's Vaal Reefs mine over the dismissal of four workers.

Vaal Reefs lodged an application in the Supreme Court to have four workers evicted from hostels after dismissal. The court granted a rule nisi.

In the interim, the workers brought an application in the IC asking for their reinstatement.

The workers contended that management's action constituted an unfair labour practice, but Vaal Reefs have opposed the application arguing that the IC did not have the right to hear the matter.

erts Buildings (Cape Town) Pty Ltd and the South African Allied Workers' Union (Saawu).

Mr Justice R M Marais heard three days of representations by the company and the union, locked in dispute after the dismissal of 1 587 workers in August.

• Contributions to the Unemployment Insurance Fund (UIF) by both employers and employees are to be increased from December this year, bolstering the fund by an additional R155-million next year.

The Director-General of Manpower, Dr Piet van der Merwe, said the rate of contributions to the fund would be adjusted to enable the fund to fulfil its increasing financial commitments to contributors.

PWAWU

• The Paper Wood and Allied Workers Union (PWAWU) has scored a major victory. An arbitrator has ruled that 90 of their members at Printpak Gravure in In-

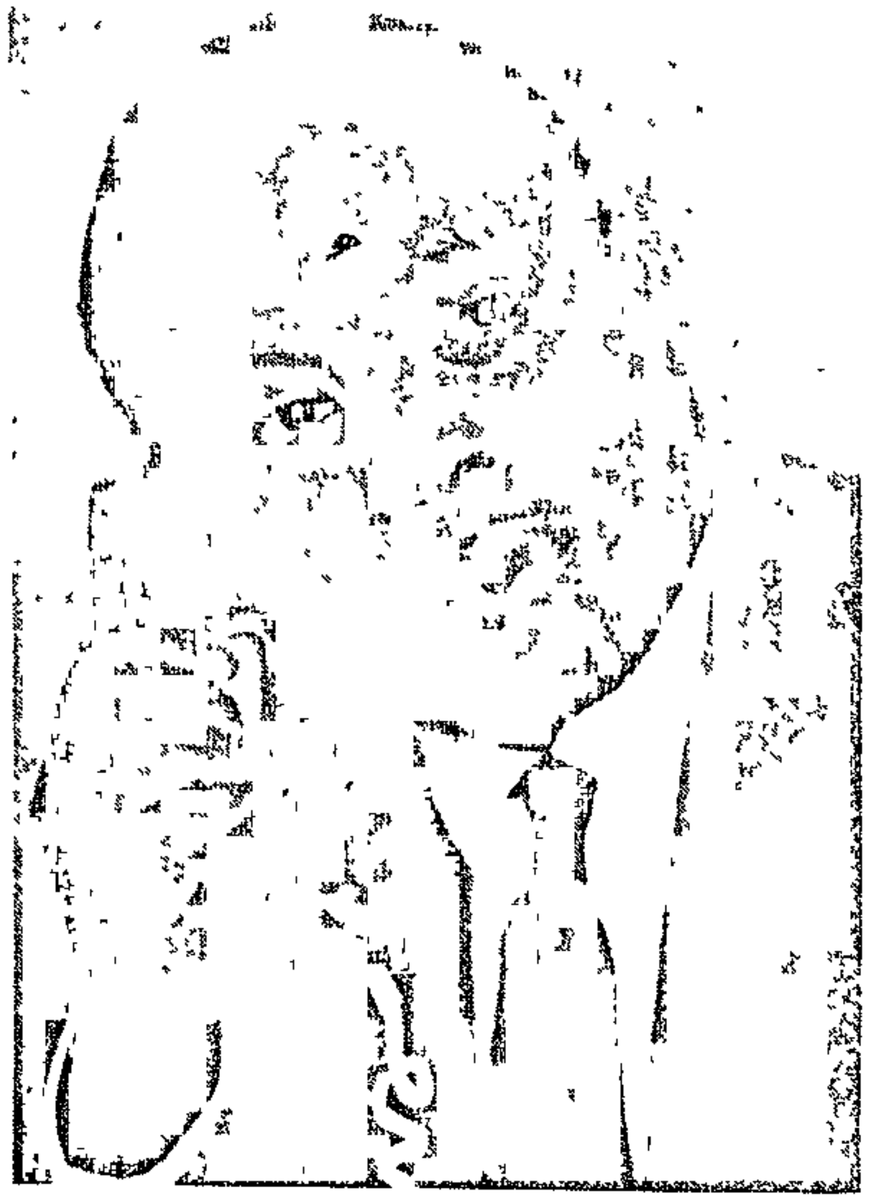
with Barlow Rand Manufacturing plant in Kew, Johannesburg.

After intensive investigations, Mawu rejected the company's offer of six cents across the board and R50 bonus.

• The Government is intending to form a co-ordinating committee of various industrial councils with the aim of resolving disputes quickly.

However, black emerging unions are still critical of the councils because they argue that they are Government institutions and offered salaries well below the breadline.

• Real wages for labourers and artisans are dropping and in 10 years artisans' wages set by Industrial Councils have fallen by 16 percent, says the South African Labour and Development Research Unit (Saldru).



Labourers' wage levels set by industrial councils are at their lowest in three years while artisans covered by council agreements are at their lowest level in more than 10 years, according to the labour unit's monitor of minimum wage measures for the third quarter of 1985.

NUM

• A large contingent of police guarded the offices of NUM last week where union members, who had earlier marched in the streets, were holed up.

The members, wearing union T-shirts, had attended an Industrial Court case in which NUM is asking for an order instructing Marievale Consolidated to reinstate 1 000 workers sacked during a strike last month.

• The president of the Council of Unions of SA (Cusa), Mr James Mndaweni, is expected back home this week after a week-long visit to Europe. Mr Mndaweni visited Sweden on union matters.

• The Vaal Trade Union Co-ordinating Committee has threatened to take industrial action if the Lekoa Town Council evicts thousands of residents who refuse to pay their arrears.

The council has warned residents to pay their rents by the end of October — failing which strong action would be taken against them.

• General Motors in Port Elizabeth has retrenched 250 hourly-paid workers. Management said the reason for the retrenchment was due to economic pressure.

The National Automobile and Allied Workers Union, representing the workers, said it did not accept the retrenchments.

• The Textile Workers Union has moved to new offices. The union's new address is 1st Floor, HB Centre, 78 Nugget Street (Corner Kerk Street), Johannesburg.

• All shop stewards of the Transvaal branches of the National Union of Clothing Workers are asked to attend an important meeting today at 4.30pm at Garment Centre, 75 End Street, Johannesburg.

WORKERS' DIARY

By JOSHUA RABOROKO

THE Industrial Court is to hear a case of sacked workers who have applied for reinstatement following a dispute earlier brought before the Supreme Court which postponed its ruling indefinitely

This is a new and major development in the debate wich has been on the tongues of many labour experts about the IC's powers of jurisdiction and position it occupies in legal structures

The typical example of this matter is the dispute between the National Union of Mineworkers (NUM) and Anglo American s Vaal Reefs mine over the dismissal of four workers

Vaal Reefs lodged an application in the Supreme Court to have four workers evicted from hostels after dismissal The court granted a rule nisi

In the interim, the workers brought an application in the IC asking for their reinstatement

The workers contended that management's action constituted an unfair labour practice, but Vaal Reefs have opposed the application arguing that the IC did not have the right to hear the matter

This left the IC in a position where it had to rule on whether it could exercise its jurisdiction

AMAWU

• The African Miners and Allied Workers Union (AMAWU) has declared a dispute with the Westonaria goldmine company over the company's refusal to renew contracts of several hundreds of migrants

AMAWU argues that the action by management was unfair because it was similar to retrenchment

SAAWU

• Judgement was reserved in the Cape Town Supreme Court last week in the dispute between Murray Roberts Buildings (Cape Town) Pty Ltd and the South African Allied Workers Union (Saawu)

Mr Justice R M Marais heard three days of representations by the company and the union, locked in dispute after the dismissal of 1 587 workers in August

• Contributions to the Unemployment Insurance Fund (UIF) by both employers and employees are to be increased from December this year bolstering the fund by an additional R155-million next year

The Director-General of Manpower, Dr Piet van der Merwe, said the rate of contributions to the fund would be adjusted to enable the fund to fulfil its increasing financial commitments to contributors

PWAWU

• The Paper Wood and Allied Workers Union (PWAWU) has scored a major victory An arbitrator has ruled that 90 of their members at Printpak Gravure in Industria, sacked for going on strike, must be reinstated

The strike was over the dismissal of a colleague who refused to perform certain duties The two-weeks industrial action was characterised by police action, demonstrations and picketing

• The PWAWU is still awaiting the outcome of an arbitration concerning workers at Paxellent Plastics, a subsidiary of Metal Box The workers went on strike over the dismissal of four colleagues

MAWU

• The Metal and Allied Workers Union (Mawu) has declared a dispute with Barlow Rand Manufacturing plant in Kew Johannesburg

After intensive investigations, Mawu rejected the company s offer of six cents across the board and R50 bonus

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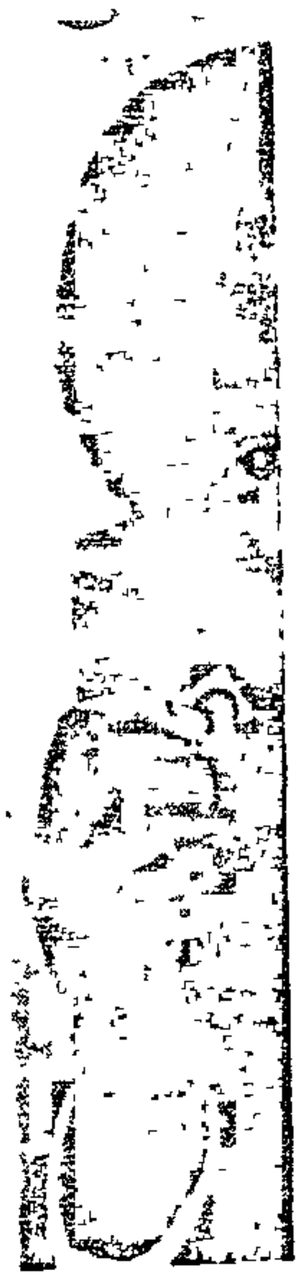

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Victory for NUM

IN one of its most significant rulings to date the Industrial Court yesterday ordered Gencor's Marievale Gold Mine to reinstate black miners dismissed during a legal strike at the mine in September this year

Dr Daan Ehlers, president of the court said in an order that the mine was required to reinstate the dismissed miners and that the number of miners qualifying for reinstatement had to be agreed upon between the employers and the National Union of Mineworkers (NUM)

The NUM originally applied to the court for the reinstatement of about 1 000 miners The mine claimed not all the workers were union members that had been fired by the mine or employed by the mine Marievale agreed to negotiate with the union on the number of miners involved (132)

NUM's Cyril Ramaphosa

The mine indicated during the hearing of the case that if it lost it would prefer to pay the miners involved rather than re-employ them The mine had already filled vacant jobs with new recruits SOWETAN

The Industrial Court order becomes operative on November 1, but workers have 21 days in which to report for duty

Lawyers for the NUM said yesterday the order would mean that at least 500 miners would be granted relief 01/11/85

"The court has not yet issued its reasons for the ruling and the full implications of the case will only become clear later The implications are potentially far-reaching as far as the protection of workers on a legal strike is concerned ' said the NUM lawyer

They eat horses, don't they?

SOWETO coal dealers beware! Stock thieves are on the rampage Two horses went missing under mysterious circumstances in Meadowlands, Zone nine, recently The owner of the horses, Mr Josiah Monaise (43), suspects that they have been slaughtered by the "Russians"

Mr Monaisa, whose job of delivering firewood in the township has come to a standstill since the theft, said the horses were last seen grazing in Meadowlands' Zone seven traffic circle a few days ago

Bosses lose weapon

(132)

SOWETAN 6/11/85

WORKERS' DIARY — By JOSHUA RABOROKO

Three judgments by the Industrial Court have deprived employers of their most potent weapon in dealing with black workers — mass dismissals

The Industrial Court has ordered the reinstatement of 1 000 black mine workers fired by Gencor's Marievale gold mine for taking part in the legal wage strike in September

This ruling cuts right across a judgment by the Supreme Court, which held that the dismissal was lawful The dismissal may have been lawful, but the Industrial Court ruling makes it an unfair labour practice

• In another Industrial Court hearing, which might set a precedent the court has ordered the reinstatement of two workers who were sacked after taking lie-detector tests

Mr Aaron Mahlangu and Mr Ashley Gallant were dismissed in May by CIM-Deltak (Pty) Ltd after being subjected to lie-detector tests The tests followed the misappropriation of company funds amounting to R15 000 last year

After police investigations had failed to find the culprits the company engaged an expert in lie detector tests

The two men were dismissed on the basis of the results

• In the third Industrial Court judgment the court has reinstated workers employed by DHL a British multinational dismissed for being members of the South African Scooter Drivers and Transport Workers' Union

In an economy where hundreds of thousands of workers are out of work, the instant dismissal of large numbers has been a powerful weapon in the hands of employers Many have not hesitated to use it

GCWU

Trade unionists representing the workers say the judgments will ensure workers protection It will also encourage the use of the industrial dispute-resolving machinery

• Are you 65 years old? Members of the Garment and Clothing Workers Union who turn 65 years, are urged to please come to the union to apply for a fully paid up policy of the Group Funeral Scheme

Many members still do not do so because they do not want their employers to know their age When you apply for a fully paid policy at 65 the union will not tell the employer to stop deductions, so he will not know your age

• The National Union of Distributive and Allied Workers Union has joined OK Bazaar in objecting to the proposed extention of shopping hours in the Transvaal

The OK objected to the longer hours because of the social consequences for staff who would now have to work an effective six day week The union says employers will bring ordinary sh. systems to cover the extra hours, robbing workers of overtime

• The Commission on Detentions set up by the Eastern Cape region of Fosatu has started a campaign in a bid to end the "merciless" assaults being carried out by police on detainees

The first step in their campaign was the recent temporary order granted by the Port Elizabeth Supreme Court on September 25

• The Paper, Wood and Allied Workers Union (PWAWU) is considering taking the manager of American-owned company Fisher Flying Products at Empangeni to court for unfairly retrenching 46 union members

• Three members of PWAWU dismissed by Paxellent Plastic Company in Industria, Johannesburg have been reinstated by an arbitrator Their dismissal sparked off labour unrest at the plant last month

PWAWU regards the reinstatement of the workers as victory for the working class in their fight towards recognition

• Thirteen disputes declared by the Metal and Allied Workers' Union (Mawu) against Pinetown Engineering Company have been settled out of court

After lengthy negotiations the company, which was regarded by unionists as "undoubtably the most anti-union firm next to Sarmcol, has agreed to negotiate a recognition agreement and to pay Mawu R1 000

• Workers at P G Glass near Germiston have cleverly blocked management's attempts to retrench 22 workers and in the end only two were laid off

Members of the Chemical Workers Industrial Union decided to go on short-time on their own after management's refusal The company was furious when the workers did so, but subsequently management changed its original plan

• All the workers dismissed from the CDA motor plant in East London last month when they went on a work stoppage in protest against management's insensitivity to conditions in the protest-torn townships have been taken back

Fosatu

• Last year was the "most difficult year the National Union of Textile Workers faced since 1976 according to a report More than 200 union members lost their jobs through retrenchments and closures

• The South African Chemical Workers Union has criticised the Minister of Manpower for failing to appoint conciliation boards to resolve disputes it has with three companies — Fedmis Karbochem and Air Products

The union has warned that more than 1 000 of its members at these firms might go on strike over the delay in the appointment of the boards

• Fosatu has called on the Government to abandon its apartheid laws.

In a report the federation says foreign investments must assist this process It also welcomes all forms of pressure against the apartheid state

• The Unemployment Insurance Fund (UIF) will seek private-sector loans to cope with increasing demands on its dean reserves

Demand for benefits forced the fund to raise investments at short notices and at loss on three occasions this year How much the fund lost is not known

Mr Jack Scheepers commissioner for the fund says losses were not near the interest of more than R100 million earned on investments in the past five years

• Two black consciousness-orientated trade unions have formed a sub-committee to explore the future of the working class in South Africa

They are Council of Unions of South Africa (Cusa) and the Azanian Confederation of Trade Unions (Azactu)

whole supplement (132)

City Press

Prospects

Supplement to City Press November 24, 1985

Miners won't be migrant any more

C Press 24/11/85

Big boost for small business
See Page 5

Looking for a career with bite?
See Page 9

Boots in the car and you're off home – and it's a short drive, not a day's travelling to the homelands ...

One of South Africa's largest mining groups has introduced a scheme which could see miners actually working in the areas they live in – instead of being migrant workers.

Prospects Reporter

RAND Mines, one of South Africa's major mining houses, is starting a recruitment drive in Reef townships.

For the first time, this will enable black mineworkers to work on mines in the same way that miners do elsewhere in the world – as commuters from their homes.

The jobs which carry wages starting (with "living out" allowances) at R282 and ranging up to almost R1 000 a month will apply to three of the group's mines

The company has already been recruiting on an all-inclusive wage package for its Sands Retreatment Project at Crown Mines, R M 3 But it has, up to now, had little success in recruiting for underground work on its operating old mines

A company spokesman said the first mine to be affected would be East Rand Proprietary Mines Limited near Boksburg

"We will start with ERPM and after the Government's proposed influx control changes, we will extend the campaign to other mines in the group"

There are hundreds of different jobs at ERPM for which vacancies are constantly occurring, with salaries ranging from R172 a month to almost R1 000

Staff not accommodated on the mine will receive a R110 "living out" allowance

This living out allowance is to compensate for the free food and accommodation received by employees housed on the mine

All staff are automatically entitled to normal mine benefits – such as free medical attention, the use of mine sports facilities and long service award schemes

"We are also investigating a home ownership scheme to assist those members of staff qualified to build their own homes in the townships near the mines," the spokesman said

He said ERPM employed 19 000 people Vacancies arose all the time and if expansion plans materialised, an additional 7 000 jobs would be created

The mine gives these examples of the jobs available and the wages.

★ Manual workers employed on surface earn between R172 and R220 a month and underground between R203 and R273, plus free food and accommodation

★ Locomotive drivers employed underground earn between R316 and R428 a month, while underground team leaders earn between R496 and R740 a month

★ The salaries for monthly paid staff such as clerks, surveyors and samplers range from R242 to R922 a month

All employees are entitled to leave varying from 14 to 28 calendar days, depending on their positions

A leave allowance of 50 percent of the monthly salary is paid to all employees

Need some advice on running your business? It's all there, on Page 11 ...

Big guns push reform

SOUTH Africa's major business organisations have formed a powerful pressure group – the Private Sector Council – to pressurise the Government to speed up reform

The immediate goals of the council are to.

- Push Government to make a public commitment not later than the opening of Parliament next January to scrap influx control
- Open under-used facilities to all race groups
- Urgently make affordable service sites available for housing
- Immediately facilitate the development of informal housing at affordable rates
- Lift all barriers to informal business activity

The council has 28 members drawn from the Association of Chamber of Commerce, the National African Federated Chambers of Commerce, the Steel and Engineering Industries' Federation of SA and the Urban Foundation

The council will be chaired by Urban Foundation executive director Jan Steyn Among the members are former Anglo American chairman Harry Oppenheimer, Barlow Rand executive chairman Mike Rosholt, Gencor executive chairman Ted Pavitt, Syfrets Trust chairman Len Abrahamse, Urban Foundation managing director Dr Robin Lee, SA Council of Churches president Bishop Manas Buthelezi, Cape educationist Franklin Sonn, Southern Life chairman Dr Zac de Beer, Toyota chairman Dr Albert Wessels, and Sally Motlana, wife of Soweto Civic Association chairman Dr Nthato Motlana

Mr Steyn said the council was not intended to overtake initiatives individually organised business groups may wish to launch

The council's interim priority is an urgent reassessment of the Government's industrial decentralisation scheme announced in 1982

The four working groups established to draw up a comprehensive urbanisation strategy are Urban Management and Government, dealing with the status, legitimacy and viability of urban councils, Housing and Urban Development, dealing with the provision of land and affordable housing, Employment and Regional Development, dealing with the creation of job opportunities, and Rural Development, dealing with effective rural development

The council has drawn up a set of guidelines and general principles which include many of the political demands made by various business lobbies in recent months

Among them are equality of opportunity, recognition of human dignity, voluntary association and disassociation, re-establishment of the rule of law and the protection of family life

Mr Steyn said the Government had been informed of the creation of the council, which would stress three of the four fundamental issues Bishop Desmond Tutu had set as a pre-condition for peaceful change

- An effective urbanisation policy spelling the end of influx control
- Regional development, making forced removals unnecessary
- Provision of equal education

The fourth, citizenship, is already being addressed by the Government

Mr Steyn said South Africa's future would clearly be decided in the cities Urban development had a crucial role in national economic development The country needed a new approach to urbanisation, accepting it as inevitable

Guidelines are proposed for urbanisation – including freedom of choice of place and standard of residence

'Ignore laws'

SOWETO Civic Association chairman Dr Nthato Motlana has told businessmen that change will come about only when business ignores apartheid laws

He told the FCI conference that, to avoid violent conflict, Nelson Mandela must be released, the African National Council must be unbanned and exiles must be allowed to return

"I believe enlightened businessmen who can match their rhetoric with deeds could also help to bring about peaceful change," said Dr Motlana – Sapa

'Much must change first'

BUILDING Industries Federation of SA president Bob Zylstra says he cannot foresee an economic upturn before political reform.

"The building industry is a victim of the economy and political disturbances," he said

"Confidence in South Africa must be restored before investment capital will be available to the building community.

This places enormous pressure on the industry because of the pressing need to accommodate thousands of people and offer them hope of employment in the future"

Mr Zylstra owns a Pretoria building company, Benstra

US firms 'play well to Sullivan rules'

'Shape up by '87 or we'll ship out, SA'

AMERICAN companies had done much to provide equal opportunities and facilities for all their workers, Rev Leon Sullivan said recently

He was presenting the ninth report on the signatories of the Sullivan principles – the code of employment practice which applies to many American companies in SA

Mr Sullivan, preacher, social activist and member of the board of directors of General Motors, said the report was the most encouraging one since the principles were established Much had been achieved

He warned that unless "statutory apartheid" was ended by May 31 1987, he would demand that all US companies withdraw from SA

He said despite the steep decline in profits on the worst economic recession since the 1930s, US companies had increased their efforts to meet the needs of employees in their communities

"I will continue to demand that US companies do more I will continue to raise the standards of performance higher and higher I will continue to advocate that US companies must shape up or ship out," he said

He said US companies had achieved much

- The 250 "adopted" schools, serving 200 000 students, provided 9 000 scholarships, designed teacher training programs, and established

massive training programs to propel black people into positions previously reserved for whites

- The number of Sullivan signatory companies had grown by 50 percent last year and all but one of the reporting companies had desegregated its facilities
- All but three companies had reported equal pay for equal work and many had taken part in activity aimed at ending apartheid

There was a significant decrease in the number of black people appointed to supervisory positions, he said

Mr Sullivan said he would attend a meeting with signatory companies in a few weeks to discuss a wider implementation of the broadening of the principles

★ What do you think of business? Write to Prospects and let us know – Prospects, City Press, PO Box 57473, Springfield 2137.

We can't abandon SA's people – GM

GENERAL Motors chief Roger Smith, co-chairman of the US Corporate Council on SA, has said in an interview in USA Today that if General Motors quit SA, it would be "abandonment" – not disinvestment.

"I don't think we can abandon the people down there," he said. "That, to me, is not the right thing to do."

Mr Smith said General Motors had about 5 000 employees in SA. In addition, there were dealers whose families and their whole lives were tied up with General Motors.

He thought black workers in SA would be happy if they understood that the corporate council wanted to get them freedom and, at the same time, hold out some promise of a hope of prosperity.

"We understand that there are people down there who have just gone over the red mark on the needle of patience," he said.

"I don't know if we are going to reach those people, but I hope there are people whose mothers, fathers, sons and daughters are looking for a peaceful solution.

"What good is the end of apartheid to a black guy if it just gives him the right to starve to death? "GM is trying to keep SA's business systems and commerce and industry intact because there will still be an enormous problem feeding all the people."

When asked about the depression in the SA economy, Mr Smith said "that problem could be as serious as some of their other problems, so there has got to be a way we can get reform done and come out of it sure that everybody wins".

Business a 'catalyst for reform'

WHEN it announced at its Durban congress that it planned to play the role of a catalyst for negotiation, the Federated Chamber of Industries made a major thrust into the reform process

The FCI claims to represent almost the entire industrial sector and contributes 25 percent to the country's total gross domestic product

It has about 10 000 members, including the biggest corporate names in South Africa – among them Anglo American Industrial Corporation, Rembrandt, Barlow Rand, Barclays Bank, Nedbank, Tiger Oats, Standard Bank and the major oil companies

FCI president John Wilson, Shell's executive chairman, outlined the role he saw for organised business in the reform process in SA

"Business is the business of business and not politics – yet the business community now realises there is an enormous threat to its very existence which can only be removed if fundamental political reforms are made," he said

The time had arrived for business to tell the politicians it wants to play its part in the rebirth of a new and vibrant South Africa, he said

He urged the Government to accept the private sector's bona fides And he asked for active business input into the reform and rebuilding process

Business had to play the role of "catalyst" for reform, he said.

Its role was not as one of the parties sitting at the negotiating table but rather one of helping to identify the various negotiators and getting them together

This involved building consensus in a definition of the rules that would ensure the integrity of the negotiation process and an agreement that the various parties would abide by the outcome of the negotiations.

The business community, as an independent but vitally interested agent, could help to find these terms, which would then have to be agreed to by all parties entering the negotiation process

"We in business have had considerable experience in negotiating the establishment of the new industrial relations structures proposed by the Wiehahn Commission – with very much the same kind of people as will ultimately be around the political negotiating table we are talking about," Mr Wilson said

The business community's major role was to ensure that the feet of all the country's political leaders were placed firmly on the bottom rung of the ladder of negotiation

The action plan to which the FCI was committed includes these key items

★ Identification and circumvention of obstacles in the way of black-white negotiation and power-sharing at all levels

★ Developing a business charter, acceptable to major business sector organisations, which sets out the business view of a just and equitable society in SA

★ Developing strategies for the removal of the remaining statutory cornerstones of apartheid

★ Restoring the right of orderly protest, addressing the grievances of black pupils and promoting the informal sector as a major job creator

'Feed the roots'

AN APPEAL to white businesses not to trade in black areas and instead to improve training for black entrepreneurs was made by broadcaster Justus Tshungu at the Building Industries Federation of SA's annual congress

He said white businessmen should not be given free reign to compete in black areas

"The capital poured into white business will swamp black businesses," he said

"The laws should be amended to give black business better trading opportunities"

He said building and health regulations should be eased and regulations on trading hours be relaxed because more profits were made after hours in black areas

HERE'S A CAREER WITH BITE!

ORAL hygienists are concerned with the promotion of oral health. Their main role is to teach people how to care for their teeth and prevent both tooth decay and gum disease.

The emphasis is on prevention rather than cure.

The oral hygienist works in a dentists's private practice, or under the Health Department in hospitals, clinics, or schools

In private practice or in hospital, the oral hygienist would practise in a room fitted with a dental chair and equipment

The job involves

★ Examining patients and performing diagnostic tests for the dentist

★ Teaching patients how to care for their teeth and advising on diet

★ Cleaning, scaling and polishing teeth

★ Applying substances like flouride and sealants to teeth to help prevent tooth decay

Under the Health Department, oral hygienists may provide guidance on oral health to groups – including school children, parents, teachers and community groups

Their work involves

★ Preparing and distributing educational material on oral health and lecturing to groups

★ Training other health staff in dental education

INTERESTS AND ABILITIES

Oral hygienists must be interested in propagating health education They shuld be able to deal with patients gently but firmly Good co-ordination is necessary as the patient can be hurt if the hygienist is clumsy

ENTRANCE QUALIFICATIONS AND TRAINING

A matric exemption is essential and preference will be given to students with science and maths as pass subjects

A two year diploma is offered at the follwing universities Witwatersrand, Pretoria, Stellenbosch and Western Cape A three year degree (B Oral Hygiene) is offered at Medunsa

WHO TO CONTACT FOR FURTHER INFORMATION

★ Universities

Durban-Westville, Private Bag X54001, Durban

Medunsa, PO Mendunsa, 0204

Pretoria University, Brooklyn, Pretoria, 0001

Stellenbosch University, Private Bag, Stellenbosch, 7600

Western Cape University, Private Bag X17, Bellville

Witwatersrand University, Jan Smuts Ave, Johannesburg

★ Department of Health

★ Oral Hygienist association, c/o The President, PO Box 1266, Pretoria, 0001

Easing the pain...

THE FIRST person you see when you enter a dentist's surgery is probably the dental assistant

This person receives patients, helps to put them at ease and prepares them for dental examination

The dental assistant's duties include clerical work and assisting the dentist with the patients

In the surgery, the dental assistant helps by sterilising and preparing instruments, preparing fillings and impression materials, processing X-rays and assisting in administering local anaesthetics

INTERESTS AND ABILITIES The dental assistant must be efficient to deal with all the administrative work In addition an ability to work with fine instruments and materials is necessary

ENTRANCE REQUIREMENTS AND TRAINING. Matric and a one-year full-time course – offered at the following technikons

★ Cape, PO Box 652, Cape Town, 8000

★ ML Sultan, PO Box 1334, Durban, 4000

★ Pretoria, 420 Church Street, Pretoria, 0002

★ Witwatersrand, PO Box 3293, Johannesburg, 2000

As none of these technikons cater specifically for black students it's best to apply at least three months in advance of the closing date

Dental care

CAREER PROSPECTS deals with careers in dentistry and oral hygiene.

This feature, written by the Education & Information Centre and sponsored by the Anglo American & De Beers Chairman's Fund, is the sixth in the series on careers.

The role of the dentist or oral hygienist is important in maintaining a healthy lifestyle because oral health is linked with general health.

Like many of the health sciences today, dentistry is more concerned with prevention than treatment of disease.

There is more emphasis on the role of people like oral hygienitsts and dental therapists who deal with oral health education and basic oral care.

But before embarking on a career in this field people should consider the following:

★ Do you have the ability to work precisely with your hands in a gentle way?

★ How would you cope with patients who may view you with suspicion and fear?

★ Do you have the ability to communicate reassurance and confidence?

Dental therapists handle about 80% of problems

THE dental therapist also concentrates on preventive dentistry

It is estimated that the dental therapist can handle up to 80% of problems affecting patients

A dental therapist's duties include dental examinations, fillings and extractions, treatment of oral diseases, X-rays and cleaning, and scaling and polishing teeth

INTERESTS AND ABILITIES An interest in health and science is essential Ability to communicate with people, to identify the problems and inform them about treatment or preventive measures is important

A matric exemption with maths and science or biology (preferably biology) is required

FOR FURTHER INFORMATION

● Medunsa or Durban-Westville University

● The Director, Dental Services, Department of Health, Private Bag X88, Pretoria 0001

Art of dentistry

THE DENTAL technician's career is different from others in the dentistry field.

The dental technician is contracted by a dentist to make dental apparatus and other appliances which are used in dentistry and does not have direct contact with patients

The work involves making dentures (false teeth), casting gold fillings, making appropriate orthodontic apparatus (this helps to properly align the patient's teeth), making alterations and restoring dentures

If a patient, for instance, needs a set of false teeth, the dentist will make an impression of the patient's mouth

This impression is used by the dental technician to make a plaster cast for the false teeth, as it shows the shape of the patient's gums

The dentures need to be tested again and again on the patient until there is a perfect fit

The dentures are then fixed to an articulator, which simulates the action of the jaw.

In certain orthodontic treatment such as the process of slowly forcing teeth into their correct postures, the dental technician makes a plate which fits to the palate

By using small screws, springs and wires which are attached to the plate, the teeth are systematically brought into line

Dental technicians work with various substances – gold (for fillings), porcelain, plastics and chrome-cobalt (for some partial dentures).

Much of the work is fine and exacting

ENTRANCE REQUIREMENTS AND TRAINING

A three-year course is offered by Pretoria Tecnikon, Wits Technikon and Western Cape University However, a year working in a laboratory is compulsory before registration with the SA Dental Technicians' Council

Matric with science is necessary and maths and biology are recommended

WHO TO CONTACT FOR FURTHER INFORMATION

Technikons and universities (see lists on this page)

Put your plan into action

IN THE previous article we discussed your business plan.

Now the time has come to implement it, and you have to do your financial calculations

In other words, with the business now well in your mind, you can proceed to quantify your ideas in money terms

You will need to prepare

★ A profit and loss statement
★ A balance sheet
★ A cash flow forecast

The first year should be detailed month by month, with the next year's shown only as annual totals

If you are not sure how to do this, contact the Small Business Development Corporation or your financial advisor.

The financial calculations will confirm the profitability and financial structure of your venture and indicate the cash requirements

Remember, the financial calculations merely reflect the accuracy of the assumption which you make about sales, mark-ups, costs and payment terms, and it's on these assumptions alone that you are evaluating the business

FALL-BACK POSITION:

It is a good idea to do a little contingency planning at this stage to prepare for unexpected disasters

The contingency plan should follow the complete planning exercise described above, including a cash flow statement

BREAKEVEN:

The preparation of a breakeven chart will help you recognise how sensitive the business will be to sudden increases in costs, or to falling sales and mergings

Businesses with a high safety margin before breakeven is reached are much less risky than businesses relying on high volumes to cover high fixed costs

SUMMARY:

★ Be thorough
★ Be realistic
★ Above all, be prepared

SETTING UP THE BUSINESS:

The following checklist should help you with much of the initial work

Financial
Finance applied for
Bank
SBDC
Leasing
Suspensive sale
Insurance arranged
ADMINISTRATIVE
Formation of company
Corporation, etc
Registration as a taxpayer
Registration for PAYE
Registration for GST
Registration for Workmen's Compensation
Registration for Unemployment Insurance
Trading licence
Stationery printed
Telephones installed
Electricity and water connected
PREMISES
Premises selected
Lease negotiated
Furniture and fittings
Selected
Finance arranged
Purchased
Installed
PLANT AND EQUIPMENT
Selected
Finance arranged
Purchased
Installed
STAFF
Organisation chart
Search commenced
Interviews held
Employment confirmed
Training programs
MARKETING
Signage
Pre-opening publicity
Marketing plan and budget
Advertising schedule

Kushlick keeps her word

A HEATED swimming pool was handed over to the children of the Phillip Kushlick School for Black Cerebral Palsied pupils in Diepkloof recently

Eight months ago, the inimitable lady of South African threatre, Taubie Kushlick, promised the children a pool

And true to her word, she succeeded in raising R16 000 after months of personal appearances around the country

She was among the guests at the school on November 1 when the pool was handed over, and watched the cerebral palsied children being helped from their wheelchairs into the new pool by their therapists

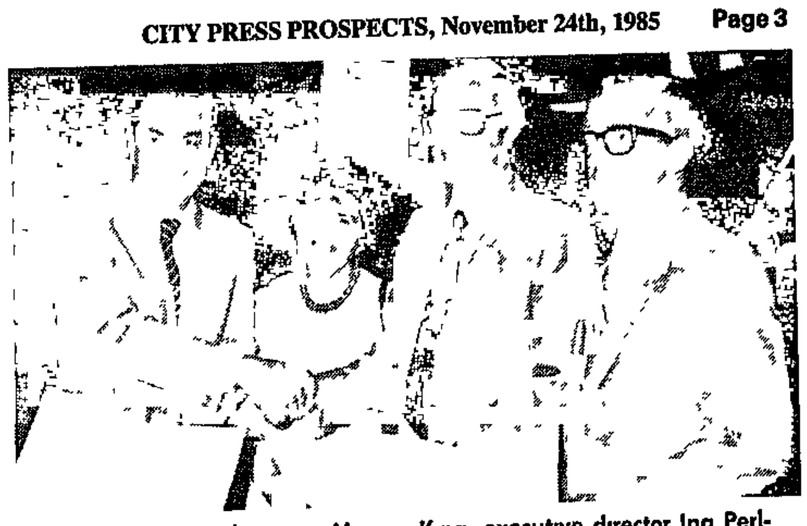
"The culmination of this project means a great deal to me," said Kushlick

"To see these children – many confined to a wheelchair or crutches for life – playing and exercising in the warm waters of their pool, brings me great joy"

The fundraising started in April with the premiere of Kushlick's "Bravo Piaf", when a well-known businessman came up to her after the show and pushed a R5 000 cheque into her pocket

★ **THE TEMBISA Chess Association received R1 880 from Putco to buy chess sets and other equipment. Techa's Mose Nkosi said the association had only four chess sets at first, but now has 75 sets. Part of this money was used to organise a tournament on November 2 and 3 in Tembisa's Rabasotho Hall.**

Funds to help the hungry



Operation Hunger chairman Mervyn King, executive director Ina Perlman, Goldfields general manager Alan Wright and Market Foundation council member Terry Markman

GOLDFIELDS Foundation donated R100 000 to Operation Hunger recently

GF chairman Alan Wright said at the presentation that efforts to overcome the problem of famine had usually been directed towards treating the symptoms

But it was vital to address the causes of the problem at grassroots level, he said

"Poor education, unemployment and population growth are recognised as the major reasons for poor standards of living," he said

"Goldfields is committed to education and training

"However, we believe that parallel with the quest for long-term solutions, for humanitarian reasons one also has to provide some immediate relief"

The Foundation also gave R100 000 to the Free Market Foundation to sponsor an educational audio-visual on free enterprise

Training centre for Bara nurses

Head nursing tutor Rebecca Motsoane (left) demonstrates Bara's new audio-visual machine to Phyllis Somoro, Nonceba Seboa, Sibongile Kumalo, E Dickson and G Tshabalala

A RUSTIC red-brick building on Baragwanath Hospital's sprawling grounds hides some of the world's most sophisticated audio-visual gadgetry for training nurses

The Bell & Howell Communications Centre, housed in an historic nurses' home built in 1940 by Italian war prisoners, was opened this month by US Ambassador Herman Nickel

The centre, described as one of the most advanced training facilities in SA, was painstakingly designed and carved out of the solid masonry that stands as a tribute to the skill of the builders

The centre is the pride and joy of Friends of Baragwanath Trust director Brenda Robson – the driving force behind the trust's structured education programs

"The centre, and the association with Bell & Howell, had its beginnings before the trust was launched in 1983 We started off with a 16mm projector and slide shows as part of the hospital's in-house training scheme," she said

"Bell & Howell's expert technical support and financial backing enabled the trust to launch the full media centre concept soon after its formation We now boast all the most modern facilities, including JVC professional video equipment for editing, reproduction and our own production," said Mrs Robson

The centre will be used for a full range of training programes Mrs Robson said there is a threefold application

★ For training hospital staff who aren't part of any formal program – including cleaners, security staff, drivers and caterers

★ The ongoing training of all qualified staff in community health programs

★ Training the community in every aspect of education, including health, basic business management, career guidance, teenage counselling, international seminars and advanced education

Mrs Robson said as the trust is an independent organisation, the facilities are also available to commerical and industrial organisations in SA

"Companies are welcome to use our facilities and training material in programs designed to improve the quality of life of their employees"

In one of the first courses after the opening of the centre, Soweto taxi drivers will be taught first aid and basic management skills

Pick 'n Pay helps to feed the poor

A CHEQUE of R613 764 – the proceeds of a fundraising campaign at Pick 'n Pay hypermarkets countrywide – has been handed to Operation Hunger by Pick 'n Pay chairman Raymond Ackerman

The ceremony was held at Pick 'n Pay's new Wonderpark hypermarket at Wonderpark in Akasia, Pretoria North

Mr Ackerman handed the cheque to Operation Hunger director Ina Perlman

The money was collected earlier this year in the Hyper Hunger Trek

Teams of runners from 10 hypermarkets set off from their stores pushing trolleys through towns and cities, collecting money and pledges from people.

Mrs Perlman said she had not dreamt that such a large amount would be collected.

10 SABSWA branches get their reward

TEN SA Black Social Workers' Association branches will share R80 000 for participating in the SA Breweries Community Projects Award scheme

At SABSWA's annual congress in Pretoria recently, it was decided all branches will share the money Originally the scheme, aimed at instilling a self-help attitude in the community, offered two awards of R30 000 and two of R10 000 for community development projects of an educational, health or welfare nature in rural and urban areas

But, says SABSWA community projects co-ordinator Mabel Rantla, "because of what we've learnt from each project, each branch is a winner in its own right" "So we've decided to distribute the money among the participating branches"

The SABSWA projects ranged from taking beggars off the street and sending them back to school or work, to the building of a clinic

Each was assessed on the commitment of the branches to community upliftment, their knowledge of community needs, the ability to satisfy those needs, the ability to draw up an annual operating plan, management reporting and the self-sustainability of the projects

Stroke of luck

PLANS FOR a new country club in Daveyton have been announced by golfer Gary Player, Daveyton Council chairman Alfred Mathope and mayor Tom Boya

Player has been the major consultant of the project which, the council claims, will develop facilities unequalled in any township

The plans include building an 18-hole golf course, a swimming pool, tennis courts, a jogging trail and an all-purpose clubhouse

Draughting for the jobless

ENGINEERING Management Services Limited, a wholly owned subsidiary of Murray & Roberts Limited, has been granted approval under the new training scheme to train unemployed persons in draughting

Successful applicants receive their training FREE and are also paid special allowances

Interested parties are advised to enquire at their nearest Department of Manpower offices, or write to
G Cooke,
Training Officer,
PO Box 585,
Bedfordview
2008
☎ 53-9030

Entry qualifications of Std 8 are acceptable, but matric with maths and science will be given priority

Trainees receive an in-depth grounding in draughting, which is an excellent foundation for building a positive future career

Trainees are advised and helped with supplementary subject studies to enable them to further their careers

Each trainee receives a qualification certificate after successfully completing their training

EMS Ltd does not guarantee employment after training, but will help by advising on how to look for a job

Housing delay

ONLY 38 000 houses have been sold since the Government started its "mass sale" of 520 000 houses throughout the country three years ago under the 99-year leasehold scheme

Urban Councils' Association vice-president Tom Boya, also the mayor of Daveyton, says the delay in selling the houses was the result of the Government's delay in completing the surveying of all the properties

He said 266 000 of the 520 000 houses had been surveyed for sale under the scheme

Salvation Army to the rescue

THE Salvation Army Red Shield raised R14 159 for the building of two classrooms at Bethanie Girl's School near Phomolong station

The Jabavu Creche will receive R300 and R100 will go to the Salvation Army Central Division for the distribution of food parcels

The fund-raising drive ended earlier this month

Back on the job

BY NEXT March between 120 000 and 150 000 unemployed people will have received a basic training through the Department of Manpower's R50-million training program

In an "overwhelming" response, over 100 businesses have signed contracts for training unemployed workers, Manpower Director-General Piet van der Merwe said

Applications for more contracts continue to arrive

Despite the recession many trainees have found jobs almost immediately after completing their training

"The courses and communication with other workers also build morale," said Mr Van der Merwe

"Apart from the skills they learn, the courses and communication with other workers build morale"

The training program is part of the Government's R600-million scheme to counter unemployment

How to teach

TO HELP teachers come to grips with their everyday problems in class, Funda's Teachers In Training Centre runs a series of workshops for them

"Among our projects are the Soweto Senior School English Research, Maths, Science and Education Centre, the Part-time University Students' Association and the Black Students' Study Project," says director Klaus Bruck

Except for Patusa, he says, the projects are designed to solve the many technical problems teachers have in teaching – such as subject methodology and classroom presentation

The approach is school-based and employs workshop techniques rather than lectures, he says

"Pupils, especially younger ones, need guidance and non-formal education to have the skills to learn and express themselves properly

"And unless the teacher constantly has refresher training to cope with these demands, she won't develop professional confidence and competence," says Mr Bruck

Mr Bruck's memorandum on education and in-service training received a favourable response from the Department of Education and Training in 1977

DET has since approved his advisory activity in Soweto education and accommodated his science and biology projects in schools and colleges

The centre has over 2 000 high school teachers who attend English, maths, general science and biology lessons during all school terms

There are also weekly courses for primary school teachers

The centre has about 35 active tutors, some on a temporary basis

Further information can be obtained at Funda, opposite St John's Eye Hospital near Bara in Diepkloof ☎ 933-2421

R4,5-million training centre for Alexandra

ALEXANDRA is to get a new R4,5-million technical training institute, to be sponsored by business and a newspaper

The project, planned to be completed in 1986, has been announced by the Uplift Alexandra Joint Sub-committee

The institute will have a technical orientation centre, a technical high school and a technical college where students will study trade skills, commercial subjects and computer science

There will be 16 classrooms, six technical drawing rooms, two laboratories, about 20 workshops and a library

The project was designed in consultation with the Department of Education and Training, which will equip, staff and manage the institute

Alexandra mayor Sam Buti said the project was an example of "liberation through development" He said training facilities were urgently needed now People couldn't wait another decade

The institute would mean social and economic progress in Alexandra and neighbouring communities

The Star's Teach Fund contributed R100 000 Several Johannesburg Rotary clubs, comprised of business and professional men, are aiding the project

For more information, phone Rev Buti at ☎786-2710

Apply to Unisa soon

STUDENTS who plan to study at Unisa next year must register between December 13 and January 31

Inquiries can be made at

Durban (031) 301-1737/8

Cape Town (021) 25-1523

Pietersburg (01521) 72034

Pretoria (012) 429-2652 or 429-2663 for post-graduate degrees, and 429-2599 or 429-2590 for under-graduate degrees

Nhlapo College needs students

THE R4-million Lazarus Nhlapo Technical College at Tembisa in Kempton Park is looking for students

The college has 14 students – nine are on trade training courses and the rest studying commercial subjects Principal Evert Grobbelaar is appealing to students to start enrolling now for next year Application forms can be obtained from the college or by contacting ☎(011) 925-1005

The college was established to train students who wish to pursue a technical or commercial career

What business sows in a society, it will reap again

SOCIAL responsibility programs have become a major feature of the exhibits of major South African companies.

Many companies run their programs through their corporate management but some, like Anglo-American, have a special management fund for this purpose.

The Anglo-American & De Beers Chairman's Fund has long existed and has funded a variety of projects.

This is the first of series of articles about the fund.

THERE are many definitions of social responsibility, some more illuminating than others.

The one I prefer comes from former US Securities and Exchange Commission member AA Sommer, who defines it crisply as meaning that a corporation "voluntarily expends its resources to do something not required by law, and without immediate economic benefits".

A definition, of course, is not a justification

The case for doing something that brings no immediate financial return is that an investment in the future well-being of your society and of your country must, in the long run, benefit your business

If we believe in a private enterprise system we must believe private initiative has a part to play in the welfare, education and culture of society as well as in business

Without corporate support this rule can't be applied and society's progress will suffer as a result

So will society's awareness of and regard for the potential of private enterprise and individual initiative – to the obvious detriment of the whole private sector

Management's first obligation is to run a profitable business that meets customers' needs as efficiently and honestly as it can, pays good wages and offers satisfying opportunities to employees

If it passes that test it's serving its shareholders, its community and society There has always been a social responsibility, but the making of profits comes first

In 1972 Anglo American Corporation, dissatisfied with the progress made in improving the wages and opportunities of black employees, issued a statement of policy designed to accelerate the pace of change

It was signed by chairman HF Oppenheimer on behalf of the executive committee and ended with these words

"In approaching all these matters it should never be forgotten that the process which above all others can improve the conditions of low-paid workers is economic growth, with the consequent multiplication of employment opportunities

"Similarly, in an individual enterprise the condition most favourable to any form of improvement in labour conditions is one of expansion

"It follows that the continued endeavour to run all our enterprises in the most efficient and profitable manner possible, far from being in conflict with the desire to improve the conditions of the poorer section of our community, is in direct support of it, hence efficient and profitable operation, while not being our only objective, remains our principal objective"

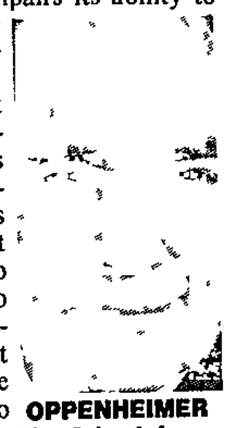
In fulfilling their social responsibility all businesses have in common the long-term goal of creating wealth

There are some who assert that "profitable and efficient operation" defines the entire responsibility

Milton Friedman said "all business firms serve society best by trying to earn the greatest return possible within the existing legal and ethical framework" He concluded that nothing would destroy the private enterprise system more than a real acceptance of the social responsibility doctrine

This statement is not fully acceptable – surely a middle way can be found

There must naturally be a limit to the cost and extent of a corporation's social responsibilities Peter Drucker is clearly right in defining that as the point at which the resources a company expends on social goals impairs its ability to fulfil its economic purpose



OPPENHEIMER 'Social role'

The most obvious example arises when a company goes bankrupt It then ceases to be able to serve its customers, it ceases to be able to do aything for its employees, it ceases to pay any taxes, and if nobody can be found to take it over much of its capital plant may be lost, involving an actual destruction of wealth

No peripheral service which a company could offer to society would compensate for the damage it does to society if it is losses – not profits – that result

The limitations on what companies can do in pursuing their social responsibility are not only considerations of self-interest, but also prime considerations of social responsibility

It's not easy to accurately measure the effect a company's pursuit of social responsibilities may be having on its profits

When we read the social reports of a number of leading companies we were impressed by the extent and variety of their social involvement, and perplexed as to how the company satisfies itself – as it surely must – that these multifarious activities are not interfering with its prime function

Boards of directors are not indifferent to, or casual about, their financial responsibility, and therefore are unlikely to sanction expenditure which seems unjustifiable in the pursuit of social aims

The danger a board must be alert to is a gradual, insidious dissipation of management's energy that's only indirectly and imperfectly reflected in the profit and loss account

How much should one invest?

In Anglo American we are never sure we have arrived at the "right" ratio between profits and corporate giving, and recent experience with the gold price has convinced us the sum to be given should not be determined too precisely by what the preceding year's profits happened to be

Need tends to increase in a recession – when a company usually is least able to help more – and vice versa

We now effectively average our expenditure, taking one year with another, not by abandoning the ratio but by spending less in good years than we have available, in order to have more to spend in the bad

However your sums are arrived at, you would be wise to resist the notion fashionable among many good people that business, to make up for the sins of capitalism in the past, has a moral duty to pay high rates of taxes and assume a high level of social responsibility in financial terms

The notion is dishonest, corrosive and ultimately destructive of both the will and ability of business to exercise social responsibility in all but the narrowest terms

Where the Government sets out to provide an elaborate welfare system, companies make their contributions to this through the tax they pay and they can't be expected to make the same contributions over again voluntarily

Where the Government does not make such provision companies can and should do more – but underdeveloped countries have less elaborate welfare systems than developed ones primarily because they do not have the necessary resources, and there's no way private enterprise can do in this field what a Government finds impossible

Corporate giving is precisely the other way around – it stems from a recognition of the inevitable limitations on state activity

Whether the network of social services provided by the state is more or less comprehensive, it still carries the hall-marks and shortcomings of bureaucracy – rigidity, slowness, uniformity and insensitivity

Above all, the state system is unlikely to inspire, let alone act upon, the imaginative, "way-out" means of tackling a social problem that a private organisation could conceive Obviously the emphasis will depend on the conditions of the society in which the company operates

In a very underdeveloped society the greatest need may be for health services, at a higher level, for education and training, and in highly developed societies the emphasis may be mainly on the arts

But whatever the condition of the society, a wide area of choice will remain

Break new ground, don't be afraid of setting precendents, do your own thing

Above all, establish the principle that social responsibility concerns the whole company, not just management and the responsible department, and that it requires more than giving money

BIG BRIDGE OVER SMALL TROUBLES ...

THE SBDC has invested R30-million in the existing Small Business Aid Fund.

This is aimed at providing bridging finance to small business experiencing financial problems of a short term nature, caused by exceptional economic measures or other adverse situations.

The Aid Fund was established in March with a R30-million grant from the State

SBDC managing director Ben Vosloo said the Fund would have been exhausted by the end of October and this R30-million injection can now keep it alive until the end of this financial year

The SBDC is currently granting loans at a rate of R1-million per week, and estimates that already 12 500 small businesses have been saved through this aid fund

Financial assistance from this fund is considered for any deserving small business in the industrial, commercial and service sectors which comply with certain requirements

The business must be considered to be financially viable in the long term, and the financial assistance may be required by the restructuring of businesses, for instance changes of product lines due to the adverse economic situation

The SBCD views it as important that the business must be an active employer, and the number of employees at risk is an important factor in the evaluation of borderline applicants

The continued existence of the business must make a cumulative contribution to economic development in the local community, for example, businesses that by their failure could cause a negative chain reaction will be looked at sympathetically

All the normal criteria will still apply, as in the past, to businesses applying for finance through their bank managers

This means that

★ The client must have exhausted all normal financing facilities in the open market

★ The business must be owned and managed independently

★ In the case of companies or closed corporations, assistance will only be provided where owners or shareholders have provided personal guarantees

★ The gross assets should not exceed R750 000

★ Speculative transactions will not qualify for assistance

★ The applicant should have a bank or savings account available

★ Financing of farming activities can only be considered where products are processed for marketing purposes

★ Replacement financing will only be considered as a last resort where the continued existence of the undertaking must be secured and where existing securities can be transferred to the SBDC

★ Facilities in excess of R50 000 can only be provided in exceptional circumstances

"It is clear to us that the need to safeguard existing jobs is as important as creating new employment," said Dr Vosloo

"The Small Business Aid Fund has been successful in this regard during the past seven months of its existence, and we are determined to apply these new funds as efficiently as in the past

"Since this is a revolving fund we are confident that it will still play a major role in assisting small businesses in the future," said Dr Vosloo

Contact Francois Baird at ☎(011) 643 7351

Built to build

THE SBDC wishes to stimulate small builders, says managing director Ben Vosloo.

And R10-million has been allocated to the Small Builders' Bridging Fund, to provide finance and training to small builders for upgrading existing housing stock.

The fund will provide bridging finance to small builders who are unable to obtain financing in the open market.

The maximum loan amount is R20 000 per building unit at 15 percent interest rate.

Contact Francois Baird (011) 643-7351.

Start up small with the SBDC

THE SMALL Business Start-up Fund is a R25-million program aimed at providing finance to enable more entrepreneurs to start up small businesses

The purpose of this fund is to provide for the special requirements of new viable small businesses A new small business is defined as a first venture of a specific kind by an entrepreneur

Funds may be used for buildings, working capital, machinery and establishment costs

The maximum loan granted under this program is R300 000 to be paid over a 10-year period To avoid a negative cashflow situation during the formative years, capital repayments will be deferred and interest rates will be low for an initial period

New manufacturing businesses can be given a moratorium on capital repayments for a period of up to four years Interest rates will be 10 percent per annum during this time

Contact Francois Baird (011) 643-7351

4 FOR MORE

THE SMALL Business Development Corporation has announced four new programs aimed at creating jobs and safeguarding existing jobs in the small business sector

SBDC managing director Ben Vosloo said the Entrepreneurship Training and Development Fund, the Small Builders' Bridging Fund and the Small Business Start-up Fund are aimed at creating jobs

And the R30-million invested in the Small Business Aid Fund is aimed at safeguarding existing jobs

The Entrepreneurship Training and Development Fund has been allocated R10-million

The program provides for cluster industry workshops, industrial hotel workshops, small business clinics and buyers and sellers' exchanges to be established in areas where the need is the greatest

The first has already been established in Port Elizabeth and the SBDC is now looking at Soweto and possibly Bloemfontein, Durban and the Western Cape

"Similar to the pilot project in Port Elizabeth, our idea is to convert already existing factory space at minimum cost and in the shortest possible time, to cluster industry workshops where potential entrepreneurs can actively enter the market with a minimum of formality," says Dr Vosloo

"Technical and management advice will be available to upgrade the entrepreneurs' skills

"These centres are nurseries where entrepreneurs can develop, to later move into the more formal business sector," says Dr Vosloo

★ New viable small businesses in the commercial and service sectors can be granted a moratorium on capital repayments for up to two years The interest rate will be 10 percent per annum

At the end of the respective periods, interest will be adjusted to the SBDC minimum rate

The emphasis in this program is on the creation of work opportunities, import substitution and export promotion

Contact Francois Baird (011) 632-7351

This page is sponsored by CONTROL DATA

Success in business

SHRINKAGE

A thief which quietly nibbles away shopkeepers' profits

IN THIS edition we will concentrate on a challenge which faces most businessmen, and shopowners in particular

There are many successful stores which should be making more profits but which, to the dismay of the shopkeepers, are not

Fourie Mbele wrote to us recently

"I have a good retail store in Duduza The mark-up on my goods is sufficient and I have a steady flow of customers

"What I cannot understand is that my business is not making the profits it should Could you please help me to find the problem and how to solve it?"

Mr Mbele's problem could well be that of "shrinkage", as his business seems sound in most aspects.

"Shrinkage" can best be described as "loss of revenue" on goods This occurs so subtly that most shopkeepers are seldom aware of it happening.

It can cost a business a lot of money because it eats away its profits

Shrinkage is caused either by theft or damage to goods

The most important cause, however, and perhaps the most difficult to solve, is theft

Theft can be committed by either your staff, your customers, or by the people who deliver your stock

Both customers and staff can consume items in your shop, without you being aware of this happening

The best way to prevent this is to make consumable goods such as cakes, drinks or fruit less accessible

Package these items or display them in supervised areas, for example

Another cause of theft which happens often and is very difficult to recognise is a conspiracy between a staff member and a customer

For example, a staff member may have a friend or relative who shops at your store

With the help of a till operator (staff member), the friend or relative (customer) will buy, for example, three tins of baked beans

The till operator will "ring up" only two tins of beans, allowing the extra tin to pass through "free"

This extra "free" tin of beans may not sound much, but when this occurs regularly and especially with higher priced items, the loss to the business can be extensive

There is no easy solution to a conspiracy, but the best advice to you is to create an awareness in all your customers to insist on cash slips

This really acts as a deterrent In other words, you are creating the impression that you are aware that a conspiracy could occur and you are "keeping an eye open"

"Price changing" used to be a favourite form of theft A customer would change the price of an item, or swop the price ticket with a cheaper item, before checking out at the till

This seldom happens these days, mainly due to the new multi-part gummed labels that are being used

Shoplifting, however, remains a major form of theft This is best solved by placing mirrors in strategic places in your store and by continually walking around the store

A good tip in identifying a possible shoplifter is to notice customers wearing inappropriate clothing – worn especially to conceal stolen items – for example an overcoat on a sunny day

People employed by the company to deliver new stock to your store are also able to steal from you

This can happen in two different ways They can deliver only part of the stock ordered, keeping the other part to sell for themselves

Or they can deliver the total consignment of goods but, while they are delivering the new stock, steal other items from your storeroom

The best solution to this is to ensure that the goods are thoroughly checked on arrival and that only one particular area is used for delivery purposes

The other cause of "shrinkage" is damage to goods. This generally happens during delivery when staff or delivery persons handle new stock negligently

Damage to goods may be solved by telling your staff how much it costs the business when items are damaged unnecessarily and, secondly, by setting aside a neat and tidy area for storage

COMMENTARY:

Perhaps the most valuable action for any store owner is to create an awareness among your staff, customers and delivery personnel that you are constantly aware of the problem of "shrinkage" and you are "keeping an eye open"

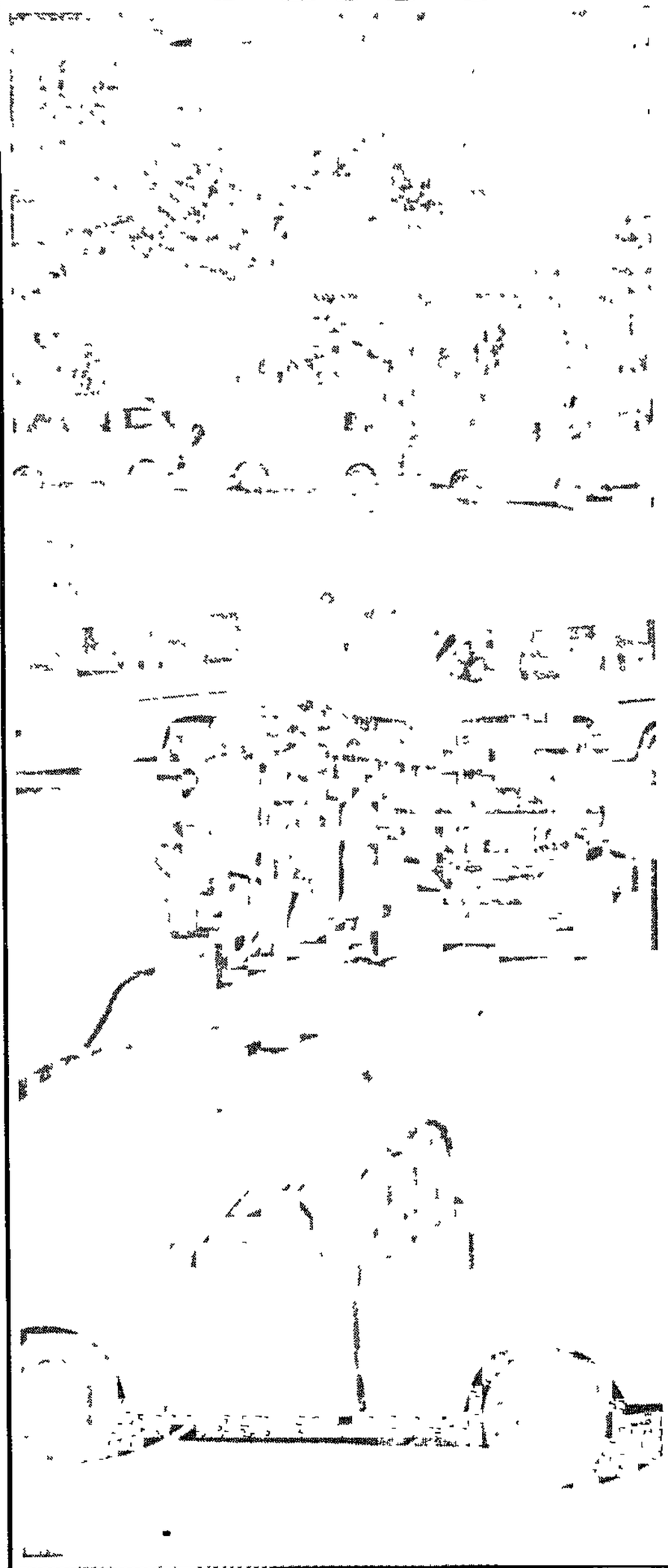
Finally, do remember that the image you wish to create is that of a "caring" shopowner and a person who is aware of what is happening at all times, rather than a shopkeeper with the aim of "catching people out"

★ A series on how to succeed in business – by Phil Khumalo, lecturer and consultant at Wits Business Schools

★ Please write to: Phil Khumalo, Centre for Developing Business, P O Box 31170, Braamfontein 2170.

PROSPECTS wants your views about business and commerce.
How do you see them as employers; how do their operations affect you; how do you rate their business practices?
PROSPECTS is your special means of communication with business.
In the same way that business is using PROSPECTS to communicate with people, so you have the opportunity of airing your views about business.
Write to Reader's Views, PROSPECTS, PO Box 3413, Johannesburg 2 000.

PROSPECTS



Operating a taxi

★ Dear Adviser,
I am searching for a place which issues taxi licences What qualifications must the driver and the vehicle have? When must I apply?
Taxi Man
Johannesburg

★ Dear Adviser
I want to be a taxi man Where can I apply for a licence?
Cool Cat
Witbank

★ Dear Adviser,
I am 22 and have passed Std 9 I want to get a taxi licence How can I go about it?
Worried Max
Ermelo

★ Dear Adviser,
I am 23 and want to be a taxi man Where can I get information about this job?
D Gama
Malelane

Dear Taxi Men,
There are three steps to operating a taxi:

- **The driver must have a valid public service permit. This is issued by the local municipal licencing department and has to be renewed every year.**
- **The vehicle must have a permit to operate as a taxi or a bus. This permit is issued by the Road Transportation Board. A taxi permit is issued to vehicles carrying up to eight passengers and a bus permit is issued to vehicles carrying nine or more. The cost is R10 per year or R100 for an indefinite permit. They are issued on July 1 and expire the following year on June 20.**

The address of the Road Transportation Board is listed in the Government section at the back of the telephone directory under "Transport".

- **The vehicle must have a valid certificate of fitness from the local traffic department. This cer-**

This column is sponsored by

Retirement plan for domestics

THE NATAL Building Society is offering a useful retirement plan for all domestic workers over the age of 16

HOW IT WORKS

Every month, the domestic worker must save a certain amount of money with the NBS The smallest amount she can save is R5

She also pays a little bit extra for insurance, because a life insurance policy is included in the plan

When the domestic worker stops working – usually at the age of about 55 or 60 years – she will have enough money saved to provide her with a regular monthly income for the rest of her life

She can also decide to withdraw a lot of the money (if she wants to buy a house, for example) There will then be less money available for her regular monthly income

The good thing about saving this way is that the NBS will pay interest on your money

LIFE INSURANCE

The NBS Domestic Workers Plan includes an insurance scheme as well

So, when you die, your family will receive quite a lot of money If you decide to save R3 000 with the NBS, your life will be insured for R3 000 as well

NEW JOBS?

If you lose your job, or resign, you do not lose out on the savings scheme – the account is in your name and has nothing to do with your employer

If you lose your job because of illness or some other hardship, the NBS will let you skip payments for six months

Your life insurance policy will be paid out if you die during this time

CAN'T WORK?

If you have a terrible accident, or become too sick to ever work again, the NBS will pay you back all the money in your account, with the interest your money has earned

If you have been saving for three years or longer, the NBS will pay you back all that money – with interest

If you have been saving for less than three years, the NBS will pay you back all the money, with interest, exactly three years from the time you began saving with them

★ TEENAGE singing star Yvonne Chaka Chaka has won the Autumn Harvest Music Personality Award and a cash prize of R500.

The competition judges said she had a "bubbling, effervescent stage personality".

Chatsworth 'neglect' disappoints Dookie

16/11/85 Mercury

Mercury Reporter

THE Minister of Local Government, Housing and Agriculture in the House of Delegates, Mr Baldeo Dookie, accompanied officials of the Durban City Council on an inspection tour of Merebank and Chatsworth yesterday to look at community facilities

Speaking at a luncheon after the tour, he said he was disappointed with the development of Chatsworth

'It is not up to expectations More funds will have to be made available to improve community facilities in the area'

He said the neglect of the area could trigger off unrest and dissatisfaction among the community and could create ill-feeling between the community and the Durban City Council

'When one gets out of one's house and sees all the bush in the surrounding council-owned land, one will naturally get frustrated and build a hatred towards the City Council,' he said, adding that some of the council-owned land had been lying idle for more than 20 years

Mr Monty Limalia, chairman of the Southern Durban Indian Local Affairs Committee, who organised the tour, said a number of issues concerning the Indian community remained unresolved and needed the attention of the minister

'For years we have been asking the council to develop Treasure Beach for the residents of Merebank, but our pleas have fallen on deaf ears

'We also pointed out to the minister the vast tracts of vacant land in parts of Chatsworth which could be developed to help ease the big housing shortage for the community

'We hope that Mr Dookie will intervene and speed up the development of these areas'

Mr R A Padayachee, vice-chairman of the LAC, pointed out what he described as an illegal bus depot at the plush Mobeni Heights suburb He said council officials had previously promised to have the buses removed

25 percent increase for some shopworkers

R 16/11/85 (132)

Finance Editor

MINIMUM wage scales for shopworkers are to rise on average by 25 percent on December 1 from the previous scales laid down in November 1983, and a further 10 percent rise is due on December 1, 1986

This does not mean that all shopworkers will get the same rise, as their present rate may be above the minimums laid down

Another change is that the wage determination does not apply to employers with less than five workers and does not apply for the first year of establishment of any employer In the second year for these employers the determination minimums may be cut by up to 10 percent.

The determination provides for a slightly lower wage for general assistants in the first six months of their employ

Mercury

Increases have been made in transport, subsistence, waterproof clothing, laundry and 'overtime' meal allowances, and the ceiling for overtime has been lifted

Commenting on the changes, the Durban Metropolitan Chamber of Commerce said the changes seemed designed to give relief to small businessmen and to those opening new businesses during the initial stages when overheads and capital expenditure were high

Law on domestics 'primitive'

26/4/88 Mercury

B2

Pietermaritzburg Bureau

THE time had come for the courts to decide about the reinstatement of illegally dismissed domestic workers, who were inadequately protected by law, Pietermaritzburg attorney Pat Stilwell said here.

Speaking at a South African Domestic Workers' Association meeting of employers and employees, Mr Stilwell, who has researched the law affecting domestic workers, called for domestic workers to be included under the Unemployment Insurance Act, Workmen's Compensation Act and Basic Conditions of Employment Act

'Most contracts between the employer and the domestic worker are verbal ones in which important parts of the contract are not discussed, such as holidays, sick leave and working conditions,' he said

The courts should decide about the reinstatement of domestic workers, who were protected only by a 'primitive' code of law

Under common law, the employer was obliged to pay an agreed salary, provide 'safe' working conditions and no 'unreasonable demands' were to be made on an employee

Conditions

Unlike other workers, the law did not provide a minimum wage or sick leave for domestic workers, and there were no stipulated conditions such as daily and weekly hours, overtime and meal intervals

He said an employer could not make any deduction from the domestic worker's wage, without the person's permission, for breakages or any financial loss caused by the worker

The only way an employer could be compensated for financial loss was to sue the domestic worker

Some immediate things which could be done to improve the lot of the domestic worker included a written contract, which could be obtained from the domestic workers' association, between the employer and employee and for newspapers to print the contract for employers to cut out and sign, he said

Hours

In reply to a question from one of four employers who attended the meeting, Mr Stilwell said that if an employer could not pay the recommended wage, the worker should be given shorter hours

The association recommends that an unskilled domestic employee working an eight-hour day, five days week, should be paid R150 a month An experienced worker should be paid R200 a month

At a similar meeting in Durban more than 300 members of the South African Domestic Workers' Association were angered by the poor attendance of employers

The association's national organiser, Mrs Mary Mkhwanazi, said 'We hoped employers were going to turn up in great numbers and we wanted to negotiate with them But employers do not understand the language of negotiation'

Discrimination

The association had posted 800 letters to domestic employers, inviting them to bring their workers with them to find 'the missing link' between workers and employers

Only six employers attended the meeting Only three sent apologies.

Mrs Mkhwanazi said the exclusion of domestic workers from labour legislation was discrimination of the first order.

She said they were not recognised as workers but as a work unit

'Domestic workers and farm workers were the first to be employed by whites in South Africa, but to date they are still excluded from the country's labour legislation'

Employers were using this exclusion to exploit the unprotected domestic worker

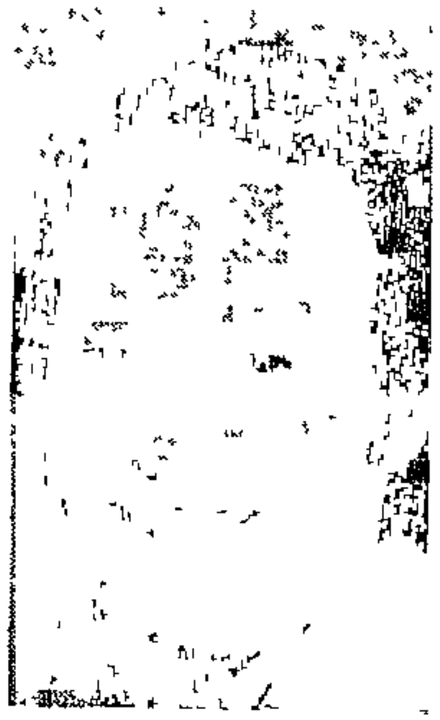
The fight for recognition of domestic workers under labour legislation was on

Business Report

THURSDAY, NOVEMBER 28, 1985

CAPE TIMES 28/11/85

Recovery must mean higher inflation — Kantor



Prof Brian Kantor

By AUDREY D'ANGELO

THE strong recovery of prices on the Johannesburg Stock Exchange and of the financial rand are signs that confidence in the long-term future of the economy is returning, Professor Brian Kantor of the University of Cape Town said yesterday

Speaking to the Cape Town South African-German Chamber of Commerce and Industry, he said that although the economy was very weak it was unlikely to weaken further

"It is very important to understand that the higher rates of inflation to which the economy will be subject over the next two years will be the effect of the weak rand

"The economy will recover as wages and salaries catch up with prices

"It will be quite wrong to regard the increases in wages and salaries that will accompany recovery as the cause of inflation

"Over the next two years they will be the effect of the recovery of the economy, which is to be welcomed and encouraged"

Professor Kantor said the problem in South Africa now was "too little spending rather than too much, too much saving rather than too much investment

"What needs to be done for the economy right now is to get spending up, without permanently increasing government's share of the economy"

He said the authorities had correctly decided to give priority to the recovery of the economy rather than "attempt to squeeze any more of an export surplus

"Any such attempts would have been surely counter-productive in that they would have meant a still weaker economy and one more vulnerable to unrest and withdrawals of capital and skills"

But in order to keep South Africa's trade and financial links with the outside world there must also be "a process of political reform that removes, in the first instance, racial discrimination and secondly, that allows blacks to participate much more closely in the process of government

"This means a lot less than one man, one vote but a lot more participation and a lot more sympathetic government"

The South African Government was clearly seeking black participation but finding it difficult to achieve on its own terms

"In encouraging effective participation, perhaps something can be learnt from recent developments in labour relations"

The emergent black trade unions had been regarded as a threat because they were highly radical But this radicalism had been disciplined by economic self-interest

"Economic realities have imposed themselves, while at the same time channels of communication between workers and firms have been kept open

Pointing out that the participation of blacks in local and regional government could bring great benefits to the governed — particularly if the powers of local authorities were extended to education — Profesor Kantor said "The problem, of course, is to encourage credible black participation."

Sullivan civil disobedience call

SIMON BARBER

WASHINGTON — The Reverend Leon Sullivan called on Tuesday on US firms to practice "civil disobedience" in SA and demanded a total boycott of SA if "grand apartheid" was not eliminated by May 1987

The Philadelphia preacher issued his new ultimatum at a meeting of Sullivan Code signatories in New York

Sullivan said he would be joining the State Department's "special advisory committee" on SA, which is being formed under President Reagan's September 9 executive order

Details of the meeting were published in yesterday's *Washington Times*, which decided to sign the code because it maintains a staff correspondent in SA

"I call on you to practice corporate civil disobedience and to use the full strength of your company legal departments to challenge existing laws," Sullivan said

As an example, he urged firms to open all housing under their control to black employees and their families, regardless of location

TRADE UNIONISTS LIVING IN FEAR

POLICE have apparently cracked down on trade union leaders and some are believed to have gone into hiding following the launching of the consumer boycott in Pietersburg.

Ms Geralding Popedi, an administrator of the South African Allied Workers Union (Saawu) yesterday claimed she was questioned for several hours by the Security Police about the union's activities and the consumer boycott before she was allowed to go

Three unionists — Mr Alfred Mokeleng, Saawu's Northern Transvaal organiser, Mr Elias Nong, of the Commercial Catering and Allied Workers Union (Ccawusa), and Mr Ephraim Lekganyane of Saawu, are worried after Security Police demanded to see them at their offices in Pietersburg this week

Hiding

Several other unionists and members of political organisations, including the Azanian People's Organisation (Azapo) and the United Democratic Front (UDF) are in hiding

The Police Public Relations Division for the SAP in Pretoria said "We do not see our way clear to comment on routine police investigations. Enquiries take place every day, and you must appreciate that it will be impossible to comment on them all"

After move to boycott shops

SOWETAN 5/12/85

The consumer boycott of white-owned shops in Pietersburg was started in November

Although the organisers of the boycott claim it is gaining momentum, the secretary of the Pietersburg Chamber of Commerce, Mr L Searle, has contended that the boycott has very minimal effects

Mr Searle said pamphlets were distributed in the area last month, but said members have reported no effect whatsoever

"Business is slack in the area because of the current economic recession and one is unable to say it is due to the boycott," he added

The general secretary of the Black General Workers Union, Mr Harold Madikoto, who was released from detention recently, said police visits to union offices have "almost become our daily bread"

He was detained for 14 days under Section 52 of the Internal Security Act

Major shift in of black trade unions

WITH THE majority of the black population in South Africa under the age of 25 and growing, the future industrial and commercial work-force will be younger, more educated and more politicised, according to industrial-relations consultant Gavin Brown.

Mariah Vengtas

Labour Reporter

In his latest book on industrial relations in South Africa since 1979 he said that the ability of the economy to absorb this 'explosion of black youth' through to the 21st century was seriously doubted by many and would have a major impact on the social, political and economic structure of South Africa

His views have been echoed by the launch last week of South Africa's newest and most powerful trade-union federation which collectively represents more than 500 000 workers from a wide spectrum of the economic fabric

The launch of the Congress of South African Trade Unions, Cosatu, which is committed to a militant stand against apartheid, marks a major shift in the role of South Africa's emergent black unions

Federation

The best organised of the country's new black unions, granted legal recognition only over the past six years, have so far concentrated on improving pay and working conditions in battles with individual employers

But after four years of heated discussions they have agreed to join forces with loosely based, politically orientated general unions in forming South Africa's biggest-ever labour federation, pledged to mounting a tough challenge to the Government.

Cosatu decided at its weekend launching conference in Durban to use the political muscle of its affiliated unionists to fight apartheid and to campaign for the nationalisation of major industries

In his book *Hard Labour*, just published, Mr Brown said that although it was likely that black union growth would continue into the 1980s and beyond the trend obviously could not continue indefinitely

'Similarly, as the labour movement matures and greater bargaining skills are developed on the shop floor the trends in regard to strike action can be expected to change

'Against this must be weighed the inevitable political connotation that attaches to South African strikes in an environment where black workers have no other credible avenue to pursue socio-political objectives

'Perhaps until these avenues are created South Africa will continue to defy the more classic international expectations of industrial relations'

Cosatu is committed to merging its 34 affiliates into 11 industry-based unions and it set itself a six-month target to achieve this

About 200 000 workers in black-consciousness federations have refused to join Cosatu because of its commitment to non-racialism

In practice this merely means that Cosatu can keep on the white activists who have played a major role in planning shop-floor organisation and passing on negotiating techniques to black workers who have limited educational opportunities under apartheid

Weakening

White workers are linked in the 100 000-strong Right-wing South African Confederation of Labour Associations, while about 300 000 workers are left in the weakening Trade Union Council of South Africa, which takes 'a centrist line'.

Mr Brown said that by mid-1985 it was obvious that the labour revolution had entered puberty and that an important phase in South African industrial relations was coming to an end

A new maturity was evident in the strategy and tactics of employers and unions alike The formation of new unions had slowed considerably from the heady days of 1979/80 and many employers were displaying a measure of skill and confidence in the collective bargaining process, he said

There were very few employers in the country for whom dealing with a strike was still a theoretical exercise

Against a backgroung of drought, an economy in deep recession, rising civil unrest and a certain loosening of the apartheid system it seemed certain that the South African trade-union movement would become a key factor in future political developments, Mr Brown added

A prerequisite for greater political involvement is the establishment of a broad-based unity in the labour movement and in this regard moves were made to bring together a major grouping of unions into what has been dubbed the 'superfederation'

Those unions that had displayed a reluctance to merge in the new superfederation had done so for various reasons

'There was a degree of suspicion and hostility toward the key role played in the new superfederation by white officials and advisers who had first become prominent in the Durban strikes of 1973 and had later moved on into important positions in the emergent union movement.'

The Council of Unions of South Africa, Cusa, was particularly displeased with the influence of this group as it ran counter to Cusa philosophy of promoting black leadership above all others

Cusa was joined in this view by a number of other unions, all of whom adhered to the 'black consciouness' philosophy

'Whatever the philosophical merit of their stance it had the practical effect of denying these unions access to important skills at a time when such skills were already scarce in the labour movement.

'Perhaps for this reason they had consistently failed to show the growth and resilience which were evident among unions who cared little about the colour of their officials' skins,' Mr Brown added

INDUSTRIAL RELATIONS - GENERAL

DEC - 1987.

Participation: glitter or guts?

(132) B/Day 1/2/87

CHRISTO NEL

THE SLOW revolution of participation within the workplace is undoubtedly gaining momentum.

How else could one explain the phenomena of the last week? Ford and Numsa reached agreement on a creative application of an equity share-ownership programme, (esop) whilst Samcor will in future have two directors representing hourly-paid workers sitting on the board.

Anglo American has announced its own esop, which entails the giving of shares to employees It may not qualify as a "transfer of the means of production to the workers," but it does acknowledge that the workers are an interdependent and integral partner in the process of business

Unlike Samcor, this has not been negotiated and, as could be expected, trade union leaders have initially responded critically, claiming that it is no more than an attempt to co-opt their members whilst sustaining free market principles

Regardless of its motivation, Anglo has accepted the fact that the future of business will depend largely upon its capacity to give the workers a real stake in business

These participative actions were unheard of — even unthinkable — a few years ago, and now the book "Corporate Crusaders" has been launched.

It is a book of two parts — the first essentially a blow-by-blow account by Albert Koopman of the experiences and actions that have turned Cashbuild into a household name within business.

In the second part, Johann Nel and Martin Nasser have done an excellent job at demythologising Koopman's efforts at Cashbuild.

As is so often the case, many of the sceptics — and managers who learned their trade in the non-event of the Sixties and Seventies — have protected themselves against the challenges of Cashbuild's success and examples by claiming that it would be impossible to duplicate such activities within their own organisations

Support

The excuse of "we are different" has been extraordinarily well countered by relating all of Cashbuild's experiences back to generally-accepted and internationally published works

Drucker, Peters, Waterman, Zaleznick, Shein, Naisbitt, Project Free Enterprise and a host of others have been drawn upon to support the fundamental principles on which the Cashbuild story has been built

☐ **KOOPMAN . . . blow-by-blow**

We now perhaps run the risk of losing sight of all the other excellent contributions to participation in the publicity that is sure to follow the launch of "Corporate Crusaders," together with the debate that Samcor and Anglo's actions will trigger.

Companies such as Toyota, Iscor and Eskom, to name but a few, have left an indelible mark in pioneering participative management in SA.

This upsurge of activity and focus on participation in the workplace is to be welcomed. It will contribute to defining business's role in reconstructing attitudes and relationships.

The most important facet that will emerge increasingly is that participation is essential for business to fulfil its most important role namely, staying in business

Exceptions

There is only one major risk — the development of a perception amongst business leaders that business is generally responding well to the challenges facing it into the Nineties.

The reality is quite the opposite

The reason for Cashbuild, Toyota and others becoming part of business folklore is precisely because they are still isolated exceptions rather than the rule.

The minority of businesses are still bound by the habits and processes of the past.

Businessmen and leaders have yet to learn that the future will depend upon their capacity to enter into true processes of participation that will develop real interdependence between management and workers. The era in which the workforce is viewed as an interdependent partner in business is yet to come.

At this late stage, too many directors down to middle managers still believe that success is dependent upon their capacity to take total control of the workplace.

Directors will argue about whether worker representatives are allowed to participate on pension and provident fund schemes, not even to talk about participation in decision-making concerning the direction and operation of business.

This all too common managerial attitude still exists, based upon the assumption that workers are not by nature loyal and willing to contribute to the success of the business.

Until management comes to accept that workers who must be treated with dignity and justice, whilst enabling them to have a far greater level of responsibility and control over their own workplace, we will continue along a route of negative perceptions and mistrust.

Koopman, Nasser and Nel have laid down the gauntlet in "Corporate Crusaders". Management has no choice for the Nineties other than to pick up that gauntlet.

☐ **CHRISTO NEL is a business consultant.**

Black workers achieve 20 to 22pc increases

132

DD 2/12/86

JOHANNESBURG — Black workers have achieved real salary increases of between 20 and 22 per cent since the 1983 recession because of a strong union structure and less exposure to the taxman, says a major business report.

"The result has been a real increase in disposable income for employed blacks, the managing director of Perry and Associates, Mr Mike Perry, said in the Early Warning.

"The ongoing skills shortage is but one of the factors ensuring black progress in the work place.

"The most recent report by the South African Institute of Race Relations estimates that South Africa will need 116 000 new managers by the year 2 000, of which 40 000 are expected to be white.

"Opportunities for increases in sales volume and market growth are, therfore, meaningful only among black customers," he said. The report gives four examples of this:

- The liquor market — in many product categories consumption by blacks in the Witwatersrand is far larger than the total value of the national white market;
- New microbuses — four out of 10 are claimed to be purchased by black;
- Bank cards — one out of six are claimed to be held by blacks;
- Grocery wholesalers — these generally focus on distributing to shops servicing the black customer, and are growing at a rate substantially higher than supermarkets.

Mr Perry says the basic long-term trend is towards black consumer dominance, and although there may be short-term variations, the trend is here to stay. — DC

Friday, December 4 1987

Management tougher but . . .

'Black unions negotiate the best rises'

132 B/day 4/12/87

THE only group whose wage increases kept up with inflation in 1987 were members of black unions, which outperformed all others in terms of wage-level settlements.

So says the end-of-year report on collective-bargaining trends from Andrew Levy and Associates' wage-settlement survey

"Whilst white salary increases have been put at 15-16% for 1987/88 by salary surveys, black unions are achieving settlement levels of 18% and higher for 1987

"Settlement levels for collective bargaining started at 16,4% for the first half of 1987 and increased to 19,2% for the latter half of the year

"With an overall figure for 1987 of 18% black union members are the only group in the economy to have kept up with inflation"

These settlement levels demonstrated the efficacy of the Congress of South African Trade Unions' (Cosatu) "living wage campaign" which was an important force in determining the high levels of settlement recorded

" . and it must be anticipated that next year will see an increased effort going into this campaign," the survey found.

The report also said in 1987 the overtime ban continued to be the most common form of industrial action after strikes

This year also saw a tougher response by management, who increasingly used the tactical lockout

"The three unions most likely to resort to industrial action in support of wage claims are Paper Wood and Allied Workers' Union (Pwawu), Chemical Workers' Industrial Union (Cwiu) and National Union of Metalworkwers of SA (Numsa)"

For the first time, some concessions were made in regard to a 40-hour week, the report added

"Whilst the vast majority of companies have not changed their weekly hours at all, resistance is beginning to crumble and we believe that within two years, significant changes to the length of the working week will have been made" — Sapa

Unionised blacks fared best in '87 wages war

(132) 4/12/87

By Mike Siluma,
Labour Reporter

Unionised black workers are the only section of South Africa's working population to achieve wage increases above the inflation rate, largely as a result of the Congress of South African Trade Unions' (Cosatu) "living wage" campaign.

These are the findings of a survey of 1987 collective bargaining trends carried out by industrial relations consultants, Andrew Levy and Associates.

Describing 1987 as a particularly tough year, the report notes that as a result of the "living wage" campaign, wage bargaining and support for industrial action were more centrally co-ordinated than before.

The effect of Cosatu's "one union, one industry" drive was felt notably in the food industry, where the Food and Allied Workers' Union organises.

"This year, as with the last two years, black unions collectively continue to outperform all other groups in the economy, whether unionised or not, in terms of settlement in wage levels While white salary increases have been put at 15 percent to 16 percent for 1987/88 by salary surveys, black unions are achieving settlement levels of 18 percent and higher for 1987.

TACTICAL LOCKOUT

"With an overall figure for 1987 of 18 percent, black union members are the only group in the economy to have kept up with inflation. These settlement levels demonstrate the efficacy of Cosatu's 'living wage' campaign . which has been an important force in determining the high levels of settlement recorded," says the report, warning that the campaign could intensify in 1988

It notes that, after strikes, the overtime ban continues to be the most common form of industrial action used as a leverage to achieve union wage demands in 1987

In response, employers have resorted to the tactical lockout.

Unions most likely to use industrial action to support wage claims are the Cosatu-affiliated Paper Wood and Allied Workers' Union, the Chemical Workers' Industrial Union and the National Union of Metalworkers

Labour hearing is 'unusual'

By Mike Siluma,
Labour Reporter

In a case described by lawyers experienced in labour matters as unusual, seven former employees of paper merchants Ysebrand are taking the company to the Industrial Court in Johannesburg for alleged unfair retrenchment on age and racial grounds.

The applicants argue in affidavits that their retrenchment, effected in July after Ysebrand was sold to Alpha Manufacturing Industries, was substantively and procedurally unfair.

They are asking the court to order Ysebrand to re-instate them and to pay their wages and benefits for the period between their dates of dismissal and re-instatement.

The applicants accuse Ysebrand of:

- **Failing to attempt to find alternative employment for those retrenched.**
- **Dismissing the applicants in order to replace them with younger employees and employing new staff without offering re-employment.**
- **Failing to give sufficient notice.**

Controls in new Bill would have 'disciplining effect' over militant trade unions — Minister

Collapse of labour relations feared

While the past 12 months have seen some of the most dramatic strikes in South African labour relations history, affecting crucial sectors such as mining, the railways and the public service, 1988 could be the year in which the State's post-Wiehahn labour reforms are reversed, writes Labour Reporter MIKE SILUMA.

The year 1988 could mark an important turning point in the history of South African labour relations if the Government effects its plans to gain tighter control over the fast-growing and increasingly militant black labour movement

Central to the Government's clampdown is the Labour Relations Amendment Bill, which provides for a ban on sympathy strikes and intermittent strikes, as well as industrial dispute-related consumer boycotts.

It also seeks to abolish the majoritarian principle in collective bargaining and to render unions and their officials liable to be sued for damages in the event of illegal strike action.

Provision for employers to make civil claims against unions, would, in the words of the Manpower Minister, Mr Pietie du Plessis, hang "like a sword over their (unions) heads" and have a "disciplining effect"

While promising a respite for employers and the State by restraining union activity, the Bill has been criticised by organised black labour and some liberal employers for its potential to reverse some of the gains made in the industrial relations field since Wiehahn

The Congress of SA Trade Unions (Cosatu) has warned that if it becomes law the Bill could lead to the collapse of the industrial relations system.

Of particular concern to black labour is that the abolition of majoritarianism would fly in the face of present moves to form industrially based, stronger unions — an arrangement favoured by a substantial number of employers Unions see this as an attempt to weaken them by encouranging the emergence of numerous small, and necessarily weak, unions

A ban on sympathy strikes would hit at the very heart of economy-wide solidarity among unions, symbolised by the union slogan "An injury to one is an injury to all"

But the Government has made it clear that restricting black union activity on the factory floor is just one side of the coin It has, especially since the railway strike, expressed concern at the politicisation of black trade unions, claiming it is part of a revolutionary onslaught against the State.

This month, the head of the security police, Lieutenant-General Johan van der Merwe, mentioned Cosatu, together with the United Democratic Front (UDF), as one of the "radical" organisations that were allegedly trying to incite the masses He said authorities were considering acting against such organisations

While the new Bill is meant to enforce industrial peace (a possibility doubted by most observers), the State can be expected to step up the use of detention under emergency and other security legislation, more open police intervention during illegal strikes; the seizure of union publications and the banning of union meetings

Unions might also be cut off from foreign funding

Both Cosatu and the National Council of Trade Unions (Nactu) have been exposed to police action during strikes

Scores of union officials have remained in detention under emergency or security laws over the past year, while Cosatu meetings to launch its "living wage" campaign were banned

The perceived need to fetter the black union movement occurs against a background of heightened worker militancy and more overt political activism, exemplified by the adoption by Cosatu of the Freedom Charter and its open co-operation with political organisations such as the UDF and the National Education Crisis Committee

It also follows the biggest political stayaway on May 5 and May 6 in protest against the white elections and State action against Cosatu

While the Government sees such a development as a political threat, unions see political activism as being inseparable from the fight for better wages and working conditions

This contradiction can be traced to the State's intentions in legalising black unions after 1979 — to depoliticise and co-opt them into a democratic industrial relations system while denying the same workers political rights

Any attempt to emasculate black trade unions while denying blacks the vote will, therefore, signify the failure of the State's strategy to co-opt black labour

In any case it is doubtful whether any black union can confine itself to narrow economism (as required by the State) and retain its credibility in the present political climate.

Besides the State's planned crackdown on black worker militance, violence on and outside the factory floor is expected to remain a major area of concern to industrial relations practitioners next year

In 1987 such violence entailed the killing of workers and attacks on property

Examples were

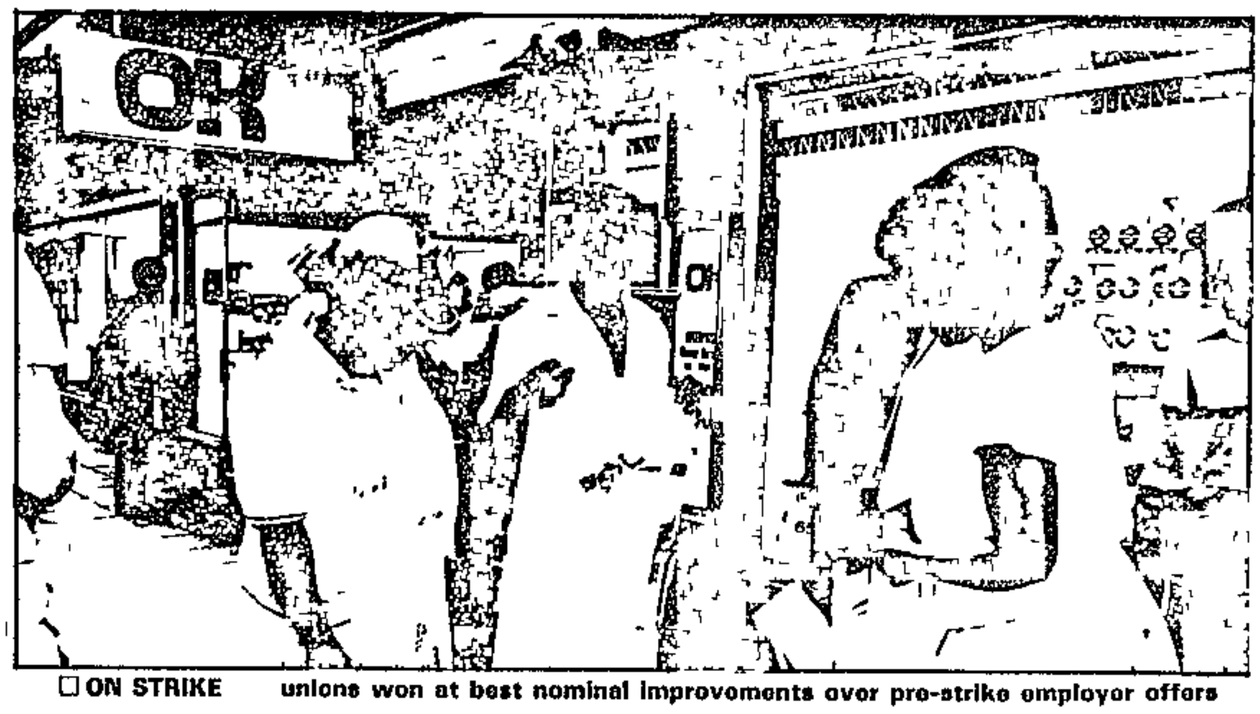
- The killing of railway workers during the transport services strike, allegedly for refusing to join the rail strike
- The death of workers during the miners' strike in August, some allegedly for defying the strike, others in clashes with mine security and SA Police.
- The May bombing of Cosatu House, home to more than 10 industrial unions and numerous attacks on the homes of union officials.
- The killing of an SA Chemical Workers' Union worker during the recent Sasol strike in Sasolburg and a Chemical Workers' Industrial Union member in a dispute at Sasol's Secunda operation.
- Arson attacks and burglaries into offices belonging to both Cosatu and Nactu affiliates throughout the country

In the mining industry in particular, the violence led to joint attempts by Anglo American and the National Union of Mineworkers to find ways of stamping out industrial violence.

While union and business leaders have deplored violence in and out of the workplace, the union movement and a small number of employers have expressed concern at the State's apparent failure thus far to bring to book perpetrators of attacks on union leaders and property.

132

B/day 23/12/87.



☐ ON STRIKE unions won at best nominal improvements over pre-strike employer offers

A more difficult year ahead for organised labour

ALAN FINE

THE TURBULENCE of the labour relations scene in 1987 has demonstrated with more clarity than ever before the potential, and the limits, of union power in SA

And it has brought the State, management and organised labour to a crossroads where each will have to make crucial strategic decisions that will determine the future course not only of collective bargaining but also of key elements of the political process

Wage bargaining in 1987 was characterised by two notable trends

On the one hand, unions achieved relatively high wage settlements A survey conducted by Andrew Levy and Associates showed settlements in the second half of the year as averaging 19,2% — well above the inflation rate

This can largely be explained by the conscious union push for higher wages, as symbolised by the Cosatu living wage campaign, and improved corporate profits

On the other hand, strike levels were again at an all-time high But a large proportion of 1987's wage strikes (and particularly the most prominent ones) ended with unions winning at best nominal improvements over pre-strike employer offers

Into this category falls the OK dispute (which began in mid-December last year and ended 10 weeks later), the mine, Highveld Steel and Iscor strikes

The industry-wide metal industry strike was dealt with in another way — a legislative sleight of hand which "delegalised" the action after a day by the renewal of the previous year's agreement

Nevertheless, the signs were that employers had, in any event, resolved on an uncompromising approach

A related development was the greater preparedness of employers to lock out (as, for example, at Highveld Steel, Dunlop and Matthey Rustenburg) and dismiss, or threaten to dismiss, striking workers

In 1986 — as a consequence of the Novemeber 1985 Marievale judgment, in which it was ruled for the first time that the dismissal of strikers could constitute an unfair labour practice — it appeared that the dismissal weapon was falling into disuse

This year, though, as employers and their advisers further analysed the Marievale and subsequent industrial court rulings on the subject, it became apparent there was still much room for manoeuvre

The mass dismissal of nearly 40 000 striking miners by Anglo American bears testimony to this — although that case is by no means over

Many strikes were accompanied by widespread allegations of employee violence and employer collaboration with the State

These two trends — higher wage settlements *and* higher levels of confrontation — may superficially appear contradictory

But from another point of view, to the extent one can generalise, it is quite logical

In their responses to union wage pressures, managements have acknowledged the strength of organised black labour and are prepared to pay a premium on wages as a cost of labour peace

Simultaneously, though, employers are implicitly or explicitly saying that there is a limit to the amount they are prepared to pay

This manifested itself in the several major tests of strength In general — although there were some exceptions — employers showed they had the resources to win these contests of power

This, of course, gives the lie to the official explanation for government's main contribution to labour relations in 1987 — the Labour Relations Amendment Bill

It has been contended that the Bill — which, among other things, cuts back on the freedom to strike, facilitates legal action by employers for damages in unlawful strikes and more narrowly defines unfair dismissals — is necessary to even out the balance of power which has swung too heavily in the unions' favour

A more logical explanation is that the Bill will be the most subtle feature of a government campaign against militant and political unionism in 1988

Ironically, pronounced government antipathy towards Cosatu really began during the bloody Sats strike — which many, including Manpower Director General Piet van der Merwe, believe could have been avoided had Sats been covered by existing labour legislation

Even more worrying for Cosatu than the Bill are two recent police statements

In one the Commissioner linked Cosatu, and its living wage campaign, to the SA Communist Party

In another, Security Police chief Johann van der Merwe warned that Cosatu and other lawful extra parliamentary organisations were promoting a revolutionary climate, and were of more concern to the SAP than was the ANC

Another hint at what 1988 may bring is the trial of Numsa leader Moses Mayekiso He faces charges of treason in connection with his alleged links with township organisations in Alexandra

There is a belief in union circles that the Mayekiso trial is seen by the State as a test case which could presage a crackdown on other unionists linked to youth and community organisations

Where does all this leave the three main actors on the labour relations scene?

As Cosatu has accurately pointed out, if 1987 was a difficult year for organised labour, 1988 will be even worse

The challenge for unions will be to develop strategies to deal with these difficulties Is attack the best form of defence or should the emphasis be on retreat and consolidation?

Are high profile political campaigns - like the moderately successful two day stayaway around the white general election last May — feasible in 1988 without evoking an even more powerful State response? Or are more limited methods and less ambitious targets necessary for now?

The authorities, for their part, must surely devote some thought to the advisability of tightening their grip on labour relations

One reason the system has worked over the last eight years is because the rules of the game were perceived by labour as tolerable, if not altogether satisfactory

The planned changes could have precisely the opposite effect than intended abandonment by unions of official channels — if the costs of conformity are perceived as outweighing non adherence

For the unions there are similar choices to be made with regard to relationships with employers

But these choices are more complex because many employers tend to be more responsive to different union strategies than does government

The gut reaction is naturally to use the 1987 tactics more effectively Yet it is apparent that the Bill, even if it is modified before its final passage through Parliament, will make it even more difficult for unions to reverse the string of strike defeats

This suggests that unions will have to be more discriminating in selecting employer targets for industrial action based on considered assessments of their respective strengths

And as labour lawyer Clive Thompson suggested at a conference last month particularly given the tightening of State controls on industrial relations, there are advantages for both labour and management in the development of a new set of rules of conduct of relationships

Despite the setbacks unions have already suffered, and the crises still to come employers would be unwise to expect them to become pushovers in 1988 One should not expect any significant fall in wage settlement levels

And if the government clampdown materialises employers can expect to come under substantial pressure from unions to become involved — both through non-use of the more objectionable aspects of new labour legislation and intervention to protect the civil liberties of those individuals and organisations that become targets of government action

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Dear Sir,
BUSINESS DAY of December 3 reported that [illegible] of the male students at Rhodes University may emigrate, largely because of conscription This is not surprising, and it probably applies to some other universities as well

The signal for our society and economy is serious, but who can blame these students? Certainly not those who in 1939 refused to heed the SA government's call to arms Nor can those who, thus far, have been lucky enough to escape military service and therefore have no idea of the sacrifice involved

Regrettably, the brain drain will get worse, unless the government — which advocates "power sharing" — introduces "defence-sharing" in place of whites-only conscription

Present government politicians are to blame for the problem to a large extent, and should now earn their keep by generating a solution

EX-CONSCRIPT
Bordeaux, Randburg

☐ ☐ ☐ ☐

Dear Sir,
IN SARAJEVO a man was murdered and there followed the First World War A man walked into Sudetenland and there followed the Second World War Now there is the affair of the cat Would it not be strange (we live in a strange society) if not student activity, but the Dr More in like treatment of a cat resulted in massive non support for Wits University? Information gained, from animal or man, by means of torment and terror is information not worth having

ELEANOR ANDERSON
Rivor Club

Bargaining pressures examined

(132) B/day 30/12/87

HELEN WISHART

THE pressures of bargaining can be either "the clutter that gets in the way or the catalyst that generates compromise", says negotiation consultant Gerald Atkinson.

In the December issue of the Institute of Personnel Management journal Atkinson analyses the pressures which influence "creative compromise" in the bargaining process.

He lists frustration as the most important pressure created by the bargaining parties to their detriment. Frustration leads to counter-productive behaviour like aggression and fixation.

In turn, opportunities for progress are ignored and the worst stereotypes are reinforced.

Further pressures are the "ghost of agreements past" and the "ghost of mandates present". These "ghosts at the bargaining table" tend to inhibit the parties who are afraid to step beyond last year's bargaining parameters or this year's bargaining policy.

If there is too much pressure, the middle ground of negotiation is lost.

Rather, negotiators would be best advised to avoid unnecessary points-scoring, and to resist giving misleading signals by "nibbling" at impossible suggestions.

New awareness of the worker

HELEN WISHART

SOUTH AFRICAN companies are seeking new ways to address problems in the workplace, and to estimate the financial cost of having troubled employees, says Wits University academic Angela du Plessis

Commenting recently on her Corporate Social Responsibility (CSR) programme, Du Plessis said that even at the first level of CSR, a corporation should include occupational health services and industrial social work services in its budget

This would be distinct from medical aid or other schemes

She suggested there should be a dual focus on the employee as a person and on the person as an employee Supportive counselling, for example, should be provided at the work place

Counselling services could help not only the troubled employee, but the employee's department and even the corporation

The second tier of CSR was a conventional view of the company role in the community where it operated

Some corporations preferred to run their CSR programmes with a centralised budget, which defined the community in the broader SA context An advantage of this budget was that more money was made available for certain projects — but a disadvantage was the absence of a meaningful relationship with the community in which the project functioned

Du Plessis felt a decentralised budget — for example one which was managed locally at a mine — allowed management to get acquainted with the real needs of the community from which it drew its resources

A fund for CSR programmes could be further divided into resources for self-initiated programmes and for satisfying community requests for specific projects

"But there must be a philosophy behind the scheme," Du PLessis said

"The organisation should think about how and where the money is going The giving is not just a one-off task but more a process to improve the quality of life of the community"

The third tier of CSR was that of the corporation's role in the national context Social justice played an important part in this sensitive area, in which business lobbied against government and the apartheid system.

Corporations could further their CSR programmes at this level through funding legal projects that set new precedents; getting involved in non-racial education and sport; and hitting at the Group Areas Act.

Du Plessis said foreign companies might find it easier to go the whole way in a programme of this nature, while some might prefer to concentrate only on social justice in the workplace

For instance, they could focus on developing a cross-cultural awareness among employees, or on coping with a white backlash against a black advancement programme.

INDUSTRIAL RELATIONS - GENERAL

1987

A step in a democratic direction

9/1/87 (132) BUSDAY

ANTHONY ROBINSON of the London *Financial Times* talks to Albert Koopman about the role of black workers at one of South Africa's leading builders' suppliers

☐ KOOPMAN democracy the chicken, profit the egg

BEFORE Connie Fazazile applied for a job as assistant manager with the South African builders' supply company Cashbuild, she did a bit of checking up through the bush telegraph

She even travelled from her home in the black township of Duduza, near Springs, a largely Afrikaans-speaking white mining and industrial town on the East Rand, to Gaborone, the capital of neighbouring Botswana

There she discussed the company, and especially its attitudes towards black employees, with a friend of hers who was employed at the Gaborone branch

Two years earlier she had left her job at the Institute of Race Relations in Johannesburg to join Corobrik, the country's largest brick-maker The company advertised itself as a progressive, equal-opportunity employer

But, as the only black in her department, Connie — a lively, forthright Zulu speaker who is divorced with two children at school — felt uncomfortable with the attitudes of her co-workers and felt she had been discriminated against when she was passed over for promotion in favour of an Indian lady with less qualifications and experience

"I was unhappy and I felt cheated and oppressed I decided I would try and get a job with a foreign-owned company They have a better reputation for real equal opportunity

'When I heard that Cashbuild was not only a South African company but controlled by Sanlam, the largest Afrikaner holding company, I nearly gave up on the spot"

Six months after starting work at Cashbuild's new depot at Springs, 60km east of Johannesburg, she is glad she ignored her preconceptions

For Cashbuild — under Albert Koopman, a 39-year-old Afrikaner who spent 10 years in Mozambique during the struggle for decolonisation — has combined fast growth in profits and turnover with a commitment to reform of worker democracy

As Koopman tells the story, democracy is the chicken, profit the egg In 1982, three years after he started Cashbuild as a subsidiary of the former Kirsh group, he realised that the company was going nowhere

Although the economy generally was benefiting from a gold-backed boom, Cashbuild's profits were falling Margins were down, sales were listless, staff were unmotivated.

Koopman, a restless, inquisitive character with an eclectic appetite for inspiration from sources as diverse as Marx and Sartre to Alvin Toffler's "Future Shock" and Schumacher's "Small is Beautiful," first set out to question his white managers about the company's poor state

"I went round all the branches and asked a thousand questions I found that most of my managers blamed their black labour force for being indolent, uninterested, unmotivated"

When he probed further into their perception of his own management style the response was "Pompous, egocentric, dictatorial and autocratic"

On reflection, Koopman recognised that these were precisely the kind of attributes inculcated by the system under which most whites are educated and brought up in SA

But what concerned Koopman after this sobering experience was the thought that, if his white lieutenants thought like that, what was the attitude of his black workers?

One of the questions he asked black workers on his systematic tour of the then 18 branches was "How are you paid?"

The standard reply went something like this "A green van comes round on Fridays Two men carry a box into the office and I get paid out of that box"

It was a perfect description of how it happened, but revealed total ignorance of the way in which that money was earned

"I realised that what we had to do was somehow restore pride in labour, build up self-esteem and make our employees feel worthy, both as people and workers

"This meant ending the separation between a worker's purpose and the purpose of work and a subservient, unquestioning mind, created by years of government control"

In 1983 Koopman held his first meeting with black employees

"We looked for the most radical guys and picked out two from each of our 22 branches Eventually, we came up with our first organisational chart, with elected branch 'presidents' representing our 400 staff in the 22 branches

"For the first year much of the time was spent on 'tea and coffee issues' — and demands for more time off for shopping, to attend funerals, and so on"

In the meantime Koopman was seeking through direct contacts to get across a "wholelistic" concept of the company — through diagrams, for example, which put the customers at the apex of a pyramidical structure and stressed the importance of co-operation and teamwork

"The idea was to define the purpose of the game and then draw up rules of the game"

While this was going on Koopman delved into Japanese-style "quality circles" and started learning Zulu and reading as much as he could about black culture

"Apart from witchcraft, I found to my amazement a great similarity between the Japanese and the Zulus, especially in respect of the importance that both attach to social concerns, co-operative labour and attendance, for example, at funerals and other family occasions"

Increasingly, Koopman got invited back to the homes of his black workers

"I have eaten donkey meat with golden cutlery brought out for the occasion and been to homes with 13 people sleeping on the floor It is important to know how your workers live"

He also recalls the day when one of the most militant union members in the company questioned his motivation

"After 300 years of white oppression why should we believe that you are any different?" he was asked

At that point Koopman recalls "I took off my jacket and tie, lay on the floor and told him to trample all over me I told him there was no way we could run a successful company if I was going to be held responsible for 300 years of history all the time"

The unionist, totally nonplussed, stepped back The man, Kaiser Sihlangu, is now one of the most loyal company members He has left the union and is now number two in a store which he is expected to take over as manager within the next six months Indeed, the union's influence is now radically diminished

This breakthrough on the personal level was matched on a company level 12 months into what Koopman calls the company's "empowerment" programme when the branch "presidents," reflecting the wishes of their branches, rejected the whole concept of representative democracy as embodied in the "presidents"

They also rejected the concept of shop stewards and decided that what they wanted was participative democracy

After further brainstorming sessions, workers and management came out with a concept which they called "venture communication" — "venturecom" for short.

Perceived as a platform for participative shopfloor democracy, each branch set up its own venturecom responsible for five aspects of each branch's activity Introduced in January 1985, the system has an elected member responsible for quality of life, safety, labour, merchandising and operations

With 91% of the labour force black, of which 60% is illiterate, the only limitation on choice is that workers responsible for the last two areas — merchandising and operations — be literate

"We did not set out with the aim of black advancement but of making this company profitable But we have actually created a culture which is conducive to advancement," Koopman claims, backing up his boast by pointing to the 34 black workers now preparing for management positions

Meanwhile the company, which is well placed to take advantage of the major growth expected in black urbanisation over the next decade, has clocked up an impressive profits record

Net profit before tax per employee has risen from R1 648 in 1983 to R6 631 in 1986, reflecting sharply higher productivity Last year the company was floated on the Johannesburg Stock Exchange and over recent months its shares have risen from R1,10 to almost R4 Some 31% of its employees hold shares

At present Cashbuild has only around 3,5% of a building materials market worth around R2bn annually, but aims to raise its share to 10% by the end of the decade.

Bonus boom on Wall Street as top 100 split $1 200m rewards

RODERICK ORAM in New York

KEEPING SECRETS about other people's money may not look like Wall Street's strong suit at the moment But in the season of seven-figure bonuses, the ability to keep mum about their own money remains firmly intact.

It takes a lot of digging to discover how well they are rewarding themselves for a past year of record profits Rigorous disclosure rules do not reach into so personal an area a stratospheric pay scales.

Ferreting out the 100 best-paid people on Wall Street took four journalists at *Financial World* several months It was one of the toughest stories it has ever cracked, the New York magazine said

Collectively, the 100 earned $1 200m Top was Ivan Boesky, the insider trading arbitraguer, with around $100m Bottom was Guy Wyser-Pratte, chief of arbitrage at Prudential-Bache Securities with $3m, the magazine said

Rich were the deal-makers and those working for their own small firms — 43 of the 100 were investment bankers, 19 money managers, 12 leveraged buyout specialists and 11 arbitrageurs while the remainder represented a cross-section of Wall Street's other skills. But the rewards, harvested at the end of the year in performance-related bonuses, spread far down the industry, since salaries typically account for only one-third to one-fifth, or even one-tenth, of total remuneration

Juicy pie

Wall Street has a juicy pie to divide up this year, with pre-tax profits totalling an estimated $5 700m against the previous record of $4 100m in 1985 The first quarter was the best as bond prices rallied spectacularly, while the second quarter was the worst as Wall Street paid the consequences of "negative convexity" This painfully expensive glitch in the yield curve occurred when mortgage-backed securities failed to join the rally Further red ink was spilled in the May Treasury refunding, when the Japanese cornered the long bonds

The fourth quarter was a mixed blessing Wall Street's reputation was damaged by Boesky and arbitrageurs lost an estimated $2 000m But mergers and acquisitions (M and As) rocketed to push the full year's value well above 1985's record $1 800m

In this great game money is the scorecard both for firms and — more privately — for individuals Morgan Stanley ran a three-page newspaper advertisement recently to tell of the $6 800m of M and A business it did worldwide this year But it was not so keen to talk about how it rewarded its M and A team

Year-end bonuses of $10m were not uncommon for some of the industry's leading M and A individuals this Christmas, according to Perrin Long, who follows the industry for Lipper Analytical Services Counting all skills on Wall Street, perhaps 100 employees received $1m-plus bonuses

Win-win situation

Entrepreneurs, many of whom made the *Financial World* list, did even better At the other end of the scale, some neophytes earned a total of $100 000 in their first year, explaining in part why 25% of Harvard Business School's class of '86 ended up on Wall Street, compared with 10% eight years ago Bonuses are a win-win situation Success is rewarded while failure is not punished Most big firms find some money in the general pool for people like arbitrageurs who are down on their luck "We seek an integrated effort so people don't think in terms of profit centres," said one firm

A sharp distinction is apparent, however, between Wall Street professionals and their support staff Professionals' bonuses are individually calculated and a well-kept secret, while the staffs' are uniform and often made public

Curiously, professionals are said to be rather reticent among themselves about their individual gains "We discourage discussion," a chief bonus-fixer said

Perhaps this main sign of success is conveyed through nods and winks in lifts or enigmatic smiles in executive diningrooms Such a tacit approach is easier on at least the poker faced among the under-rewarded As one analyst of Wall Street firms explained "While individuals will talk about who they're sleeping with, they won't normally talk about how much money they're making"

THE SHARP END/Peter Wilhelm

Bus. Day 132 26/1/87

Industrial relations specialists in demand

MANDY JEAN WOODS

THE political and economic problems facing business in SA are having a marked effect on students and what they study.

Peter Seneque, dean of the faculty of commerce at the University of Natal, Durban, says current business trends are making finance, accounting, marketing and industrial relations the most sought-after subjects by students

"The demand from industry has been strongest in these areas, especially for specialists in industrial relations, a field which tended to be neglected in the past by universities and businesses alike," he says

Enrolment in the university's industrial relations honours course is expected to double this year

The number of part-time students is on the increase, primarily because economic conditions are preventing students from studying full-time, Seneque says

"There has been a trend for an increasing number of students to study part-time I feel all post-graduate studies should be done part-time because students tend to be more mature, already working in their field, and bring a high level of expertise and experience to their studies," he says.

Expertise in specialist fields such as industrial relations is what corporations are looking for and, Seneque says, they are finding this in academics who are being lured into the business world by big money.

Lecturers at the University of Natal, Durban, are specialists in their fields, invariably with substantial business experience.

"We are trying to meet an increase in demand for specialist education on a shoestring budget, and we cannot compete with big business. It has become very difficult to recruit faculty members because of the remuneration we have to offer," he says

Costly text books

Of the many costs involved in attending university, text books have become an important factor in students' budgets. "The cost of books are astronomical and we are trying to minimise the number of essential texts students must buy. They will have to make more use of the library."

The need for well-educated and well-qualified business executives is increasing because of the effect the brain drain has had on the business arena.

"The business world is becoming more demanding, and experience alone is no longer sufficient for progress. Post-graduate studies will ensure a superior education which will be useful in a competitive marketplace," Seneque says

The demand internationally for business executives who are qualified and experienced in finance has led to many local experts emigrating.

Seneque says the standards set by SA business schools compares favourably with those abroad

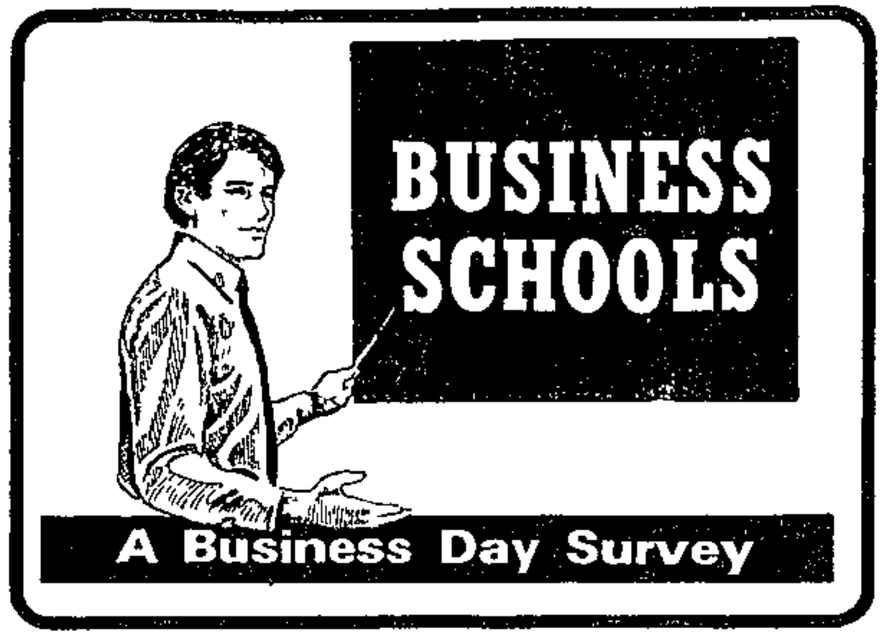
"Our own standard is pretty good and we compare well. Our experience in terms of emigrating alumni has been that all our undergraduate and graduate courses have been recognised internationally, especially in the accounting and financial areas."

Business honours courses offered by the university include business finance, financial management, business administration, marketing, computers and business information systems

The post-graduate diploma offers management accounting, leading to CMA qualifications; taxation, which gives specialist qualifications to lawyers or accountants, and accounting, the most popular post-graduate diploma course, which leads to CA qualifications.

Post-graduate business courses cost R1 500-R2 000 each.

Post-graduate diplomas are directed toward the practical application of a subject, while honours courses are theoretically orientated.



Stellenbosch BS claims a 'first'

CHRIS CAIRNCROSS

THE University of Stellenbosch Business School — which had its first student intake in 1964 — proudly declares it is the first academic institution of its kind to open all facilities to all SA's population groups.

If true, it is a significant claim, given the university's ties, heritage and location. More important, perhaps, it is a philosophy current staff show demonstrable resolve to perpetuate.

"We are a Southern African institute in the broadest terms, servicing the needs of the widest spectrum of the business community rather than those of a select, privileged group," says the school's director H P Muller.

New set-up

"Most of our programmes favour a change in SA's situation. Perhaps our biggest (personal) change in direction is to become a Southern African business school in the true sense," he says.

"Young executives must use this opportunity to prepare themselves for a new set-up, and new dispensation in this country," Muller adds.

Business colleges aiding management

SA'S TURBULENT recession has had a positive impact on local business colleges, and today's executive is being confronted by a whole new set of rules

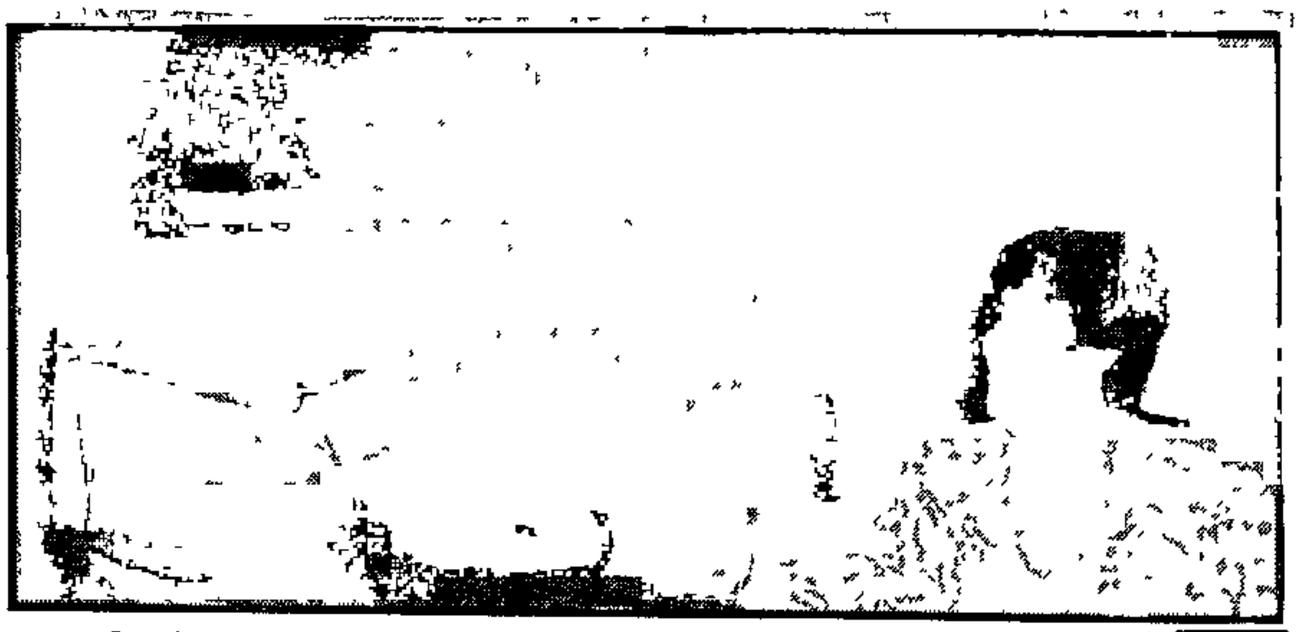
Peter Shikkerling, director of training and partner of the Rapid Results College (RRC) Group, says. "This is evidenced by a thronging of people to colleges specialising in the recharging of business executives and the need for knowledge to evaluate business trends that are likely to be critical in the 1990s."

The major issues plaguing business today — inflation, disinvestment, shifts in buying power from whites to blacks, and extreme fluctuations in currencies — were barely covered by universities and other executive institutions in the 1960s and 1970s, yet now they can make or break the viability of any enterprise, he says.

Today that has changed. Universities and colleges around SA are now offering full- and part-time courses that reflect current business needs.

"This trend first became evident to us in the second half of 1985 when the RRC Correspondence division branches country-wide reported increased enrolment for a range of professional management courses across the board," says Shikkerling

"Executives are realising that a



re-evaluation of theoretical knowlege is essential. Business is facing problems which cannot simply be solved through lessons learned from past experience," he says.

The escalating cost of fulltime education and the attendant necessity to acquire increasingly costly texts and prescribed works have made many people realise the value of fully inclusive courses for correspondence or evening tuition.

Sorely pressed management finds the combination of practical daytime experience in a work environment, coupled with academic input after hours, provides balanced solutions to current business problems, says Shikkerling.

"This helps to balance the eternal dilemma facing all those enterprises in need of management recycling and new ideas," he says.

Another trend is the increased demand for qualifications with international acceptability.

Barbara Carroll, principal of the RRC classes division in Rosebank, says the enrolment for the CIS and CMA, both London-based institutions, has more than doubled over the past year.

Commenting on the development of executive education trends, Carroll says her greatest challenge is the effective cohesion of lecturers' theoretical knowledge with the tried and proven experience forged in boardrooms across the country

☐ *Rapid Results College was founded in Durban in 1928. Later a branch was opened on London's Trafalgar Square The College now boasts nine branches in Southern Africa and many branches abroad.*

UCT's international influence

CHRIS CAIRNCROSS

THE University of Cape Town's Graduate School of Business (GSB) lays stress on the international flavour of its MBA course content.

The school hosts many visiting lecturers from abroad, and its courses are recognised worldwide

Because of this emphasis, UCT GSB has tended to have a higher profile than the six other business schools in SA. Foreign academics often provide a new or different perspective on relevant issues and do, therefore, attract media attention.

The GSB was established in 1966 and its approach was modelled on Harvard Business School This link has been stressed ever since

Emphasis during the formative period was largely on US case study analysis — an approach that was adopted by most of the other new business schools.

"But," remarks Arthur Money, professor of business administration and acting director, "we have since graduated, moved to a new orientation."

Case histories remain a fundamental element of the course structure, but are far less important than before.

This may be a reflection of the increasing maturity of SA business schools. Local concepts and insights are often as good, if not better, than imported analysis.

The idea is now to tailor the MBA programme to meet the perceived needs of the domestic business environment.

Outgoing director John Simpson notes: "A key area of concern is to ensure that our teaching is relevant and meaningful in both the SA and international contexts.

"Our objective is to maintain the standards of excellence that we demand of ourselves and that are expected of us by leading business schools overseas."

Simpson takes this a step further: "We also believe we have a social duty to become involved in a quickening pace of change in SA society, where it is appropriate and where our resources can be of help"

Original research in the form of technical reports by students and staff has, consequently, been given a far greater role in curriculum creation.

"There is considerable pressure on students and staff alike to carry out research," Money says.

He estimates that a typical MBA now allocates 25% to research or the compilation of a technical report and 75% to core courses in a variety of fields

UCT's MBA programme is available as an intensive, one-year, fulltime programme, or as a two year part-time programme.

The latter has lecture sessions twice weekly and a compulsory, three-week, fulltime module in each of the two academic years.

Both programmes have identical academic content and enjoy equal recognition in the business community.

This is not to say that Stellenbosch's GSB — newly located in handsome premises overlooking Bellville, and almost equidistant from Stellenbosch and Cape Town — is really any different from any other in SA.

Like others, the MBA course structure it offers is formalised, once patterned on American lines but now better tailored to suit local conditions.

Muller sets the tone in a foreword to the 1987 MBA programme which effectively got under way last week.

He notes it must be recognised that the demands on the manager over the next decade would be accompanied by drastic changes in the systems of values of the Southern African community, and changes in the role and influence of the international community on Southern Africa.

□ BARBARA CARROLL (right), principal of the Rapid Results College classes division, greets a new student

Personal growth offsets MBA costs

ANDREW GILLINGHAM

THE COST of an MBA at Wits Business School (WBS) ranges from R15 000 to R25 000, depending on living costs.

But, says WBS dean Professor Andy Andrews, although the payback period is about two years, personal growth is the greatest benefit of taking an MBA.

"For the right person the MBA course acts like a supercharger. The course builds confidence and puts the student into the winning habit," he says.

Selection criteria for the WBS MBA are high, and of the potential students who fulfil requirements, only one in four is selected.

WBS is frank about the fact it wants only the cream of the crop.

The MBA is a post-graduate course and WBS requires five years' senior-level experience.

The drop-out rate is high, although students do not necessarily withdraw because of a lack of ability. Some students underestimate the costs, and others face an ultimatum from a spouse no longer prepared to sacrifice in the interests of long-term benefits.

Pretoria University business school's Professor Leon Brummer says the differences between an MBA and a normal Masters degree could cause problems for most students.

In a standard Masters degree the student is able to devote attention to a specific area, while the MBA covers a wide range of topics

Brummer believes many applicants have false ideas about an MBA — treating it as a ticket to instant success and expecting an unrealistic salary of R100 000 on completion of the course.

New union in all-race agreement

W/Mn 28/1/87

Labour Reporter

THE newly formed United People's Unions of South Africa — a breakaway from the South African Allied Workers' Union — has won recognition at two major factories in Durban, Mr Ashley Shezi, the union's national leader, announced yesterday

The factories are Coca-Cola Bottling Co and Natyre-Bandag in Jacobs

He said the Coca-Cola agreement was 'unique' in that it allowed the union to recruit members of all race groups at the plant In terms of the agreement the union could negotiate wages and working conditions for all its members

Mr Graeme Comrie, general manager of the bottling company, said yesterday they saw the recognition agreement 'as a successful conclusion to several months of negotiation'

Upusa, which was formed by Mr Shezi last year following a split in Saawu, now claims a membership of 'several thousand' throughout the country

ARGUS 28/4/87

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Talks on May Day holiday under way

By DICK USHER
Labour Reporter

TALKS between employers and unions about a national May Day holiday in the metal industry this year have started

Mr Sam van Coller, director of the Steel and Engineering Industries Federation of South Africa (Seifsa) today said talks with unions on the issue had started after the Government failed to respond to representations from the employer body

Demands for May 1 to be declared a public holiday in recognition of labour's contribution to the welfare of South Africa have received wide support from union and community organisations in recent years

Many unions have negotiated agreements with employers giving May Day some recognition, ranging from an extra paid public holiday to time off during the day

At last year's industrial council talks on pay and conditions of service in the metal industry, Seifsa responded to union demands for a May Day holiday for the industry's 350 000 employees by agreeing to ask that the Government appoint a public commission to investigate public holidays by August and report in January

Failing this talks would be held with unions

Mr van Coller said talks at the industrial council level had started and employer proposals were being considered by the unions which would be discussed at a follow-up meeting

He said he could not disclose the proposals at this stage

Government foot-dragging on the issue has caused intense concern among employers

May Day last year almost reached the status of an "informal" public holiday when about 2,5-million people took the day off

Detainees

165 Mr P H P GASTROW asked the Minister of Law and Order

(1) *(a)* How many persons have been detained under Proclamation No R103 of 1973, as amended by Proclamation No R226 of 1978, in each magisterial district since its promulgation in 1973 and *(b)* in respect of what date is this information furnished,

(2) whether any persons are being detained under this proclamation at present, if so, *(a)* how many, *(b)* for what alleged offences and *(c)* for how long has each been in detention?

The MINISTER OF LAW AND ORDER

(1) *(a)* and *(b)* 286 persons in the Ladysmith district during the period 1 May 1984 until 21 January 1987

1 573 persons in the Greytown district during the period 31 May 1973 until 9 February 1987

(2) *(a)* 126 persons

(b) Faction fighting

(c) Since 21 January 1987

Note The figures do not include the number of detentions in terms of the proclamation in KwaZulu

Trade union movements

166 Mr P H P GASTROW asked the Minister of Law and Order

(1) *(a)* How many (i) Blacks, (ii) Whites, (iii) Coloureds and (iv) Indians involved in trade union movements were detained in each month in 1986, *(b)* how many such persons were still in detention as at the latest specified date for which figures are available and *(c)* in terms of what legislation were they so detained,

(2) whether any of those detained were released without charges being brought against them, if so, how many?

The MINISTER OF LAW AND ORDER

(1) and (2) No person has been detained for his or her involvement in bona fide trade union activities Where detentions whether under the Internal Security Act, 1982 or the Emergency Regulations promulgated in terms of the Public Safety Act, 1953 or other legislation, of members of trade unions did occur, it was as a result of activities extraneous to such membership

As is the case with all detainees of the various categories, detention cease as soon as the reason therefor disappear

Lawsuits against Minister

167 Mr P H P GASTROW asked the Minister of Justice

(1) Whether any lawsuits were brought against him in 1986 in his capacity as Minister of Justice by members of the public, if so, *(a)* how many and *(b)* what (i) were the circumstances of the lawsuit, and (ii) was the outcome, in each case,

(2) whether he paid out any moneys *(a)* as a result of successful lawsuits brought against him and *(b)* in out-of-court settlements, if so, what total amount in that year?

The MINISTER OF JUSTICE

(1) Yes The given statistics include letters of intention to institute action

(a) 48

(b) (i)

Number	Cause of action
6	unlawful arrest
13	unlawful detention
2	malicious prosecution
1	sale of vehicle whilst appeal was pending
1	alleged defamation by an official
1	prescription of MVA-fund claim
1	crimen injuria because of alleged unsensitive search
1	insufficient medical treatment
1	injuries
1	death of a prisoner because of a motor vehicle accident
20	assault

(ii)

Claims settled out of court	claims not furthered by the plaintiff	claims pending
4	8	36

(2) *(a)* No

(b) Yes R12 350,00

The amounts include settlements reached pursuant to letters of intention to institute action

Germiston: offences

168 Mr B B GOODALL asked the Minister of Law and Order

How many cases of *(a)* murder *(b)* culpable homicide *(c)* assault with intent to do grievous bodily harm *(d)* common assault, *(e)* rape, *(f)* robbery, *(g)* theft of vehicles and cycles *(h)* damage to property *(i)* housebreaking with intent to steal and theft and *(j)* possession of drugs were reported at each specified police station in the Germiston police district in 1986?

The MINISTER OF LAW AND ORDER

	(a)	*(b)*	*(c)*	*(d)*	*(e)*	*(f)*	*(g)*	*(h)*	*(i)*	*(j)*
Germiston	49	21	213	300	37	322	918	320	1 179	—
Kathlehong	316	66	1 869	1 283	274	894	375	1 319	542	—
Primrose	7	5	52	129	13	67	512	174	698	—
Alberton	31	39	287	362	43	262	1 817	351	2 279	—
Bedfordview	14	39	77	121	20	82	620	125	567	—
Edenvale	5	29	59	127	12	58	610	142	953	—
Elsburg	15	11	79	144	5	44	305	102	596	—

Note Statistics are given for the period 1 July 1985 until 30 June 1986

Because statistics for the period 1 July 1986 until 31 December 1986 are not yet programmed, the particulars for the period are not readily available

I wish to point out to hon members that should the above-mentioned figures be brought into perspective it will be noticed that crime tendencies fluctuate In some instances crime reflects drastic increases and in others it reflects similar decreases Crime tendencies differ from one area to another, while the population density is also an important contributing factor Increases in crime can mainly be ascribed to

(a) The economical recession

(b) resulting unemployment, and

(c) the abuse by criminal elements of unrest situations to commit crime

The increase in crime is an universal tendency, and even causes great concern during international crime conferences

Work-seekers

384 Mr P H P GASTROW asked the Minister of Manpower

How many Black males and females, respectively, were registered as work-seekers in the White areas of the Republic in each month of 1986?

The MINISTER OF MANPOWER

Male and Female Blacks registered as workseekers in White Areas during 1986 are as follows

Month	Male	Female
January	50 942	26 881
February	81 188	44 323
March	64 356	33 061
April	58 836	29 176
May	48 608	23 553
June	42 317	18 842
July	36 301	15 154
August	40 029	16 223
September	39 036	15 878
October	39 704	15 710
November	39 815	13 599
December	31 754	10 121

Work-seekers

385 Mr P H P GASTROW asked the Minister of Manpower

How many males and females, respectively, had been registered at labour bureaux as work-seekers in terms of the Guidance and Placement Act, No 62 of 1981, as at the end of each specified month in 1986?

The MINISTER OF MANPOWER

Figures for 1986 are as follows

REGISTERED AS WORKSEEKERS 1986
ALL RACES

	Jan		Feb		Mrc		Apr		May		Jun	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Johannesburg	22 911	15 747	37 118	22 102	31 823	19 054	29 961	18 502	24 385	15 447	20 604	13 660
Cape Town	11 796	6 249	13 252	7 776	12 742	8 281	12 877	8 728	13 837	9 009	13 875	8 748
Durban	29 504	16 055	36 225	22 018	38 128	10 893	29 045	16 010	28 976	16 045	26 578	14 410
Pretoria	10 525	6 687	16 424	9 201	13 630	7 750	12 807	6 309	10 765	5 321	11 270	5 236
Port Elizabeth	13 683	6 088	17 228	8 683	14 602	6 140	14 058	6 463	13 257	6 503	13 679	5 218
Bloemfontein	3 465	2 286	4 526	2 692	3 820	2 530	3 669	2 350	3 150	2 095	3 204	2 067
East London	3 106	2 186	4 667	3 644	3 245	2 398	4 021	2 818	3 003	1 848	3 215	1 923
Kimberley	2 406	1 005	3 839	1 291	2 293	1 051	2 196	940	1 854	812	1 724	928
George	1 214	793	1 290	722	1 320	728	1 412	602	1 559	619	1 650	597
Total	98 610	57 096	134 569	78 129	121 603	58 825	110 046	62 722	100 786	57 699	95 799	52 787

REGISTERED AS WORKSEEKERS 1986
ALL RACES

	Jul		Aug		Sept		Oct		Nov		Dec	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Johannesburg	19 962	12 584	20 811	12 972	20 971	13 061	21 491	11 383	22 653	11 622	19 839	10 108
Cape Town	14 753	8 718	16 969	8 564	17 083	8 136	17 339	8 267	17 026	7 718	15 383	7 199
Durban	25 030	13 625	28 162	14 279	26 295	13 316	24 710	13 373	23 032	11 864	20 799	10 370
Pretoria	8 805	4 234	8 799	3 937	9 525	3 858	9 911	3 930	8 678	3 557	8 160	3 168
Port Elizabeth	12 908	4 621	13 067	4 507	11 357	4 087	10 789	4 178	10 122	3 396	6 805	2 672
Bloemfontein	2 566	1 814	2 268	1 693	2 373	1 791	2 001	1 407	2 007	1 427	1 746	1 354
East London	3 385	1 818	3 348	1 681	3 312	1 869	3 338	1 656	3 508	1 886	2 217	1 319
Kimberley	2 016	855	1 938	834	1 940	895	1 732	771	1 731	738	1 385	659
George	1 836	686	1 995	657	1 800	622	1 721	615	1 649	614	1 351	579
Total	91 261	48 955	97 357	49 124	94 656	47 635	93 032	46 035	90 406	42 822	77 685	37 428

Trade unions

386 Mr P H P GASTROW asked the Minister of Manpower

How many trade unions applied between 1 January and 31 December 1986 for registration in respect of *(a)* Black employees only, *(b)* White employees only, *(c)* Coloured employees only and *(d)* employees of more than one population group?

The MINISTER OF MANPOWER

(a) 4

(b) Nil

(c) Nil

(d) 12

Industrial accidents

387 Mr P H P GASTROW asked the Minister of Manpower

(1) How many workmen in each race group *(a)* suffered permanent disablement and *(b)* died as a result of injuries sustained at work in the latest specified year for which figures are available,

(2) *(a)* how many industrial accidents occurred in the Republic in that year *(b)* what amount was paid out by the Accident Fund in respect of such accidents and *(c)* what was the total period for which persons injured in such accidents were absent from work in that year?

The MINISTER OF MANPOWER

(1) *(a)* Whites 1 584
Asians 196
Coloureds 1 418
Blacks 18 902

(b) Whites 139
Asians 22
Coloureds 116
Blacks 1 414

(2) *(a)* 268 539

(b) R84 620 822

(c) 3 297 180 man days

Note The latest available figures are for 1984

Trade Unions

388 Mr P H P GASTROW asked the Minister of Manpower

(1) How many registered trade unions confined their membership to *(a)* White, *(b)* Coloured/Asian and *(c)* Black persons as at the latest specified date for which figures are available,

(2) *(a)* how many racially mixed registered trade unions were there, and *(b)* how many (i) White, (ii) Coloured and Asian and (iii) Black persons were members of trade unions, as at that date?

The MINISTER OF MANPOWER

(1) *(a)* 46

(b) 17

(c) 23

(2) *(a)* 109

(b) (i) 487 002

(ii) 333 829

(iii) 823 620

Note The figures are as at 31 December 1986 The figures under (2) *(b)* pertain to members of *all* registered trade unions There were also 53 706 members in respect of whom no classification was made according to population groups

Conciliation Boards

389 Mr P H P GASTROW asked the Minister of Manpower

The MINISTER OF TRANSPORT AFFAIRS

(1) *(a)*
(i) *(aa)* 627
(bb) 12

(ii) *(aa)* 16
(bb) 480

(b)
Class 15F
Class 15AR
Class NGG
Class GMA/M
} As at 31 January 1987

(2) *(a)* and *(b)* Yes The locomotives referred to in part (1) (ii) *(bb)* of the question have been placed as follows

De Aar	187
Klerksdorp	30
Germiston	92
Capital Park	42
Bloemfontein	13
Volksrust	19
Kroonstad	10
Witbank	5
Springs	2
Breyten	2
Mason s Mill	10
Pietersburg	3
Touwsrivier	9
Midlandia	9
Sydenham	7
Krugersdorp	40

(c) The locomotives, excluding the 40 at Krugersdorp earmarked for the Transport Services Museum s national collection, are put up for sale by tender In the event of no tenders being received they are dismantled and cut up

(d) (i) *(aa)* and *(bb)* Locomotives are covered with grease and oil

(ii) All brass and copper parts are sealed in the coal tender

Khayelitsha: demolition of buildings

543 Mr K M ANDREW asked the Minister of Law and Order

(1) Whether members of the South African Police were called to Khayelitsha Sites B and C, on or about 2 December 1986 in connection with the demolition of houses and a community centre in this area, if so, *(a)* what were the circumstances surrounding their being called to Khayelitsha on this occasion, *(b)* how many houses were demolished and *(c)* who demolished the buildings in question,

(2) whether the Police took any action as a result, if not, why not, if so, *(a)* what action and *(b)* with what result?

The MINISTER OF LAW AND ORDER

(1) and (2) Yes, but because the dispute between the residents of Khayelitsha, Sites B and C and the leadership of the respective communities was defused and settled by the intervention of the South African Police and the Chief Director, Housing of the CPA Community Services in the Western Cape, I do not regard it in the interest of the communities to furnish any information with regard to this matter

Complaints about Black person

544 Mr K M ANDREW asked the Minister of Constitutional Development and Planning

(1) Whether a certain Black person, in respect of whom particulars have been furnished to the Minister's Department for the purpose of his reply, is or was in any way attached to his Department, if so, *(a)* in what capacity, *(b)* when, *(c)* what are or were the responsibilities of this person and *(d)* what is his name,

(2) whether he or any official attached to his Department has received any complaints about this person, if so, *(a)* from whom, *(b)* when and *(c)* what was the nature of these complaints,

(3) whether any action has been taken by his Department as a result of these complaints, if not, why not, if so, *(a)* what action, *(b)* when and *(c)* with what result?

The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

(1) No

(2) No

(3) Falls away

Amounts owed by State

546 Mr J J B VAN ZYL asked the Minister of Finance †

What amounts were owing by the State on *(a)* 31 December 1985, *(b)* 31 January 1986, *(c)* 30 June 1986, *(d)* 31 October 1986, *(e)* 31 December 1986 and *(f)* 31 January 1987?

The MINISTER OF FINANCE

(a)	31 December 1985	R37 949 959 288,21
(b)	31 January 1986	R38 743 457 834,21
(c)	30 June 1986	R42 416 796 182,21
(d)	31 October 1986	R44 338 402 540,40
(e)	31 December 1986	R45 582 300 446,96
(f)	31 January 1987	R45 921 940 319,57

Stolen vehicles

547 Mr J J B VAN ZYL asked the Minister of Law and Order †

(a) How many motor vehicles were reported to the South African Police as stolen in the calendar years 1983, 1984, 1985 and 1986, respectively, and *(b)* what is the estimated value of these vehicles in respect of each of these years?

The MINISTER OF LAW AND ORDER

(a) 1983—45 078
1984—45 025
1985—42 696
1986—58 119

(b) 1983—R177 915 795
1984—R171 845 677
1985—R180 000 000
1986—R871 785 000

Note

1 I also refer the hon member to my reply to written Question Nr 101

2 Although less vehicles were stolen during 1985 than 1984, the estimated value increased It can mainly be contributed to the general increase in the price of motor vehicles The same goes for the increase during 1986 as opposed to 1985

Strikes

548 Mr J J B VAN ZYL asked the Minister of Manpower †

(a) How many employees in each race group were involved in strikes in each calendar year from 1980 up to and including 1986 and *(b)* in respect of each of these categories, (i) how many strikes were there, (ii) how many man-days were lost, (iii) how many employees were in service and (iv) what was the estimated loss in wages?

The MINISTER OF MANPOWER

(a)

Year	Whites	Coloureds	Asians	Blacks
1980	—	4 005	202	43 245
1981	—	4 271	1 583	75 078
1982	—	17 745	1 170	117 829
1983	4	904	1 693	57 731
1984	16	4 697	1 713	167 948
1985	8	12 395	1 842	198 415
1986	254	11 538	1 390	310 676

(b) (i) Separate figures for each race group over the whole period are not readily available The figures furnished are in respect of the number of strikes as from 1980 up to 1986

Year	
1980	136
1981	283
1982	346
1983	302
1984	441
1985	346
1986	643

(ii)

Year	Whites	Coloureds	Asians	Blacks
1980	—	25 378	356	135 221
1981	—	8 352	5 140	195 177
1982	—	62 753	4 233	294 704
1983	8	1 256	2 133	117 792
1984	112	6 504	7 503	358 631
1985	10	42 114	9 266	589 905
1986	1 977	52 406	8 177	1 099 285

(iii) Separate statistics are not kept by the Department of Manpower in respect of the number of employees "in service"

(iv) The estimated loss in wages by employees covered by the Labour Relations Act, 1956, is as follows

Year	Whites	Coloureds	Asians	Blacks
	R	R	R	R
1980	—	283 476	1 497	1 041 710
1981	—	78 926	54 458	1 935 642
1982	—	1 136 683	55 601	3 322 573
1983	—	17 001	31 596	1 615 118
1984	4 119	109 158	118 642	4 847 851
1985	315	974 455	158 672	6 684 249
1986	55 406	1 355 557	150 203	19 034 409

State Revenue Account

549 Mr J J B VAN ZYL asked the Minister of Finance †

(1) With reference to *Government Gazette* No 10579 of 16 January 1987, in respect of what income categories was the amount of *(a)* R1 926 400 376 for December 1985 and *(b)* R2 937 033 401 for December 1986 indicated opposite the head of revenue Inland Revenue under State Revenue Account received

(2) *(a)* what amount of revenue was received for January 1987 and *(b)* how is it made up?

Hansard 23/2/87

The MINISTER OF FINANCE

(1)

	(a) December 1985	(b) December 1986
	R	R
Tax in Income	1 241 795 505	1 885 340 027
Sales Tax	525 912 740	789 538 181
Other Taxes		
Non-Resident Shareholder Tax	36 340 909	36 228 575
Non-Residents' Tax on Interest	2 234 559	2 471 699
Undistributed profits	125 472	911 307
Donations Tax	176 708	388 975
Estate Duty	11 466 335	12 811 876
Trade Securities	6 560 728	13 147 386
Stamp Duties and Fees	19 845 287	31 234 388
Transfer Duties	19 728 759	22 685 247
Mining leases and ownership	19 785 596	65 843 373
Interest and dividends	31 568 319	93 452 403
Levies	59 522 046	3 170 707
Recoveries of loans and advances	1 158 532	59 379 832
Departmental activities	22 411 657	34 762 452
	1 998 632 152	3 051 365 428
Less Payments to selfgoverning national states	31 069 000	35 314 000
TOTAL Inland Revenue	1 967 563 152	3 016 051 428
Adjustment iro administration for own affairs	15 457 909	(303 410)
Adjustment irod standing appropriations	(1 456 783)	(140 823)
Adjustment iro amounts in transit	(55 163 902)	(78 573 794)
Paid into Exchequer	1 926 400 376	2 937 033 401

(2) *(a)* R2 505 414 461

(b) Details not yet available at this stage

Public violence

550 Mrs H SUZMAN asked the Minister of Justice

(1) *(a)* What total number of persons in each magisterial district was charged with public violence in 1984, 1985 and 1986, respectively, and *(b)* how many of them were (i) under the age of 18, (ii) between the ages of 18 and 21 and (iii) over the age of 21 years,

(2) whether any of these persons were convicted on these charges, if so, *(a)* how many in each age category in each of the above years and *(b)* how many of those convicted were sentenced to terms of imprisonment without the option of a fine,

(3) whether any of the persons so charged had the charges against them withdrawn, if so, how many in each of these age categories in each of the above years?

The MINISTER OF JUSTICE

The honourable member is referred to my answer on written question no 18 of 1987

Prisoners under 18 years

551 Mrs H SUZMAN asked the Minister of Justice.

Hansard

(a) How many persons under the age of

Industrial relations under strain

B/Day 25/3/88 (132)

A NUMBER of factors are placing otherwise constructive relations between management and trade unions under strain, Anglo American Industrial Corporation chairman Graham Boustred says in his annual review.

He says the state of emergency has had a direct effect on labour relations through the detention of union leaders. He says: "It is essential that such detainees should be afforded the benefits of due legal process without delay."

Another factor to which he refers is trade union support for disinvestment. He says: "This support is difficult to understand in the light of the real hardships that these measures impose on workers. It is important these trade union groupings review their positions before employment opportunities are even more severely reduced."

He says underlying the sanctions debate is the urgent need for the creation of channels through which black South Africans can exercise constructive political influence through appropriate political organisations, releasing the union movement to concentrate on the economic concerns of its membership.

Strike numbers escalated last year

GERALD REILLY

STRIKES and work stoppages began to escalate in 1979 and reached a peak last year, Manpower Director-General Piet van der Merwe said in Bloemfontein yesterday.

Last year 1,3-million work days were lost because of strikes and stoppages

About 59% lasted a day or less, and only 7% lasted longer than 14 days.

The average duration was three days, which compared well with figures for Western countries.

In 1986, 1 983 disputes were referred to industrial councils and 1 294 requests were made for conciliation boards, compared with 514 in 1985

Membership of registered trade unions increased from 673 000 in 1976 to 1,7-million last year.

Wages lost amounted to R23,2m.

The duration of strikes was relatively short.

Added to this were the 369 000 members of unregistered unions.

This brought the total to more than two-million, or 23,8% of the total labour force, Van der Merwe told the SA Institute for Organisation and Methods.

Since 1979 an increaing number of unions had opened membership to more than one population group.

At the end of 1978, there were 39 such unions with a total memebrship of 206 000.

At the end of last year 109 of them had a membership of 863 000.

A new cadre of trade union leaders with credibility in their own ranks, negotiating abilities and economic power had emerged.

Van der Merwe said there were 77 industrial council agreements at the end of last year, which made provisions for wages and which applied to about a million workers.

Union storm over May Day holiday

By ANDREW GILLINGHAM

SOUTH Africa is to have its own official labour holiday — but its timing has stirred a loud protest from both extremes of the union movement

President P W Botha announced the new "Workers Day" holiday at the Boksburg centenary celebrations yesterday, and said it would fall on the first Friday of every May

The new holiday is a half-way concession to the emergent black unions who have unofficially declared May 1 — international May Day — as a public holiday and have since forced important business sectors to recognise it

But the President's deal has failed to satisfy all parties

President of the National Union of Mineworkers (NUM) Cyril Ramaphosa said President Botha had failed to meet the workers' demands that the symbolic May 1 be an official Labour Day

He said the union had already negotiated May 1 with employers, and the Government was out of step

"It's an election ploy The Government has not given us what we want because it does not want to be seen to be capitulating to pressure"

He said the symbolism of May 1 was more important than having a long weekend, and the unions would continue pressing for acknowledgment of May 1 and June 16, the day marking the 1976 Soweto unrest, as public holidays

And Mr Arrie Paulus, white unionist and CP candidate in Carletonville, said white workers would be unhappy with the decision as they preferred the latter half of the year

"The Government is showing that it is afraid of the black workers They get whatever they want Next they will get the whole hand," he said

PFP spokesman for manpower affairs Peter Gastrow said the Government, while trying to defuse conflict, would exacerbate the situation

"There are now two days in the first week of May under dispute Pressure from workers will continue I call on the State President to review his decision for the sake of industrial peace

"He must change his mind before he builds a permanent obstacle into the fabric of the country If he does decide to make May 1 "Workers Day", it will be seen as a move of positive reconciliation by South Africa's labour movement"

Mr Botha said in Boksburg that South Africa owed much to its workers corps which through the years had built up the country

This year the first Friday of May 1 falls on the first, thus coinciding with the interests of both Government and black unions

(News by A Gillingham, 11 Diagonal Street, Johannesburg)

MAY 1 MEI 1987

Unions slam PW's 'workers' day' date

23/3/87

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Labour Reporter

MAJOR black trade union groupings yesterday condemned President Botha's decision to declare the first Friday in May each year a 'Workers' Day' public holiday and reaffirmed their commitment to fight for May 1 to be recognised as 'Workers' Day'.

Mr Botha announced the new holiday at the Boksburg centenary celebrations at the weekend

Mr Thami Mhlomi, Natal regional secretary of the Congress of South African Trade Unions (Cosatu), said the decision to declare the first Friday of May as 'Workers' Day' was meaningless Cosatu would continue its campaign for a May 1 public holiday for workers in South Africa

Speaking from Ulundi, Mr Simon Conco, secretary-general of the United Workers' Union of South Africa (Uwusa), which claims a signed up membership of 100 000, said that by taking a unilateral decision Mr Botha was courting confrontation with workers

Employers

'Workers in South Africa will be out of step with workers throughout the world if they did not celebrate May 1 as Labour Day

'I will recommend to my national executive at its next meeting that it approach employers to swop the first Friday of May each year with May 1, the internationally-recognised Labour Day or Workers' Day,' he added

Mr Norman Middleton, Natal co-ordinator of the Council of Unions of South Africa (Cusa), said 'There is no significance in declaring the first Friday of May as Workers' Day We want May 1 and nothing else

'Typically, yet again South Africa wants to be out of step with the rest of the world,' he said

The PFP's manpower spokesman, Mr Peter Gastrow, urged Mr Botha to reconsider his decision

(Report by M Vengtas, 12 Devonshire Place, Durban)

(132) Sowetan 23/3/87

Keep politics out, unions told

By SY MAKARINGE in Port Elizabeth

THE management of the newly formed Port Elizabeth-based Delta Motor Corporation, which took over the operations of General Motors South Africa following the American's withdrawal from South Africa, is to work towards better relations with the local trade unions

This was said by Mr George Stegmann, director of personnel and public affairs at a Press luncheon in Port Elizabeth on Friday.

Mr Stegman warned, however, that the new company would not deal with what he termed politically motivated unions

REV Leon Sullivan . . . "broad brush."

We are certainly looking at having good relations with the trade unions we deal with Our philosophy is to respect the rights of an individual to belong to a union," he said

Mr Stegmann also said the newly named motor manufacturer would not be a signatory to the Sullivan Code because of its "broad-brush approach "

"The new company," he said, "will, however, continue to have a very definite social conscience Like many other South African companies, we will continue to apply progressive and non-discriminatory employment practices and exercise social responsibility in the community we serve "

The managing director of Delta, Mr Keith Butler-Wheelhouse, said Port Elizabeth will remain the headquarters of the company He said chairman Mr Bob Price, and a section of the marketing operation, will be firmly established in Johannesburg, the country's major market area

The name Delta was chosen because it was bilingual, short and punchy

The triangular Greek letter for delta was a symbol of strength, he said.

Workers' Day under attack

ALAN FINE

THERE was further adverse union reaction yesterday to President P W Botha's announcement that the first Friday in May is to be a public holiday designated Workers' Day.

Both Cusa/Azactu and the Congress of South African Trade Unions, SA's two largest union federations, stressed they considered May 1 to be Labour Day and would continue to observe it

Cosatu said it was "disgusted that employers are rushing forward to commend P W Botha"

The Labour Forum, a loose grouping of middle-of-the-road established unions, said in the past two weeks it had conducted a survey on the issue among unions representing 250 000 workers It found that unions representing nearly 95% of these workers would accept only May 1 as Labour Day

The Institute of Personnel Management yesterday welcomed Botha's announcement.

Employer spokesmen have also welcomed Botha's decision to ask the President's Council to examine the whole question of public holidays. Botha said Republic Day, religious holidays and those with a religious emphasis would not be affected by the investigation

One employer said, though, that if the President considered the Day of the Vow in this category, pressure for a paid holiday on June 16 would become "irresistible". A spokesman for the President confirmed that the Day of the Vow was seen in this light.

Neither of SA's two largest employer organisations — the Steel and Engineering Industries Federation and the Chamber of Mines — would comment on the announcement.

B/Day

24/3/87 (132)

Industry welcomes new holiday

ARGUS 24/3/87 132

Labour Reporter 1 fell

THE Cape Chamber of Industries has welcomed the creation of a Workers' Day holiday.

The chamber said in a statement today the announcement by President P W Botha was in line with representations by the Federated Chamber of Industries that the role of labour be acknowledged through a public holiday

It noted that some trade unions favoured the celebration of May 1, International Labour Day, irrespective of the day on which May

"However, organised industry favours the scheduling of public holidays on Mondays or Fridays, wherever possible

"Such arrangements cause less disruption to industry and also ensure that employees receive all holidays every year"

The new public holiday had implications for existing legislation, industrial council agreements and wage determinations on which the chamber awaited clarity from the Government

Cape Times 24/3/87

'Workers' Day': Union resentment

(132) (180) (480)

Own Correspondent

JOHANNESBURG — There was further adverse union reaction yesterday to President P W Botha's weekend announcement that the first Friday in May is to be a public holiday designated Workers' Day

Both Cusa/Azactu and the Congress of South African Trade Unions, SA's two largest union federations, stressed that they consider May 1 to be Labour Day and will continue to observe it

Cosatu said it is "disgusted that employers are rushing forward to commend P W Botha" Cusa/Azactu called for clarification from Assocom's Raymond Parsons on his statement that the decision is in line with Assocom recommendations

'Positive contribution'

And the Labour Forum, a loose grouping of middle-of-the-road established unions, said in the past two weeks it had conducted a survey among unions representing 250 000 workers on the issue and found that unions representing nearly 95% of these workers would accept only May 1 as Labour Day

The Institute of Personnel Management yesterday welcomed Botha's announcement, saying it recognizes "the positive contribution made by the workforce to the South African economy"

Employer spokesmen have also welcomed Botha's decision to ask the President's Council to examine the whole question of public holidays Botha said Republic Day, religious holidays and those with a religious emphasis would not be affected

B/Day 25/3/87 (132)

Blunder over a Mayday call?

ALAN FINE

PRESIDENT P W Botha's handling of the Workers' Day issue is a good example of why even his most generous reform moves have attracted little applause from black political and labour organisations.

In itself it may seem odd that workers are rejecting an additional public holiday, particularly one declared in their honour. The fatal flaw is that Botha made it a fait accompli in the absence of meaningful negotiation.

It is impossible to read Botha's mind. But it is conceivable that his intentions were twofold. Firstly, giving white workers a new holiday may attract some votes from the right-wing parties; secondly, since most black workers will be taking the day off anyway — most with their employers' agreement — why not minimise the risk of any serious trouble five days before the general election?

And perhaps they will actually like the idea of an extra long weekend every year. Unfortunately, he did not think of asking their opinion first. And not surprisingly, both the Congress of South African Trade Unions (Cosatu) and Cusa/Azactu — which represent the vast majority of unionised black workers — have rejected the idea as an attempt to undermine all they have fought for.

The date of May 1 is of great importance to SA's black unions. It is recognised internationally (although not in the US) as Labour Day. It symbolises the labour movement's struggle for some kind of socialist society

Most importantly, it is an issue to which local unions have devoted much energy — and with notable success — since the beginning of the decade. A few years ago, lunchtime May Day meetings attracted a handful of people There was no question of staying away from work. Last year, 1,5-million workers stayed away, although only a minority of them with employer agreement. This year there's hardly an organised plant where management has refused to agree to May 1 as a holiday, in most cases with pay.

But there are also good reasons why Botha's proposal is, in itself, not a bad one. For one thing, SA has many migrant workers who may be able to spend an extra long weekend with their families.

As most employers now recognise, the most generous wage increases and fringe benefit schemes win little goodwill when they are imposed from above.

It's a pity the Manpower Department was unable to impress this on Botha. The most that can be hoped for now is that the process occurs when the President's Council investigates the whole structure of public holidays

Post 26/3/87 (132)

1986 ravaged earning power of man in the street

Post Correspondent

CAPE TOWN — Wage-earners suffering the ravages of inflation experienced one of their biggest setbacks during 1986.

This was said by the University of Cape Town's SA Labour and Development Research Unit (Saldru) in its latest survey on wage and salary trends

Saldru said the battle to keep pace with rising living costs was lost in 1980 and had steadily worsened, with 1986 being the worst year in at least a decade

Wage boards and industrial councils failed to take inflation into account when setting minimum wages, an omission for which there was no excuse, it said.

An analysis of wage rates granted to hourly paid labourers showed that the median wage had never dropped as much as it had in 1986

It declined by almost 17% for wage determinations and 7% for industrial council agreements

For artisans, the deterioration has been more dramatic, with median wage rates falling by 61% since 1976

Wage rates for artisans subject to industrial council agreements had fallen 12% since 1976, and remained relatively constant last year

Saldru said the apparently generous wage increases the National Union of Mineworkers obtained last year — after five months of negotiation — had merely kept pace with inflation rather than rising above it The increases ranged from 19,5% to 22,5% for underground workers, and from 20,5% to 23,5% for surface workers.

B/Day 26/3/87

Losing battle to keep pace with costs

Wage-earners plight steadily deteriorating

132

CHRIS CAIRNCROSS

WAGE-EARNERS suffering the ravages of inflation experienced one of their biggest setbacks during 1986.

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For artisans, the deterioration has been more dramatic, with median wage rates falling by 61% since 1976, and 16% in 1976

Wage rates for artisans subject to industrial council agreements had fallen 12% since 1976, and remained relatively constant last year.

Saldru said the apparently generous wage increases the National Union of Mineworkers obtained last year — after five months of negotiation — had merely kept pace with inflation rather than increasing it in real terms.

The increases granted by the industry ranged from 19,5% to 22,5% for underground workers, and from 20,5% to 23,5% for surface workers

Saldru said that, taking inflation into account, only the lowest-paid categories — from one to four in the case of surface workers — could be said to have made any real gain in a year, and that was only about 1%

The real wages of all other categories remained almost static, except for the most highly-paid categories, where the imporvement amounted to 1%.

New setback for Botha's 'May Day'

ALAN FINE

PRESIDENT P W Botha's decision to create the new Workers' Day public holiday on the first Friday of May has run into a new, unforeseen problem

Because of the nature of the legislation affecting public holidays, his decision cannot be made legally binding on the manufacturing and mining sectors without passage of legislation through Parliament. And Parliament only reconvenes on May 16

The State President is entitled, in terms of the Public Holidays Act (PHA), to proclaim any day as a holiday In terms of the Basic Conditions of Employment Act (BCEA), the proclamation would automatically apply to shops and offices

But the BCEA and individual industrial council agreements — none of which contain specific reference to Workers' Day — override the PHA in respect of establishments which are not shops or offices.

The same applies to the Mines and Works Act

Manpower Director-General Piet van der Merwe says his department is aware of this, and will issue a notice clarifying the legal position within the next few days In effect, he says, May Day remains a matter for negotiation between employers and unions in most sectors

However, the statement will probably urge employers to treat May 1 this year as a public holiday.

"It would be wise for employers to negotiate on the basis that the day actually is a public holiday," he says

PW's disc no hit with Maitland packers

By CHRIS GUTUZA

PRESIDENT P W Botha s election message may be enjoying 'hit single" status, but the Maitland workers who packed it see no "gold" in their working conditions

Several workers are unhappy because, they complain their working conditions keep them at a disadvantage, especially over pay

Though the packers did not work overtime on the single, several want to be paid on an hourly basis because they say they are losing money they would have earned for normal working hours and overtime

"We are being paid by the quantity of material labelled, folded, inserted or sealed," they say

"When we work overtime our rates do not increase The same happens when we work on certain Saturdays

Said another worker Things would be different if we belonged to a union I receive my wages in a plastic bag with a little strip that doesn t even stipulate who I work for A small amount is deducted, I think it s UIF"

"Another sore point is that we have to start working as soon as we arrive at work, even if we are early, although our working hours are from eight to five "

Penalised

Another said they were penalised and had to stay home for up to two weeks if they refused to work overtime or arrived late

When there s a slack period workers leave at about noon each day and we are not paid for that period If you work on a job at a rate of R1 60 for 1000 copies, and you do not handle more than that amount for the day, R1,60 is all you earn for that day," she said

The general manager of the mailing service, who refused to give his name, said he would not comment on anything before he had written proof that his staff would benefit from the article,

He claimed to have made a tape recording of the conversation with the reporter and produced a cassette player as alleged proof He then gripped the reporter's upper right arm, while telling an onlooker "This guy is getting me cross now ' The SOUTH reporter then left

It is reported that the election project could cost the National Party more than R520 000 for the 400 000 copies of the single which will be distributed to white voters

The workers responsible for the wrap-round with the title "Why you should vote NP" will not feature in the elections, nor will they be represented

(News by Chris Gutuza of 95 Sir Lowry Rd, Woodstock)

Workers at a Maitland firm packing P W Botha's election single

Call for 'release' of unions

(132) Star 26/3/

Channels should be created for blacks to exercise political influence "releasing" the trade union movement to concentrate on economic concerns, says Anglo American Industrial Corporation chairman Mr W G Boustred

The point is made in Mr Boustred's annual review, which remarks on the stressful impact of politics on industrial relations and takes issue with unnamed union groupings on their support for disinvestment

On the question of union groups supporting disinvestment and the withdrawal of foreign companies, he comments "This support is difficult to understand in the light of the real hardships that these measures impose on workers, many of whom are trade union members, and their dependants It is important that these trade union groupings review their positions before employment opportunities are even more severely reduced"

May Day hits snag

CAPE TIMES 26/3/87

132

Own Correspondent

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Because of the nature of the legislation affecting public holidays, his decision cannot be made legally binding on the manufacturing and mining sectors without passage of legislation through Parliament And Parliament reconvenes only on May 16

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But the BCEA and individual industrial council agreements — none of which contains specific reference to Workers' Day — override the PHA in respect of establishments which are not shops or offices

The same applies to the Mines and Works Act

The director-general of manpower, Mr Piet van der Merwe, says his department is aware of this, and will issue a notice soon clarifying the legal position

He says May Day remains a matter for negotiation between employers and unions in most sectors

"As far as I am concerned, in the light of the President's announcement and in the interests of good labour relations, it would be wise for employers to negotiate on the basis that the day actually is a public holiday," he says

(Report by A Fine, 11 Diagonal St, Johannesburg)

Workers start to favour socialism

N/M 27/3/87

(132)

Finance Reporter

EMPLOYERS were urged yesterday to pay living wages and guarantee job and social security to their workers if they were serious about improving the black persons sagging image of the benefits offered by the free enterprise system Mr Blade Nzimande of the University of Zululand said yesterday

Speaking, at the Natal Chamber of Industries' 'Executive Update' seminar, on black perceptions of the free enterprise system, Mr Nzimande, said socialism, for a number of reasons, was increasingly being seen by blacks as a better alternative to capitalism

He said part of their attitude could be linked to apartheid and the traditional benefits it awarded employers in the form of cheap labour

Misery

'Blacks have seen that under the system there is a greater concentration of big white-owned conglomerates with the system proving incapable of re-distributing its wealth

'For many of them the receiving end of free enterprise has become a source of misery and poverty for its producers

He said if employers believed capitalism offered the country a future, they should positively address the burning issues confronting black workers such as living wages, job security, political rights and dismantling of apartheid and freedom to organise without harrassment.

Retrench

Mr Nzimande said employers should stop retrenchments when they threaten fat profits and only retrench as a means to stop 'going under'

He slammed such educational programmes as Project Free Enterprise and 6M and said they completely missed the point

Promoting a black middle-class corporate elite failed to address the real problem of developing the skills and education of the black masses

Mr Kent Durr, Deputy Minister of Finance, said the Government was fully aware of the pressing need to re-distribute income by the normal gradual process and 'by more direct means'

Taxation

'We know that this cannot be achieved by compressing the wealth-creating ability of private enterprise through punitive taxation and that the way ahead involves a shrinking public sector supply of goods and services to the rich and an increase to the poor

Mr Kevin de Villiers, managing director of Allied Bank and who was one of the negotiating team at last year's debt re-scheduling talks, said he was optimistic that the $23 billion foreign debt would be repaid before the negotiated 23 to 25 years

He said the country's good balance of payments and renewed overseas confidence had all contributed to an early agreement at the recent talks

But inspite of the renewed confidence he said it was still very difficult for South Africa to get loans for one or two months

'There is a slight thawing in attitude towards us, and this might loosen in the next 24-30 months, but not beyond three to six months, he said

He said the greatest level of hope for loans, in the short run, would be trade credits

Mr Blade Nzimande

(132) 8/M 27/3/87

MAY DAY BLUES

There is an ironic twist to the wrangle over the May Day public holiday in that President P W Botha's declaration of the first Friday in May as Workers' Day in SA happens to fall on May 1 this year.

It, therefore, coincides with International Labour Day, which the black trade unions are determined to observe, avoids any union opposition days before the election, and is a suitable position for a ruling party looking over its right shoulder to adopt

Next year, however, May Day falls on a Sunday, and the first Friday is on May 6. While that looks like again fortuitously avoiding a dispute with the unions, it may not be that simple

May Day has not fallen on a weekend since the unions started their campaign for the day to be a paid public holiday, so it is not known what their plans will be in May 1988 However, at least one powerful black union is said to favour demanding a day off on Monday May 2, since May 1 is a Sunday.

Meanwhile, the unions are sticking by their refusal to accept the first Friday in May A spokesman for the Council of Unions of SA (Cusa), Mahlomola Skhosana, says Cusa is not considering any alternative to May 1. Any other day means nothing and will be ignored by workers. He says Botha's suggestion is a recipe for conflict

Cosatu's information officer Frank Meintjies says May 1 has become an international symbol and workers will not negotiate the issue.

He congratulates Botha on his "clever move to avoid the real issue." The workers are not asking for a long weekend, or a picnic holiday, he says. They want to hold mass rallies and work for a new society. "Last year it was banned. Will the police intervene again? That is the real issue," he says

FINANCIAL MAIL MARCH 27 1987

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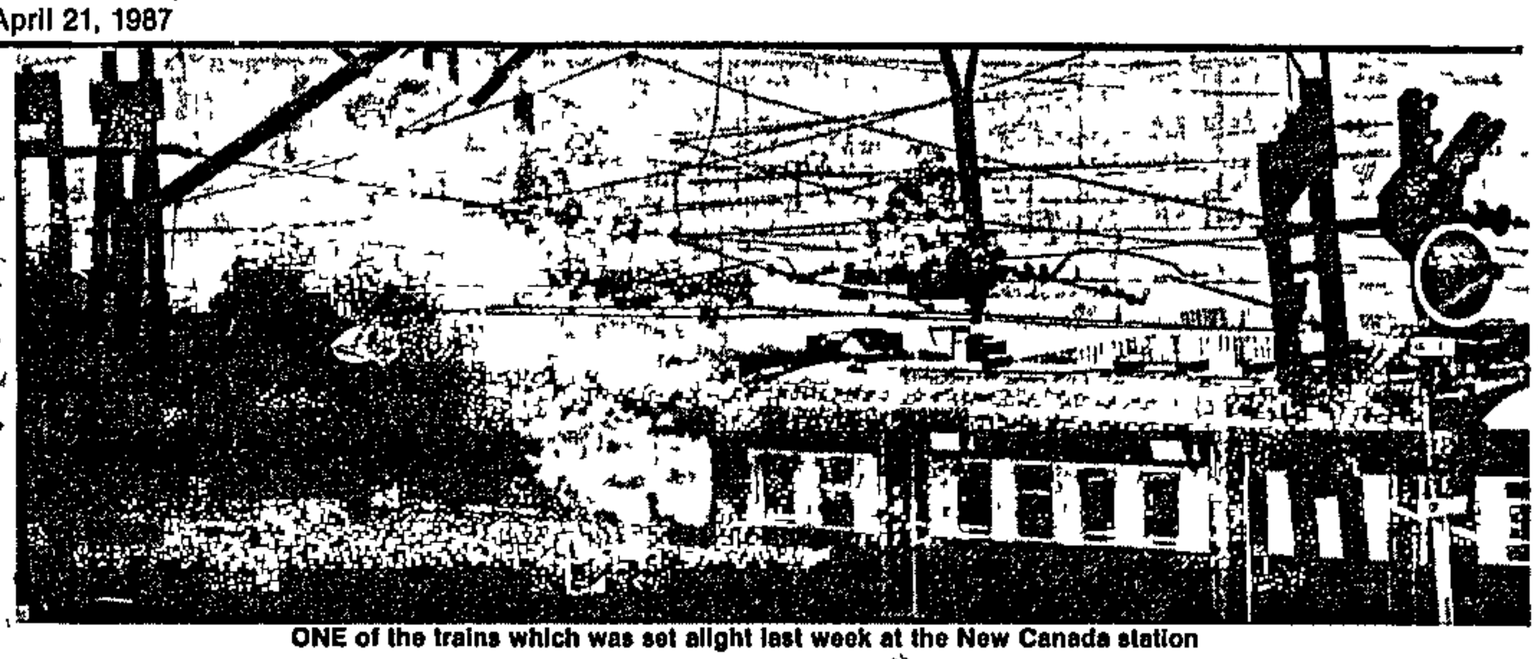


ONE of the trains which was set alight last week at the New Canada station

Major labour crisis feared

Sowetan 21/4/87

FOCUS

INDUSTRIAL relations experts fear the Government could plunge the country into a major labour relations crisis if it decides to dismiss striking railway workers

Industrial relations consultants "pessimistically" predicted that the Government, in a right-wing vote-catching action, would soon resort to detaining union leaders and to dismissing workers

"It is well known that many of the white employees of South African Transport Services (SATS) are right-wing, and they will be watching the Government to see what it does," said one labour observer

Private sector labour experts asked not to be named "because of the sensitivity of the election"

"The consequences of firing workers would be too ghastly to contemplate, because then the giant Congress of SA Trade Unions (Cosatu) would have to react," said Brian Allen, a labour consultant

The South African Railway and Harbour Workers' Union (Sarhwu), which has 22 000 members on strike in the Transvaal and the Free State, is an affiliate of Cosatu

SATS management came under fire from private sector consultants for the handling of the strike "which could have been resolved on the first day"

Policy

"It started out as a dismissal dispute but the underlying cause now is recognition by SATS of Sarhwu," said Mr Allen

SATS management behaviour has been very contradictory They have not taken the traditional hardline approach as in previous disputes, dismissing workers and throwing them out of hostels

"Although that policy seems to have changed it is to no avail in terms of settling the strike because the basic issue is acceptance of the union This was a lesson learnt in the private sector a decade ago," said Jon Lewis of the *SA Labour Bulletin*

The widespread strike is entering its fifth week, which is "a totally unique situation on the railways The last strike in the public sector lasted days, if not hours," said Mr Lewis

MR ADRIAAN VLOK Minister

In an increasingly violent spin-off to the labour confrontation, at least one person suspected of torching trains has been injured by security forces and passengers and police have been hurt

Crowds allegedly carrying ignited petrol bombs have been dispersed with teargas and damage running into millions of rands has been caused to rolling stock by mobs setting them alight

Last week the Minister of Transport, Mr Eli Louw, warned that the striking workers may soon be dismissed

Radical

From the union side, tension has been increased by Sarhwu threatening to take legal action against the Minister of Law and Order, Mr Adriaan Vlok, and Mr Louw because of alleged assaults on strikers and "slanderous statements" about the union

Trade union leaders also denied Government and SATS allegations of intimidation in the strike

'The parties are so far apart now that a lot of work will have to be done to resolve the dispute' said Mr Mike Miles director of the SA Institute of Labour Relations

While emphasising that he wanted to see the process of bargaining continue Mr Miles said the refusal of SATS management to accept the legitimate demands of the union was frustrating the bargaining process and creating increasing tensions

"If people cannot get their requests and grievances addressed by legitimate means, they resort to more radical methods," he said

A meeting with management asked for by the union on Friday, failed to materialise because "while the Minister of Transport and SATS management were trying to finalise details of the meeting, union representatives left SATS City Deep premises," a SATS spokesman said

Responding to criticism from labour relations consultants, the spokesman said "the management of SATS never wanted the strike to last for five weeks We have an open-door policy for negotiations with these people"

In a Press conference last week the union denied encouraging violence and intimidation, or that it had an interest in prolonging the strike and said these allegations were a tactic of management to justify refusing to "negotiate with the democratically elected representatives of the workers"

Subversive

BECAUSE of the Government's amendment to the definition of subversive statements, published in a *Government Gazette* this month, we cannot publish our regular column *Lest We Forget*

It is now an offence to call for the release of detainees or to perform any act of a symbolic token of solidarity or in honour of detainees

Political comment in this issue by A Klaaste and J Thloloe Sub editing, headlines and posters by S Matlhaku All of 61 Commando Road, Industria West, Johannesburg

• Write to the Editor at PO Box 6663 Johannesburg 2000 Nom de-plumes can be used but full names and addresses should be supplied or the letter will not be published

'The last thing we need is a crackdown on the trade unions'

W/Mail 30/4-7/5/87 (132)

DUNCAN INNES interviews JW "Bokkie" Botha for a management perspective on the state of labour

LAST week's shooting by police of striking railway workers prompted one of South Africa's largest industrial companies, AECI, to telex two cabinet ministers, urging them to ensure the greatest restraint was exercised

The telex, sent to the Ministers of Manpower and Law and Order, expressed AECI's concern and regret at the loss of lives and injuries that occurred

While not wishing to comment on the specific handling of the Sats strike, the telex expresses AECI's concern that the violence that has arisen out of the strike will adversely affect the developing industrial relations system and relationships on the shop floor.

JW "Bokkie" Botha, AECI's group personnel manager, this week pointed out the problems which could arise out of last week's shootings

He stressed that he could not make judgements on the strike because he did not have sufficient information. This, he said, was partly "as a result of press restrictions and media self-censorship; we don't necessarily know everything that happened."

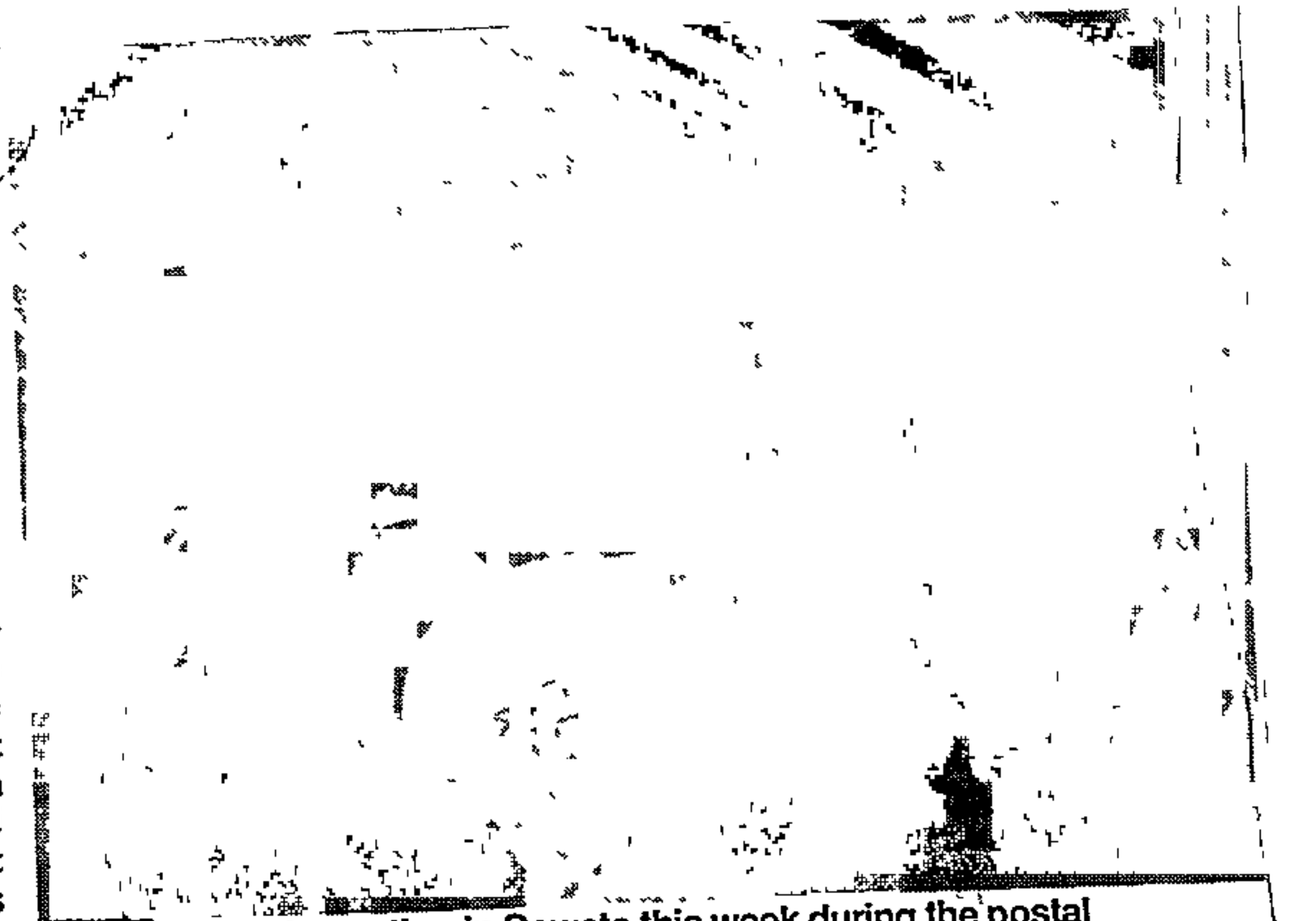
However, Botha felt in general it was important for management to negotiate with a union which had sig-

call for restraint." Asked how he thought strikes of this kind could have been resolved, Botha pointed out that Professor Nic Wiehahn's report on labour relations on the railways had been handed over to the government last December. "Could this report's recommendations have helped resolve the strike? Jimmy Zurich of the Artisans' Association, who was a member of the commission, says they could, but we don't know what these recommendations were. They have still not been made public.

"What is important, though, is that the legal procedures of the existing Labour Relations Act, which are tried and tested but do not apply to the railways, are adequate to deal with this sort of problem. Nor — and this concerns me even more — are railway workers covered by the Industrial Court As is well known, workers who are covered by the court can appeal against unfair dismissals.

"The logical solution is to extend the Labour Relations Act to railway workers."

It is a disturbing irony of the Sats



A report-back meeting in Soweto this week during the postal workers' strike. AECI representative 'Bokkie' Botha has warned against the introduction of new legislation to deal with disputes such as this, involving state-run organisations like the Post Office and the SA Transport Services

Picture: SANTU MOFOKENG, Afrapix

dispute that the same government which introduced legislation enabling the peaceful settlement of labour disputes in the private sector has not yet extended that legislation to the public sector in which it is itself directly involved.

But the disturbing features of the government's role in this dispute go further than this. Relatively early in the dispute Minister of Transport Eli Louw politicised the issue by claiming that politically-motivated outsiders, such as Cosatu, the UDF and the ANC, were behind it. This argument was shortly to be repeated by Sats MD Dr Bart Grove.

While comments of this kind undoubtedly contributed to the escalation of the strike, in the run-up to the white election the government has not sought to defuse the situation at all. At least two Ministers, Alwyn Schlebusch and Adriaan Vlok, have raised the issue of black labour at National Party election rallies, with Schlebusch claiming legislation is on its way which will deal with strikes.

Statements of this kind are extremely worrying to Bokkie Botha, who sees "an ominous side to what ministers are saying Does this in fact mean a crackdown on black trade unions?"

son de Lange stands for the National Party and his twin Izan is the CP candidate and local AWB *gauleiter*

Dinner time at home is hell.

If I am to keep my position as a respected member of my family and as a highly regarded member of our society, it is only decent and right that after resigning as ambassador I ... also resign as a member of the National Party.

But before you think I might disappear into history like so many other ambassadors who have resigned

at the mercy of events which are moving very swiftly indeed. And government, bracing for the election, is not playing the conciliatory role it should be — through mechanisms which it set up itself in the Seventies when faced with the danger of an undisciplined and growing urbanised black workforce

It may well be that the 16 000 dismissed Sats strikers can be replaced because of the severe unemployment situation — which Central Statistical Services estimates at 22% of the economically active black population

But the move leaves out of account such intangibles as the enduring bitterness created by any mass dismissal, the cost of training novices and re-processing those who wish to return to work on almost any terms, the inherent risk of displacing unemployment to the homelands and other rural areas, so in the long term creating a disaffected base for insurgents, and the image foreign traders and investors gain of the vulnerability of our transport systems to strikes and sabotage

And then hardline police actions spill over into the black union movement and the black community as a whole — witness the effects of the raids on Cosatu House and the Germiston and Doornfontein shootings, as well as last week's confused Soweto stayaway

Emotions heightened by what is seen as unfair treatment of one group of workers (and the Sats strike had its origins in a petty alleged offence involving R40) are fed back into a community enraged by what it sees as unjustified rent hikes and the like. (The current wave of "unrest" began in September 1984 over rents and related issues in the Vaal Triangle townships) This to and fro of causes and actions leads to a volatility which is in no employer's interest — private or public sector

As for replacing black workers with whites — it's a pipedream, like attempting to maintain postal services with white schoolchildren and, very often, white drifters who will not stay in the job in the medium to long term

Management-union confrontation in these circumstances simply cannot be as easily resolved as some recent mine strikes, where the National Union of Mineworkers is a recognised entity with which deals can be struck — witness the strikes at Randfontein Estates and Western Areas over retrenchments Here the issue of "sweetheart" unions — compliant in-house employees' associations — did not rise up from the past to complicate matters A JCI spokesman was reported last week as saying that about 23 000 workers were resuming shifts after productive negotiations That's more than were involved in the Sats strike

The ramifications of the transport workers' strike continue, and, of course, have been marked by violence — police action against unions, sabotage of trains As Cosatu's Jay Naidoo has pointed out (*Current affairs* April 24), public sector bodies like Escom and Iscor have come to terms with Cosatu-affiliated unions and negotiate with them Sats is therefore out of step with its sister public sector corporations — fazed by the unionisation of its workforce by the SA Railway and Harbour Workers Union, affiliated to Cosatu Its (sometimes confused) attempts to negotiate were focused on Blatu, a management-sponsored grouping with no real authority outside Natal

Overall, Sats' responses to the strike seem defective Attempts were made to promote a shadow union as the genuine representative of the workforce There were unsubstantiated allegations of intimidation by Cosatu, and the whole process of shunting off one body of workers and taking on another was and is messy What, for example, about service benefits and the like?

Fire in the yard ... will reform be the casualty?

Such *kragdadigheid*, in current circumstances, has a further consequence Michael Sinclair of the Washington-based Investor Responsibility Research Centre — which monitors SA events for corporate America — writes in a new publication "An important factor in the new era of black political mobilisation was the legal recognition of black trade unions in 1979 The emergent black union movement is a democratic anomaly in a society that denies blacks any other representation Although only about 12% of the African workforce (fewer than 1m workers) is unionised, the union movement has a political influence far beyond its formal membership As one union leader put it, 'We are blacks before we are workers,' and in the absence of other channels workers expect the unions to take up community issues and grievances "

There is also the possibility of the Sats dismissals leading to sympathy strikes, despite their illegality, as Cosatu has threatened Since the "emergent" unions are democratically structured, they represent one way in which black workers as a whole encounter the nature and aims of democracy itself It can be argued that far from being at the mercy of "outside" influences (such as the UDF or the external mission of the African National Congress), these unions will in the long run have to themselves confront undemocratic tendencies in, for example, the ANC The whole issue of nationalisation would fall into the spotlight in any transitional period It wouldn't all go the ANC's way

Such intangible "gains" will be lost if the entire process of industrial negotiation becomes an "us vs them" affair If you cannot negotiate on a pay rise or working conditions, how can the groundwork be laid for negotiation about power-sharing at far higher political levels?

The hard line therefore suits undemocratic forces and tendencies by discrediting negotiating as a procedure for conflict resolution As Sinclair puts it. "Unionisation has provided a platform for democratic organisation and developing political awareness that has an important spillover effect in the organisation of many political community organisations " This view has merit Revolutionaries do not thrive in an orderly climate — and the labour scene at present is not orderly.

Government will make matters worse if, having accepted the Wiehahn reforms, it now turns its back on them — for example through legislation which would have the effect of turning labour issues into political ones *in all circumstances* Minister in the State President's Office, Alwyn Schlebusch, gave notice last week that a crackdown could be in the offing as soon as the next session of Parliament. If true, and not simply an election ploy, this would do considerable damage to the one area in which the Nationalists have carried through reform with a fair measure of sincerity and success

It would also suggest that one "solution" to black aspirations remains the old "insider-outsider" strategy implicit in the Riekert Report In essence, this would be to say that if you have a job and "approved" accommodation, you can stay on as an urbanised black If not, it's out — back to the homelands and poverty An entrenchment of privileges then occurs as well as political docility. People with a stake in the First World sector will perceive their best interests as lying with the status quo — or so the theory goes

In fact, since life is uncertain, that won't happen Hardline employer attitudes — sanctioned by government — will instead increase black-white polarisation Again, a situation which suits revolutionaries. Such larger issues should not be forgotten in the hope that black unions, and blacks, will somehow go away ■

LABOUR MATTERS

Putting back the clock

Government's labour reforms have gained it considerable credit abroad — and helped to maintain a degree of stablity in the black workforce. Recent actions indicate it could be turning its back on this progress.

The turbulence in the labour arena could foreshadow an indefinite period of intensified uncertainty vis-à-vis the relationship between employers and the workforce This situation is inevitable, and businessmen will have to be guided by such attested facts as can be salvaged from the murk created by censorship and the whole apparatus of the State of Emergency

Part of the problem is that the effective suppression of umbrella bodies such as the United Democratic Front (UDF) has been a factor in the politicisation of the black union movement. Bannings and arrests have further inflamed perceptions This is most apparent with the increasingly militant Congress of SA Trade Unions (Cosatu) Political demands which cannot be made through genuinely representative political avenues re-emerge on the shopfloor

There is nothing particularly sinister in this — leading businessmen have cogently argued that business must play its role in fostering reform Labour, obviously in its own terms, is increasingly doing exactly the same, and has been for almost 10 years — which is not to say that radical elements will not seek advantage from turmoil

Just what can be usefully defined as labour as opposed to political action and statement has become virtually an academic issue In creating this impasse both "sides" are

ARGUS: 13/5/87

Dispensation on labour under threat, industry fears

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Labour Reporter

SOUTH AFRICA'S biggest organisation of industrialists is worried that the post-Wiehahn labour dispensation appears to be under serious threat

Dr H Snyckers, president of the Federated Chamber of Industries (FCI), expressed the chamber's fears in a report on a recent meeting of the executive council in Pretoria.

He said that cautious optimism had been expressed that a return to higher growth rates and a stronger upturn was imminent

Members had reported some improvement of industrial activity but as yet no significant upswing

"A process of inward industrialisation together with an aggressive export drive were regarded as key elements in future growth and employment creation," Dr Snyckers said

"Members again warned that continuing unrest and increasing isolation of the South African economy will materially inhibit investor confidence and the future process of wealth creation"

Concern was expressed that the post-Wiehahn labour dispensation appeared to be under serious threat.

ROLE OF THE STATE

"Members felt strongly that the role of the State should remain one of setting up the industrial relations framework but that thereafter it should be left to employers and employees to thrash out the many issues involved, even though some of these have become highly politicised," Dr Snyckers said

As part of a move to put the movement on a sound financial footing the national secretariat would be streamlined and in its services to members would pay particular attention to manpower and general economic issues

On manpower issues, a "concrete mission statement" was adopted that against the background of its business charter the FCI would "maintain sound economic and socio-political policies which will support a positive business environment in a changing South Africa"

The council decided that the whole chamber of industries movement had to be put on a sound financial footing by improving the viability and representativeness of regional chambers, especially in the Transvaal

Mr Steve Anderson was appointed executive director from June 1 to succeed Dr Johan van Zyl, who resigned recently

CAPE TIMES 8/5/87 (132)

Management, labour 'joint interest in reform'

Finance Staff

MANAGEMENT and labour had a joint interest in extending the arena of collective bargaining into one aimed at bringing about wider political reform, Kate Jowell of UCT's Graduate School of Business said yesterday

Addressing the Insurance Institute's 19th annual conference at the Mount Nelson, Jowell said one of the most positive features of the new power of organized labour was that people were increasingly resolving their problems by collective bargaining

Managers were not finding the process of accommodating worker power comfortable, "but they are surviving"

"What is more, they are willing or able to negotiate things that 10 years ago would have been thought non-negotiable, and in the process are demonstrating to a huge and important group in this country that there is something to be gained by compromise"

Although trade unions had begun to place greater faith in statutory procedures — the recent SATS strike notwithstanding — this co-existed with greater shop-floor militancy The issues now coming up in the workplace would have been inconceivable 15 years ago, for instance a sympathy strike over the dismissal of one worker

Kate Jowell

She said there was a changed perception on management's side of what were legitimate issues for workers to put on the table There was also a dawning realization that unless management was prepared to take up some of the issues that in a normal society would be on the agenda of a local MP, the fundamentally socio-democratic political system in SA would not survive

This development had not escaped union strategists either, but Jowell said she saw chinks in the rhetoric of those unions and community organizations on the left

The chasm between left and right was by no means closed, "although it may be very dangerous for pioneers" Debate on what the nature of SA society should be was essential to bridge the gap

THE WEEK'S LABOUR IN BRIEF

☐ The National Union of Metalworkers in SA (Numsa) is launched in Johannesburg on May 23 and becomes the second biggest union in SA. It represents 130 000 motor and metal workers (including the 65 000-strong Mawu) countrywide

Numsa is second to the National Union of Mineworkers which claims 369 000 members

Numsa, an affiliate of Cosatu, calls for the adoption of the Freedom Charter which was drawn up by the ANC and other members of the Congress Alliance at Kliptown near Johannesburg in 1955 The new union also calls for a political programme that will "give organised workers the lead in building a new society in SA."

Numsa president Daniel Dube says the new union will adopt the Freedom Charter as the document "recognised by our people as containing the minimum demands for a democratic society."

☐ AECI is to close its fifth factory in the past year, causing the Chemical Workers' Industrial Union (CWIU) to question the sincerity of an AECI statement which says businessmen "have a particular responsibility to lead the way toward a society based on responsible free choice by setting the example within their organisations and upgrading the living conditions of employees "

A statement by CWIU says the shutting down of the Sterkolite plant at Seshego, Pietersburg, will throw 160 workers into "certain unemployment." Some 400 jobs have already been slashed despite profits shooting up 31% to R332m, it says AECI declines to comment as it is still discussing the matter with the unions

☐ SWA/Namibian transitional Cabinet chairman Dawid Bezuidenhout says State intervention in labour disputes will be restricted to a minimum But he adds it is the responsibility of every employer to treat workers fairly and compensate them in a way that ensures a dignified existence

☐ Cosatu has launched a "Hands Off Cosatu" campaign to counter negative publicity of the past few weeks The campaign will aim to assert Cosatu's legitimacy as a trade union federation It will also "assert our right to hold meetings to obtain mandates and report back .. focus attention on the threat to the labour relations system and make the public aware of the propaganda campaign against Cosatu "

Meanwhile, police arrest two more people in connection with the necklace killings of four SA Transport Services workers last month This brings to five the number held in connection with the murders A senior police officer says one of those arrested is believed to be the chairman of the so-called people's court which had condemned the victims to death

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TALKING JOBS

Trade unionism is the democracy of the voteless

SIT 31/5/87 132

By BRIAN POTTINGER

THE visible, often bloody, clash over political rights in recent years has tended to obscure the even more important battle for industrial citizenship in South Africa

This fight — a triangular tussle between workers, managements and the State — has enjoyed comparatively less popular attention precisely because it has been so diffuse

But there should be no mistake the fight for trade union rights and the use to which those rights have been put represent one of the most crucial and, in some cases, hopeful developments in recent years

For it is the unions, not the dial-a-quote political organisations, where democracy is mainly experienced by the voteless It is through the give-and-take between pragmatic managements and responsible unions that negotiation skills are learnt — skills desperately needed in the country's broader politics.

A timely study of this dynamic and its historical background is to be found in Steven Friedman's **Building Tomorrow Today** (Ravan Press)

The book is a survey of African workers in trade unions from 1970 until 1984 It is comprehensive and meticulously annotated, much of it drawn from the personal experiences of Mr Friedman, one of the country's senior labour reporters

Two particularly interesting points emerge

The first was the initial grudging and suspicious acceptance of Government-created structures (industrial councils, registration and the industrial court) by emergent unions — until they discovered that in many cases these instruments could be made to work for the benefit of the unions

Alec Erwin, of the old Federation of South African Trade Unions, concedes that the unions lost a tactical advantage because, blinded by the uses to which the system had been put by established unions to delay industrial reform, the emergent unions had not seen the loopholes earlier

As Mr Friedman correctly argues, the discovery has an importance beyond the unions Black political groups, by resisting all official negotiating channels, may be doing more to deprive themselves of tactical openings than weakening the government they oppose

The subject is particularly relevant with ominous indications that the Government's concern for law and order might destroy the credibility of the very institutions which have been grudgingly accepted by the emergent unions

The second point relates to the vexed question of the relations between the unions and the political organisations

Unilineal Government views, particularly security ones, suggest little distinction between the unions and the community or political groups in their combined "onslaught"

Mr Friedman argues this is far from the truth The older, more pragmatic unions, such as Fosatu and the Western Cape unions, long steered clear of political associations precisely because they did not want to jeopardise factory-floor gains by ill-considered political actions

It was not an idle concern Months of painstaking work to gain recognition at Sasol, for example, were wiped out in a single afternoon when the union concerned joined a politically-inspired work stay-away and the para-statal fired the lot

Neither did the older unions want to affiliate to established political umbrella bodies, they claimed these bodies did not, could not, practise the sort of rank-and-file democracy they had built up in the unions and neither did the activists have real constituencies to protect.

The politicians' "campaigns" often amounted to nothing but a series of Press releases while it was the unions who were expected to put their members' jobs and union gains on the line

This stand — severely criticised by the more political unions — has come under increasing strain lately as State repression and radical revolutionary resistance has spiralled

The tensions created between "workerist" and "political" traditions continue — even inside the umbrella Congress of South African Trade Unions (Cosatu)

"Building Tomorrow Today" is one of the most comprehensive surveys of the emergent black trade unions and as such is a valuable resource, written with both knowledge and depth

ITS failings — one hopes they will be redressed in a follow-up — are twofold insufficient attention to the relations between the emergent unions and the banned organisations and, in particular, the prospects for survival of a truly independent trade union tradition under a radical black government and, secondly, the growing conflict between Cosatu and the Inkatha-linked United Workers' Union of South Africa (Uwusa)

Both issues will increasingly have the sort of relevance that the battle for management recognition once enjoyed

KEEPING JOBS

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There must be a better way than head-on confrontation

ST 31/5/87

Mr Pieter Schoeman this week warned against a call for an investigation into activities of unregistered trade unions which was contained in the Council report on a Strategy of Employment Creation Here he presents his case

By PIETER SCHOEMAN, PFP member of the President's Council

GOVERNMENT departments, the transport and postal services, are still nursing their bruises after having been locked in battle with trade unions and striking workers.

The disruptive actions of workers have certainly not endeared them to the public nor has it created any sympathy for their cause.

It is clear the authorities have interpreted the recent industrial actions as acts of war against the political powers in Cape Town, rather than actions which belong in the ambit of normal industrial relations

This is also the perception of the public at large and for that reason there is a growing general concern, especially about the role of black trade unions in our society

All this, then, makes it even more important that we look critically at the President's Council recommendation in its report on employment creation that there be an investigation into the unregistered trade unions.

The recommendation, surely, signals a further clampdown by the Government on trade union activities in order to curb their influence among the masses as well as cutting off any foreign financial support which they might enjoy.

While the report acknowledges that, in the absence of acceptable means of political expression for black people, a favourable climate conducive to employment growth will not be achieved, it by implication supports Government actions against trade union leaders who engage in political activities.

The question arises, however, whether the trade union movement can divorce itself totally from politics

The tariff increases which were announced this week by the Minister of Transport will affect future wage negotiations — the unions will be obliged to find some wage compensation for the escalating travelling costs of their members.

Business is conducted in a political environment and it is therefore self-evident that both managements and unions will have a direct interest in who enjoys political power in the country

It is a fallacy to expect unions to be apolitical, that is tantamount to expecting the farmer not to be interested in the weather.

This point was underscored by Professor Nic Wiehahn in his address to the Afrikaanse Handels Instituut last week when he stated that unions will remain involved in politics even in the event of the ANC ruling the country.

Having said that, and accepting a political content in the trade union movement, the question remains whether black political aspirants are not abusing the union platform for their own ideological ends.

The churches and the black union movement probably form the strongest extra-parliamentary opposition against the policies of the present Government. A critical evaluation of these extra-parliamentary forces can only be made once an analysis of the relevance of Parliament itself has been made.

Instead of focusing on the activities of those organisations who are outspoken critics of the Government outside Parliament, the attention should be drawn to the fact that the country's executive has usurped so many powers that one can rightfully speak of an extra-parliamentary government

Parliament has been likened to a grandstand which allows an excellent view of the game but denies any meaningful participation.

Parliament no longer exercises control over the executive — the overwhelming number of docile Nationalist MPs who serve obediently and the decrease in number of the opposition to the left of the Government, leaves serious doubts whether Parliament is anything more than a rubber stamp

The question then arises whether extra-parliamentary action is not the only legitimate and effective way to get rid of an unwanted extra-parliamentary executive, especially if the executive excludes black political participation in the central seat of power

It would seem that we can prepare ourselves for a clash of extra-parliamentary forces We can expect severe actions on both sides. Detentions will be matched by strikes, the closing of funds countered by disinvestment and sanctions

Unfortunately this kind of battle results in the hardening of attitudes which holds little hope for either side. The tragedy is that no winner will emerge from this battle

In spite of the apparent toughness on the Government's side, the security situation will deteriorate as millions become unemployed — the victims of this spiral of conflict.

While the report recognises the negative impact of increasing unemployment it fails to find ways to engage the trade union movement in the creation of productive employment

Nothing is more important to the country than to address the unemployment problem and get South Africa to work.

Instead of rushing into a head-on confrontation with the unions it would be far more advisable to assist in the formulation and implementation of a strategy aimed at creating employment opportunities

Not only will the present and future employment seekers benefit from the input of these bodies, but the participation of the trade union movement in the process of job creation will enhance our chances of creating a nation of partners

The question is whether Parliament will be able to discuss the extra-parliamentary executive indulging in union bashing and whether the trade union leadership will accept the challenge of job creation as a means of achieving true freedom and security.

The work place may well be the starting point of a new South Africa.

Trade group protests against govt rent scheme

JOHANNESBURG — An influential British-South African trade group yesterday joined a chorus of protest over government plans to break a black rent strike by deducting arrears from workers' pay packets

The South Africa-Britain Trade Association appealed to the government to scrap the proposed legislation, saying there was acute anxiety among British and South African companies over its possible repercussions.

The scheme is the government's latest attempt to recoup an estimated R271 million lost through lengthy rent strikes in 50 black townships

Some three million people are refusing to pay rent to back various demands.

Businessmen fear that the measure, if implemented, could spark widespread labour unrest and increase pressure on foreign companies to pull out of South Africa because of apartheid.

"If the bill becomes law, employers will be drawn into disputes to which they are not a party and which might result in strikes and other industrial action," said the president of the trade association and a director of Anglo American, South Africa's biggest company, Mr Murray Hofmeyr

The trade association counts among its members, British firms operating here, as well as South African companies — Sapa-RNS

Cape Times 24/6/87 (132)

Gush warns on labour relations

Own Correspondent

JOHANNESBURG. — It would be a tragedy if the labour relations system were jeopardized by irresponsible behaviour "by individuals associated with any of the parties involved", Chamber of Mines president Peter Gush said at the chamber's AGM yesterday.

"Here," he said, "I include the State, whose role should be supportive of the industrial relations system."

He referred to "shades of differences in philisophy and practice" between the major mining groups in their approach to the National Union of Mineworkers, but said all are committed to the current system as the only way to the peaceful resolution of conflict.

Gush said that the chamber's recruiting arm, Teba, paid out R501,3m last year in the form of deferred pay, remittances and savings and benefit payments.

This, together with amounts sent home by mineworkers, represented a major benefit to the less developed areas of the region, he said.

□ General Mining Union Corp Ltd's executive director of human resources and public affairs, T I Steenkamp, will succeed Gush as president of the chamber. — Sapa-Reuter

(132) STAR 8/6/87

Black unions praised for peace stance

The Star's Foreign News Service

GENEVA — The general secretary of the International Metalworkers' Federation, Mr Herman Rebhan, has praised black unions in South Africa for their commitment to change without violence.

In a speech at the annual meeting of the federation's central committee in Oslo last week Mr Rebhan called on metalworking unions to increase pressure on managements to recognise black trade unions in South Africa.

The Metalworkers' Federation said 10 South African trade unionists attended the Oslo meeting, including leaders of the new National Union of Metalworkers of South Africa (Numsa), the largest metal industry union in the country.

Call for patience on trade unions

By KIN BENTLEY

THE granting of workers' rights to people denied political rights was "a recipe for politicisation and aggression in the trade unions", Dr Zac de Beer, chairman of Southern Life said today.

Speaking at the Midland Chamber of Industries' seminar on "Changing attitudes in a changing South Africa" in Port Elizabeth, Dr De Beer said the organisation of (black) labour would probably be described as "the most important development of the latter part of the 20th century" in South Africa

He said while the organisation of labour was a feature of all industrialised societies, two aspects of it made SA unique

- "We had the more privileged members of our labour force organised for nearly a century while we denied rights to our African workers
- "We have now extended to these Africans the right of industrial organisation while denying them effective political rights"

The country was now enduring the "consequences of this unbalanced approach to citizenship, and people on the management side are understandably beginning to complain".

Industrial management, he said, was being forced almost daily to deal with matters that should not be part of business managers' agendas, such as the calls for stay-aways

However, he called for management to "remain patient and constructive" in its relationship with the unions "If we resort to union-bashing or if the politicians seek to remove or curtail the rights granted to workers during the past decade, we shall ensure on-going conflict, chaos and quite probably sabotage and worse in our workplaces"

VW's full-time shop stewards

(132) WP 13/6/87

By KIN BENTLEY

FULL-time, fully paid shop stewards are a key to good industrial relations, Mr Brian Smith, manpower resources manager at Uitenhage-based Volkswagen South Africa, said in Port Elizabeth this week

Speaking at a seminar on "Changing attitudes in a changing South Africa" organised by the Midland Chamber of Industries, Mr Smith said the company's policy since 1980 of allowing paid full-time shop stewards had led to a situation where "while the rest of the country has experienced record strike levels, we at VW have experienced no major labour problems in recent years and this despite a very difficult political and economic environment"

"I believe our greatest achievement has been the development of a bargaining climate in which management and shop stewards meet as equals, both with a clear understanding of the rules of the game and a strong stake in the bargaining outcome as, at the end of the day, we all have a stake in the long-term survival of our company"

While this relationship did not always result in short-term results entirely satisfactory to all parties, "I believe it is one very effective way of promoting the dialogue and negotiation so badly needed in South Africa today"

With the vast majority of the plant's 4 500 "non-white" hourly-paid workers belonging to the National Automobile and Allied Workers Union, an affiliate of Cosatu, and 80% of white hourly paid workers and 50% of white salaried staff belonging to the SA Iron, Steel and Allied Industries Union, Mr Smith said the plant was "highly unionised by any standards" and operated in a "highly politicised environment"

He said that, as an early step on the path towards good industrial relations, VW industrial relations management and three worker-nominated employees had in 1978 visited VW plants in Germany and met representatives of unions there, as well as full-time works council members at the factories

Subsequent visits to the United States were also organised

During late 1979 and '80 major strikes at both Ford and VW marked "what I believe was the start of real industrial relations in the South African manufacturing industry"

"These experiences obviously brought home to management the need to urgently review their industrial relations systems with a view to more effective shop floor communication"

In 1980, arising from discussions with shop-stewards themselves, a full-time shop stewards agreement was signed some months after the strike, allowing unions to appoint one full-time shop steward for every 750 hourly-paid members employed at the plant

Part of the company's industrial relations drive at the time included the sponsorship of the Industrial Relations Chair at the University of Port Elizabeth

Also, "a detailed code of conduct and grievance and appeal procedure was negotiated with the shop stewards and these are still in use today"

Of the 10 full-time shop stewards which Naawu has in the SA motor manufacturing industry, he said, five are at VWSA

Mr Smith said VWSA's IR philosophy was that "management and workers will pursue different interests and thus a certain amount of conflict is inherent in the system"

"However this conflict can be resolved by a system of collective bargaining which will allow some sort of balance of power or equilibrium to be reached within the system"

This system, he added, "recognises the legitimate role of the trade union in helping to resolve the natural conflict in a constructive manner", with negotiations taking place "between strong and representative groups who have the ability to honour agreements and build a constructive relationship of mutual trust".

At shop floor level "all grievances and disputes are resolved by management and the shop stewards, with the external union officials very seldom visiting the plant"

There were also regular meetings with management where things like sales performance, production problems, training issues, revised plant layouts, and social responsibility projects were discussed and actions agreed upon

Community issues had also recently played an important role, with the shop stewards having acted as "an important link between management and the needs and demands of the local community".

Today, three of the five full-time Naawu shop stewards are the three original stewards voted in by the workers in 1980, he said, adding they were "very experienced, with a detailed knowledge of the systems, procedures and the working of the company"

VWSA's 20 part-time shop stewards — allowed to devote a maximum of an hour a day to union work — were in close contact with the full-time stewards, ensuring that what happened on the shop floor was rapidly brought to the attention of management, with all the facts being presented.

26/7/84

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Directory of SA Trade Unions

New rent law could start unrest'

JOHANNESBURG. — Introducing legislation to force employers to deduct outstanding rent from black workers' pay packets will further drive a wedge between capital and labour, the chairman of Shell, Mr John Wilson, said yesterday.

He said all business must be dismayed that it was again being involved in this sort of act. Big business has warned the government not to push the bill through. Many companies are reported to hold the view that to turn multinationals into rent collectors for government — which has estimated arrears of R297m — could be the final straw for many foreign-owned companies in SA and could set off further industrial unrest.

Creation of industrial relations code urged

(132)

24/6/87 STAR

By Michael Chester

Outgoing president of the Chamber of Mines Mr Peter Gush has urged the creation of a code of conduct in industrial relations to ensure "reasonable behaviour" by all sides

Such a code was essential in the current tense climate, to halt the violence and intimidation that threatened to bring South Africa's industrial relations system into discredit.

Mr Gush, who is also chairman of the gold division of the Anglo American Corporation, made the appeal at the annual meeting of the chamber in Johannesburg yesterday.

He said the mining industry firmly believed in the value of the current labour relations system and it would be a tragedy if it were jeopardised by irresponsible behaviour by individuals associated with any of the parties involved.

The National Union of Mineworkers had become increasingly political. Its members, supporters, and sometimes shaft stewards, had resorted to widespread illegal strike action, physical intimidation and even murder — "which the union leadership has refused to condemn", he said

On the positive side, however, many negotiations had been concluded with the NUM, which had some capable leaders.

"And mine managements are having to revise their attitudes and get to understand and communicate with their black employees in a way never attempted before," he said

NATIONAL/INTERNATIONAL

Argus 24/6/87

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Law may protect strikers

Commission urges more flexible approach to labour relations

Political Staff

IN a major report, the National Manpower Commission has recommended that the Government, including the security police, stay out of labour disputes as far as possible

Legislation should be introduced to protect legally striking or picketing workers against security laws, the commission said in a report tabled in Parliament yesterday

Workers and employers should be given maximum freedom to decide on ways of collective bargaining and settlement of their disputes

"The theme of this report is the encouragement of collective bargaining and the use of statutory and non-statutory procedures for the resolution of disputes for all organisations, registered or unregistered"

Force of law

The report recommends that disputes negotiated outside the ambit of the statutory industrial council system should still have the full force of law

For instance, a strike may still be regarded as acceptable even though it follows the exhaustion of dispute settlement procedures which are not statutory

The report generally urges a more flexible and pragmatic approach to labour relations

Some of its recommendations, it says, merely reflect "only the statutory entrenchment of practices that have developed over the years"

More specifically, it recommends that

- An overriding clause should be inserted in the Labour Relations Act to protect workers participating in acceptable strikes against security laws.
- The law should be amended to allow some forms of picketing and similar forms of industrial action
- Lawfully picketing workers should be protected against security and other laws
- The commission should further investigate the legalising of picketing under certain conditions.

These conditions could include that no intimidation or violence takes place and there is no obstruction of entrances to workplaces

- The possibility of extending the right to strike and lock-out to certain workers in the public sector should be investigated
- The notion of the acceptability of strikes should be written into the Labour Relations Act, and
- The Industrial Court be given extra powers to enforce collective agreements, hear disputes where the dispute settlement machinery of the Labour Relations Act is not used, decide on the acceptability of strikes or lock-outs and whether or not striking workers should be dismissed, and issue interdicts where strikes or lock-outs are unacceptable

W/E ARGUS 27/6/82 (132)

LABOUR AFFAIRS

DICK USHER

Cautious welcome to NMC labour recommendations

THE National Manpower Commission's report tabled in Parliament this week makes some recommendations that unionists have been pushing for since the reform of labour legislation in 1979

They include proposals that security police, as far as possible, stay out of industrial disputes

This has long been a subject for complaint by unions who do not see what purpose there is in police entering what are essentially disputes between workers and management

As a previous report by the commission pointed out "The use of the police and defence force is poor tactics, because it is not their work to solve problems originating in poor labour relations

"These groups are seen by the strikers as symbols of the coercive power of the State, and the strikers sometimes become violent as soon as the police appear on the scene"

Beyond that, unionists also say that the security police hamper their work by removing documents or harassing organisers and members

In a statement on the report, the Congress of South African Trade Unions (Cosatu) said "We have continuously made the point that police and security forces have no business taking repressive action against workers merely because they are on strike or picket over legitimate demands."

The National Council of Unions (Nactu) pointed out that the report did not mention "the interference by police in trade union matters and the detention of unionists and harassment of union members in townships"

However, it does address itself to the crucial question of picketing, recommending that the law should be amended to allow some forms of picketing and similar forms of industrial action

Unionists see the right to picket premises which are on strike as an essential weapon in their armoury

Pickets can both draw public attention to their cause and also command solidarity from other workers, either co-workers at the plant or other workers making deliveries This solidarity — refusing to cross a picket line — has been used in many countries to reinforce union demands

The denial of this right in South Africa has often been given as a cause of intimidation in factories during disputes and for strikers adopting tactics such as occupying premises.

Some companies have recognised the problems associated with not allowing picketing and have accepted that workers form picket lines on their property

At a guess this practice might become more widespread and the report appears to recognise this by recommending that lawfully picketing workers should be protected against security and other laws — basically the bars on public gatherings which would be contravened by picket lines

In some respects the report recognises that certain practices not strictly part of industrial legislation have become accepted Some of its recommendations, it says, merely reflect "only the statutory entrenchment of practices that have developed over the years"

Urging a more flexible and pragmatic approach to labour relations, it recommends that disputes negotiated outside the ambit of the statutory industrial council system should still have the full force of law.

The Federated Chamber of Industries has particularly welcomed this and pointed out that the proposed decriminalisation of strikes and lockouts supported what had already become practice.

Basically, any moves to reduce Government interference in concerns that are essentially between employer and employees would be welcomed by both sides

FCI tells govt to back off

(132) 3/7/81 Business Day

AMID FEARS of a crackdown on the black trade union movement, the Federated Chamber of Industries (FCI) has told government such action was more likely to exacerbate conflict than resolve it.

The FCI's views on the labour situation are contained in a memorandum sent to the Manpower Minister about six weeks ago and acquired by Business Day.

It says the approach of the "security establishment" that unions should involve themselves only in "bona fide trade union activities" gives rise to the unrealistic view that the politicisation of unions can be reversed merely through the use of force against a few communist agitators.

The FCI says such politicisation will continue until union members are given an effective say in running the country.

The memorandum calls for a reduction in confrontation on all sides, and for agreement between government, unions and employers on defusing conflict.

See Page 4

Blood pressure problem floors Helen Joseph

BUSINESS IN PROFILE

The FCI's new chief says conflicts should be 'talked out' and employers ought to recognise links between shopfloor and community concerns. He talked to HILARY JOFFE

(132) W/Mail 9/7/8

STEVE ANDERSON, new executive director of the Federated Chamber of Industries, believes trade union and employer federations should get to know each other better

Suspicion on both sides has hampered this until now, he feels. "Cosatu and Nactu view the FCI with suspicion, the suspicion which goes with the representation of industries which they don't see as having made a whole lot of progress.

"And industrialists ask whether these organised trade union bodies are really acting in the best interests of their members," he says. "But I think that's out of the way now and the way is clear for discussions."

Anderson took office at the FCI on June 1. He is a member of the council of the University of the Witwatersrand and vice president of the Institute for Industrial Relations.

What do you see as the significant trends in industrial relations over the last year or two?

There have been exciting developments, in that employers and employees have gained the skills to discuss conflicts — not only shop floor conflict but some of the wider conflicts in the socio-economic and community spheres. They are able to get these conflicts out in the open, and to discuss them as responsible parties, recognising each other's points of view.

Employers and employees are learning to regulate their affairs, are learning to define those things which you can solve in the short term and those things which cannot be solved in the longer term without significant changes in the environment.

The model of industrial relations which has developed post-Wiehan has been very good. It's brought people together who haven't been brought together before, it's enabled differences to be discussed, it's helped develop leadership on both sides — although there's been an intransigence on both sides as well.

The disturbing trend in industrial relations is the possibility of government attempting to depoliticise the employer/employee relationship. It's almost impossible to draw a clear line of demarcation between strictly shop floor concerns and socio-economic or community concerns

What are your views on the political role of industrialists?

I can only comment from the point of view of a body representing organised industry. Our president said in a recent speech: "It is now widely accepted that the business community has a pivotal role to play in the process of change towards a post-apartheid society in South Africa."

There is, however, a need to focus this role more sharply on actions which are under the control of business itself.

I think the strategy really must be defined in the light of each individual issue. Certainly we must bring to bear what influence we can on the preparation of new legislation. But that doesn't necessarily mean we must adopt a high profile or take public stances in advance of making our views known to the legislators.

FCI chief Steve Anderson

What are the economic prospects for industry?

The economic recovery was fairly strong in the last six months of last year. The tempo of that growth has slacked off.

Our feeling is that the recovery is still not as strong as it should be. We felt the budget should have been more stimulatory in the short term.

Is the lack of longer-term frameworks coming from government hampering economic recovery?

I think it's lack of clear direction as to the speed of reform You need two things in any long-term planning you need the socio-political framework in which the country's going to operate and hopefully that would restore a more stable social environment And you need the definition of the economic parameters in which business is going to operate.

It requires a major feeling of confidence in the medium to long term to invest large chunks of new capital. At the moment there is still unutilised manufacturing capacity, which gives the opportunity for a very quick upturn. But that upturn cannot be sustained at the growth rate we need to mop up unemployment unless we start investing in new manufacturing capacity

The Minister of Finance recognised in the budget the manufacturing sector is the flywheel which is going to create jobs in the future We just felt that he didn't look after that sector as well as he could have

What are your views on deregulation?

It's an essential part of addressing the unemployment problem It's going to create problems, both in the public sector and the private sector.

It may involve the removal of the burden placed on industry in terms of adherence to environmental controls, health and safety regulations, unemployment insurance, workmen's compensation, minimum wages and industrial council agreements: all of those have been built up over many years.

It may involve the removal of licencing restrictions. These generate a lot of revenue for local authorities which will have to be found from other sources.

And a lot of small and large industries are going to find it difficult to face the competition from deregulated operations.

B/Day 3/7/87

Use of force slammed by FCI in memo to govt

Crackdown on unions wrong, says industry

ORGANISED industry has told government any crackdown on the black labour movement would be wrong, and political activities by the unions would not normalise until their members were given an effective say in running the country.

These views are contained in a Federated Chamber of Industries (FCI) memorandum sent to Manpower Minister Pietie du Plessis on May 15 — during the Sats strike and soon after the events at Cosatu House which raised fears a crackdown was imminent

The FCI criticises the stance taken by the "security establishment" that unionists will not be harassed and/or detained "as long as they are involved in bona fide trade union activities"

Such a view, it says, is out of touch with reality in that "it gives rise to a dangerous mode of thinking which suggests the political dimensions of industrial relations issues can be resolved by using physical force against a few communist agitators and revolutionaries"

Such an approach will not work, says the memorandum

ALAN FINE

It is the experience of many employers that the leaders of organisations like Cosatu and the National Council of Trade Unions are not communists threatening the free enterprise system

Rather, it says, they are legitimate representatives of the views of organised employees

There is an urgent need, says the FCI, for serious and open discussion to clarify the roles of the Manpower Department, the security establishment and employers in industrial relations

The memorandum says industry has accepted it will become involved in the larger black struggle for political rights and greater economic welfare

It notes union political activity is widespread in other countries, as well as in certain conservative white unions in SA

It says "Political influences and aspirations in the black union movement cannot be placed in their proper context until structural changes occur in the wider political dispensation (in SA) which would give their members an effective say in running the country"

If union leaders break the law they should be charged However, their detention disrupts collective bargaining and more radical elements often emerge in their place

The memorandum also says the banning of meetings, which prevents leaders obtaining mandates from members, is a "stumbling block" in the way of sound industrial relations The stricter application of the Group Areas Act is also causing resentment

And the intimidation of workers, "whatever the source and often accompanied by sheer thuggery", is highly counterproductive in all respects

The FCI calls for a reduction in confrontation on all sides, and for agreement among government, unions and employers on the respective roles each can play in defusing conflict

FCI industrial relations spokesman Bokkie Botha says he is unaware of any government reaction to the memorandum

Neither the Minister nor the Manpower director-general could be reached for comment

Black businessmen have been told that 'some of South Africa's greatest hopes lie in the wisdom, courage and strength of the labour movement to effect changes'. SAM MABE reports from Johannesburg

ARGUS 8/7/87 132

Land 'a pathway for black business'

THE goals and strategies of black businessmen would be non-starters if they did not follow the path of national redress for the land that was taken away from them, says the managing director of Co-ordinated Marketing, Mr Reuel Khoza

Delivering a keynote speech at Nafcoc's 23rd annual conference whose theme is "Black business at the crossroads — Challenges for the nineties," Mr Khoza listed the land question as one of the pathways that could lead black business out of the crossroads

He also suggested the establishment of serious think-tanks to deliberate on the production of guidelines towards a common goal

He told more than 800 delegates that the challenge facing black businessmen was to act more like "a political as well as economic pressure group"

He said the fundamental challenge was however, to come into being He said black business had played no role in resisting the systematic dispossession and denial of opportunities for blacks, because by definition, black business does not exist

The machinery of economic repression had ground black economic activity into oblivion, he said

"We cannot be at the crossroads as business people because we have yet to start our journey Black business has been stifled and legislated out of existence since the late 1880s," he said

He said the black man was dispossessed of his land as a strategy designed to rob him of his self-sustaining capacity and to make him depend on employment from the white man

Today, some of South Africa's greatest hopes lay in the wisdom, courage and strength of the labour movement to effect changes

Organisations such as the Congress of South African Trade Unions and the National Council of Trade Unions set the labour relations agenda of this country "They make the music, they do not dance to it"

He said that in the education sphere, blacks had become active and had sought to set the educational agenda through efforts such as "people's education"

Another speaker, a senior research fellow at the University of Zululand, Mr Paul Zulu, called on African traders to review seriously their relationship with their employees

He said they should encourage their employees to belong to unions so as to empower them to engage in healthy bargaining positions

He said that in a country where capitalism was associated with racism, Nafcoc could afford to steer clear of this association

Cape Times 9/7/87

Nafcoc business labour charter

Own Correspondent

JOHANNESBURG. — The National African Federated Chamber of Commerce (Nafcoc) has drawn up a national business charter intended to persuade large corporations and public employers to adopt fair labour practices.

Presented yesterday at the organization's 23rd annual conference, the charter is meant to supersede such employment guidelines as the EC and Sullivan codes, which "do not go far enough".

Among the commitments the code calls for are:

- The SA business community should commit itself to working towards the eventual elimination of racial discrimination in the work-place and in all facets of private and public life;
- The private sector should support the principle of the lifting of all laws and regulations that impede black economic advancement, participation and upward mobility in the work situation;
- The private sector should undertake to contribute generously to the improvement of black education, the promotion of community development and upgrading programmes;
- The private sector should strive for political representation of all citizens at national, provincial and local structures of government.

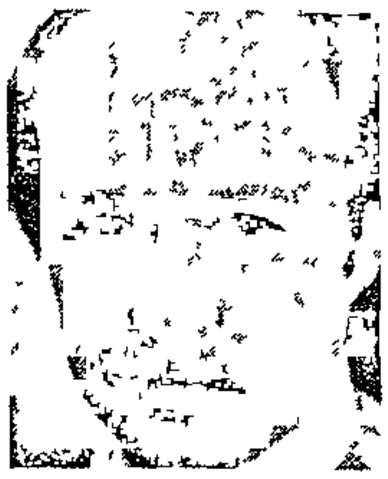
BLACK WORKERS CAUGHT BETWEEN POLITICS AND JOBS

INDUSTRY in South Africa has witnessed a growing contradiction between the political goals of black union leadership and the immediate concerns for job security on the part of its membership.

This growing conflict of interests has taken the form in recent times of violent clashes within the workers' own ranks. Nowhere are the combating forces in unionism more sharply defined than in the vital mining industry.

Cosatu motif

Surely no trade unionist should be asked to pay this high personal price!



By KENT McNAMARA
an independent labour consultant

This is emerging as one of the key battlegrounds of the country's political agony

On the one hand, the super-federation Congress of South African Trade Unions (Cosatu) and the National Union of Mineworkers (NUM) are under pressure to play a key role in the wider political struggle in South Africa

In the general absence of structures for the political representation of black interests, the union movement provides a vital organisation base for articulating and supporting what black South Africans regard as their political mission

On the other hand, the interests and priorities of the workforce are focused mainly on immediate job security in the present context of high unemployment and an over-supply of unskilled labour in the country

Surveys of employee attitudes within the gold mining industry have revealed that most mineworkers cite job security and protection from dismissal as their chief reason for joining trade unions

A lesser proportion emphasise the securing of better wages, while even fewer claim to join the union to fight for "workers' rights" or against "oppression"

Crisis

Ordinarily, as in Western Europe, unions adopt a lower profile at times of poor economic conditions, waiting for better days to drive home wage and other demands when their members are less vulnerable

In South Africa, by contrast, depressed economic conditions have coincided with a deepening political crisis, one which black unions cannot afford to ignore if they wish to be seen to support the general cause of the disadvantaged black population

As a result, two contradictory forces are operating withing the labour movement

Cosatu's recent pledge at its second congress to support mandatory sanctions and further disinvestment to end apartheid presents a direct challenge to the job security of its individual members, many of whom have already been retrenched — on collieries, for example, as international coal sanctions begin to make their impact on the industry

Union leaders have also applied their workplace muscle on mines to protest against detentions and the state of emergency, thus making individual employees vulnerable to dismissal in ensuing strike actions

Already, some members have withdrawn their trust and confidence in unions which have been unable to protect them from dismissal during industrial actions

This does not mean that mineworkers are not dissatisfied with certain aspects of their employment conditions Several indigenous problems can be identified which do at times have the effect of fuelling political discontent on mines

A long-standing grievance, for example, has been the general lack of promotional opportunities on mines which traditionally require large numbers of unskilled manual labourers and employ few supervisory and skilled staff

The presence, for many years, of job reservation confining the issue of blasting certificates to whites has served to aggravate this problem

The unskilled majority not only harbours these frustrations of unfulfilled aspirations, but is also engaged in the most strenuous, arduous and dangerous work in mining and, not surprisingly, has responded enthusiastically to union activities in general

Benefits

Unskilled workers have also launched numerous attacks on senior supervisory blacks on mines, expressing their resentment of the privileges and benefits enjoyed by these higher-category employees, who are also more reluctant to take part in strikes and industrial actions

The general conflict between wider political objectives and narrower job security has accordingly penetrated down into the workers' ranks in the form of an internal crisis of solidarity between the so-called "populists" and the "workerists"

Violence

This solidarity crisis has been the basis for the majority of the inter-group clashes that have broken out in recent times, often in the context of efforts by union supporters to enforce boycotts of liquor services on mine premises During 1986 alone, at least 118 mineworkers were killed in inter group violence

This ongoing crisis within the mineworkers' ranks is likely to persist — and to intensify — as the country's political crisis deepens and the mining industry, with its strategic role in the economy and its large scale of operations, continues to present a key target for political action

It is essential that a meaningful political solution be negotiated in South Africa to ensure that industry, and particularly gold mining, is allowed to continue uninterrupted to generate wealth and so contribute to the financing of the massive price tag of reform

Already, mineworkers themselves pay a high personal price through their daily labours in the difficult and hazardous underground stopes so that the country can obtain the foreign exchange upon which it and all its citizens so greatly depend

That these employees should also be expected to bear so greatly the brunt of the country's political agony is an intolerable double burden which should be avoided at all costs

The responsibility for averting this human cost is a mutual one, shared by trade unionists, industry management and politicians

Confidence

Union leadership, for its part, should review the consequences of its decisions and policies for the wellbeing of its members

Industry management, on the other hand, needs to clarify and formulate a wider role for itself in contributing to a resolution of the country's political problems

The politicians, finally, must generate the necessary confidence and initiative in developing and negotiating a new and lasting political accommodation.

Changes to Labour Act outlined

(132) 14/8/87

Significant changes to labour legislation, including the establishment of a new court, were outlined by the Minister of Manpower, Mr Piet du Plessis, at a joint meeting of the Benoni Chamber of Commerce and Industries and the Afrikaanse Sakekamer last night.

The Minister said legislation had been tabled in Parliament which would

- Create a Special Labour Court which would be a branch of the Supreme Court It would have appeal jurisdiction and decide on costs and damages
- Create a schedule to the Act defining unfair labour practice and unfair dismissal.
- Disallow unions and workers engaged in illegal strikes recourse to the Industrial Court
- Declare unequivocally that sympathy strikes were unfair labour practices.
- Make the creation of conciliation boards an administrative function to cut down on delays

Mr du Plessis said employees had to ask themselves only one question Was I reasonable? If the answer was "yes" then they should not hesitate in applying to the Industrial Court for a favourable judgment

He said it was implicit in the Act that workers could not be forced to join a union.

Apartheid linked with capitalism

By Sam Mabe (132) Star 21/8/87

The involvement of trade unions in political issues has become a controversial subject in South Africa The feeling in some government and management circles seems to be that unions are manipulated by foreign "instigators" to further their political aims or that blacks do not understand the difference between capitalism and apartheid

But a closer look at capitalism and apartheid shows very clearly that the two complement each other or that apartheid is in fact a consequence of capitalism

Before capitalism, blacks were succesful stock and crop farmers They enjoyed freedom of movement and lived wherever it suited them For a long time, white farmers had labour problems because blacks refused to work for them as they had all they needed Farmers decided the best way to surmount this problem would be to dispossess blacks of their land.

When the mining industry started towards the end of the last century, mine owners faced similar labour problems The government came to their rescue by introducing a taxation system Since tax had to be paid in cash only, blacks were forced to work in the mines

When the mining industry expanded and a number of manufacturing industries started springing up in the urban areas, the need for more migrant labour also increased

As this increased the urban population, a market for commercial farmers was also expanding and farmers needed more labour

But blacks were still refusing to work. Those who did, deserted whenever they felt unhappy with their working conditions, which left much to be desired

This problem was solved by the passage of stringent laws such as the Masters and Servants Act of 1856 which made it unlawful for blacks to breach their employment contracts

The strategy of removing blacks from the means of production and robbing them of their self-sustaining capacity continued to be pursued This time it was not through the use of guns only, but with the help of politicians who legalised the dispossession.

The Glen Grey Act of 1894 introduced the "one man one plot" system which limited the size of land or the number of plots blacks could own Grazing land became smaller and this justified further legislation for blacks to reduce their cattle and sheep herds

The report of the Tomlinson Commission of 1955 led to the creation of seven bantustans It was immediately followed by a string of forced removal legislation which left blacks with only 13 percent of the land which was in any case barren.

This gradual dispossession campaign, which is still going on today, made blacks helpless and placed them at the mercy of capitalists for their survival

But since industries in the urban areas paid better wages and it became a matter of prestige for some people to work in the urban areas, many flocked to the bigger towns and cities, leaving farmers and industries in smaller towns with serious labour shortages

This was a problem management could not solve. So the government passed the Native Pass Act which restricted freedom of movement by blacks The pass laws were confused because some were to keep blacks out of the white areas while others were to bring them in and prevent them from leaving

The scrapping of the pass laws last year meant nothing to blacks as it has not undone the damage the laws have caused The system has been so entrenched that laws to enforce it are no longer necessary

The Homeland Citizenship Act of 1970, which turned all blacks into aliens in their own country, is restricting the flow of blacks into the so-called white areas and creating reserves for cheap labour

All this has made it necessary that blacks be given a type of education that will not develop their capacity to reason or to have a critical mind to question apartheid and rebel against the authorities Hence the Eiselen Commission which recommended an irrelevant and inferior system of education for blacks

The long and short of my argument is that apartheid and capitalism have for many years been happy bedfellows. Throughout the history of capitalism there has been some form of collaboration between management and politicians and apartheid laws were specifically passed to protect the interests of employers

NEWS FOCUS

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Union-bashing stand-off

ALAN FINE

THE UNIONS had better beware Because before this Parliamentary session is out they will be hit by new legislation designed to clip their militant wings once and for all.

Or will they?

That is certainly the impression to be gained from speeches and news briefings by Manpower Minister Pietie du Plessis up and down the country in the last several weeks.

He has been wooing delighted businessmen who are tired of labour strife, and conservative politicians who think labour legislation has gone too far already "It will be the most effective disciplinary action instituted against trade unions since Wiehahn," he has been quoted as saying

In particular, he is proposing to give the Industrial Court the power to award damages against unions that embark on unlawful strikes, and to outlaw sympathy strikes.

That will show them! After the damage the railwaymen, miners and others have done to the economy, it is the least they deserve.

But wait. Has everyone forgotten the original draft of the Labour Relations Amendment Bill published last December, and the subsequent National Manpower Commission (NMC) report which was actually praised by Cosatu — the first (and only) time the organisation has praised anything emanating from the establishment?

All of Du Plessis's ideas are there, nothing he says is new. But if that is the case, then what *is* new?

Thin majority

Could it possibly be that, since May 6, the Minister has not been unaware that at the next white general election — whenever that will be — he will be defending a thin 143-vote majority in his conservative Lydenburg constituency?

The fact that his is the only government department that has consistently had much to crow about reform-wise is partially responsible for his close shave. But his top advisers, an extremely competent lot, are unlikely to allow him to take South African labour relations back into the 19th Century.

His solution, it seems, is to take a hard verbal line while leaving unchanged the actual content.

To be sure, the Bill has not been without its critics, including some very savage ones, not least because of some questionable draftsmanship which left analysts wondering what many clauses were supposed to mean.

Certainly some aspects — like those mentioned by Du Plessis — will weaken the unions. But others, including the obligation to negotiate with representative unions and the barring of racial discrimination, will strengthen them.

Overall, the balance tips slightly away from the unions. But certainly not as much as Du Plessis promises.

And departmental sources who do not have to protect their backs from Arrie Paulus and his CP cohorts have put a completely different interpretation on the Bill, and labour developments in general.

Hence director-general Piet van der Merwe recently described SA's industrial conflict as normal, and said the Bill would make SA labour legislation more sophisticated.

It seems that while (thankfully) some aspects of the Bill will be cleaned up there will be no substantive changes.

On the damages front, tucked away in section 16(6)(c) of the original draft is the clause that allows the court to "determine the dispute on such terms as it may deem reasonable, including the awarding of compensation".

Dropped

The much-lauded NMC report, whose recommendations — including the decriminalisation of strikes — are expected to be introduced later, merely takes this further by requiring that an interdict against an unfair strike be filed first.

Furthermore, the possibility for companies to take such action has always existed

Only recently, one of the few well-known US multinationals left in SA was planning just this after some particularly undisciplined union action It was only after the US parent decided the move would increase disinvestment pressures that the idea was dropped

The merits of all this could be debated further.

There are the obvious union objections But some employers, too, are having second thoughts. They have discovered some unions have refused to intervene in unsanctioned wildcat strikes because of fears that failure to convince their members to return to work could result in litigation.

The point, though, is that the proposals existed long before the sabre-rattling began.

Similarly, the original Bill proposed that secondary boycott and strike action be construed as unfair. The popular NMC report made the same recommendation on sympathy strikes.

Not everybody (and probably nobody) will be completely satisfied with the forthcoming amendments to the Labour Relations Act.

But anyone who is hoping (or fearing) that the legislative changes will be a mortal blow to the black labour movement is likely to be disappointed.

More jobs in spite of export loss — Searcel

ARGUS 30/9/87

(132)

By TOM HOOD, Business Editor

SANCTIONS hit overseas sales by the giant Searcel Investment Corporation, the country's largest clothing manufacturer, reports the chairman, Mr Aaron Searll.

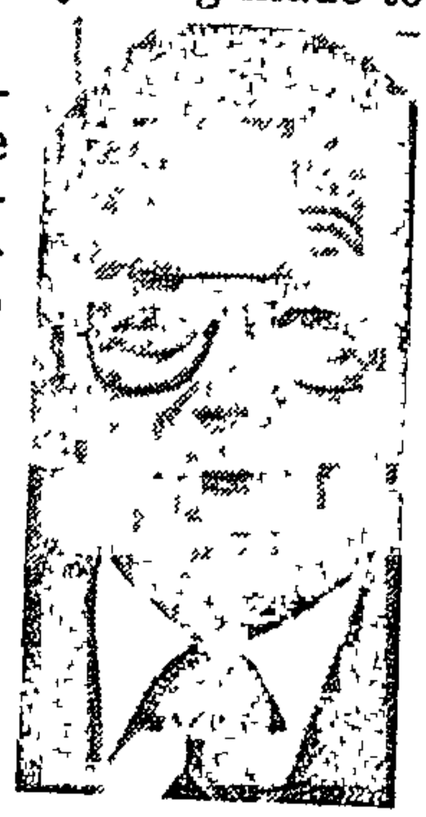
"Export turnover has dropped quite significantly," he says in his annual report.

"Strenuous efforts are continually being made to replace this business."

As the clothing industry recovered from the recession, the group's number of employees increased for the first time in several years in the 12 months to June 30.

The group now employs about 14 100 people, of whom 12 500 are employed in production. Managerial and administration number 900 and promotion and sales staff total 700.

Where possible, disabled people were employed in suitable jobs, said Mr Searll.



Mr Searll

The group's wage bill came to R102-million.

Success in dealing with union and labour problems was largely achieved as a result of a change in management style which accepted the challenge of implementing and administering justice and democracy in the work place.

"This is no easy task and cannot be achieved overnight. It is rather the beginning of a commitment towards an ongoing process which will form the basis of our industrial relations policy in the years ahead," he said.

Gray aims to expand sanctions and boost black union power

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STAR 7/10/87

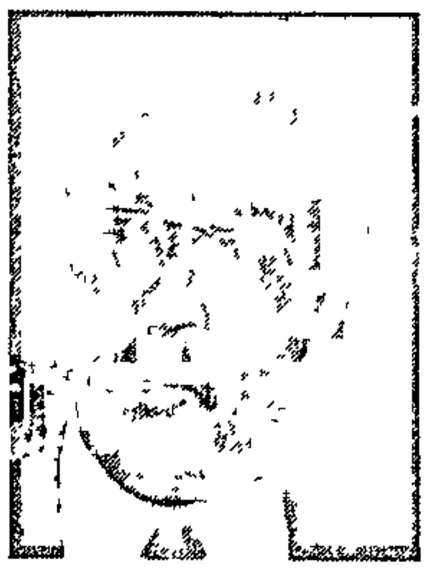
The Star Bureau

WASHINGTON — A key American lawmaker in the South African sanctions debate has signalled his intention to expand those measures and boost the power of South Africa's black labour movement

Congressman Bill Gray of Philadelphia said he would keep pushing for stronger economic sanctions until apartheid was dismantled

His standing in the 23-member Congressional Black Caucus and his influence as chairman of the House Budget Committee gave Mr Gray considerable sway in the sanctions debate on Capitol Hill a year ago where he emerged as a leader in the House of Representatives' outrage at apartheid

Mr Gray made known his broad goals as liberal Democrats on Capitol Hill prepared a glut of Bills proposing variations and combinations of sanctions against South Africa, going as far as total sanctions, for debate this month



Congressman Bill Gray ... pushing for stronger sanctions.

A spokeswoman for Mr Gray said he believed it imperative that Congress find a way to support those at the cutting edge of non-violent change in South Africa — black trade unions had been in the vanguard for change

"South Africa's unions are the key to meaningful reform in that racist nation," he said recently at a hearing he chaired on the black labour movement

"The current state of emergency has forced many anti-apartheid groups underground The unions increasingly are taking the lead ", he added, saying they were filling voids left by those who were arrested, in hiding or in exile

But Mr Gray would not say exactly what legislation he intended introducing to strengthen the unions' hand He would also not specify yet what further sanctions he wanted imposed

Reviewing the recent South African miners strike, Mr Gray said the unions, "the only legally recognised protesters in the country", had flexed their political muscles as the world looked on

He said " . as someone said, 'How do you take down a mountain? One rock at a time' Hopefully, helping the labour movement will take down a rock "

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NATIONAL CONFERENCE OF THE INSTITUTE OF PERSONNEL MANAGEMENT

In search of industrial peace

RESTORING industrial peace was the preoccupation at this week's 31st conference of the Institute of Personnel Management at Sun City

More than 1 000 delegates from all over the country attended the intensive three-day conference, proving that even though the total workforce has declined in numbers, one growth industry is personnel and industrial relations

Only a few years ago, attendance was less than 70

In the past year there have been bitter strikes involving tens of thousands of black workers Among others, there was the mine strike, the railway and post office strikes and strikes at OK Bazaaars, SA Breweries and Pick 'n Pay

More than 60 workers have been killed in strike-related violence The problem has become so urgent that few delegates were side-tracked by the pleasures of Mr Kerzner's pleasure dome Both plenary sessions and "breakaway" lectures were well attended

Judging from many of the 46 papers delivered, there was not much consensus among the 1 000 experts on how to re-establish industrial peace

Professor Richard Sutton of the Unisa school of business leadership proposed a compulsory cooling off period where employers and employees are unable to reach agreement

"Within this mechanism the right to strike would be upheld by allowing a legal strike to be called after six months have elapsed should

Strikes, politics in the spotlight

By David Carte

the award by the (conciliation) board prove to be unacceptable to the parties"

Professor Sutton said Government's wish not to become involved in strikes was not tenable, given the political nature of many ongoing disputes which were beyond the power of employers to resolve

One of the more militant papers came from Mr Bhekokuhle Sibiya of SA Breweries

He said that, in the area of corporate social responsibility, shareholders should take a back seat to employees

He said that, in the absence of a living wage, housing schemes, generous bursaries and other perks offered to blacks amounted to paternalism

Unhealthy

"A living wage, profit sharing schemes and stock option plans cannot be implemented while the unhealthy emphasis on the shareholder at the expense of the employee still exists"

Mr Sibiya urged companies to get involved in politics

"There are only two actors who will determine the political future the government and the real opposition whereas companies should condemn all violence, they should support resistance, including much of what is conveniently classified by the government as violence and terrorism At this stage may I condemn irresponsible violence in the black community

"Individual companies are encouraged to take a political stance but should it be against government, they should not directly confront it The lesson from the Chris Ball affair is not to shy away from political involvement, but to handle the monster with great circumspection

"Business should relentlessly refuse to process rent garnishee orders. Over and above this, business should seriously consider the call to civil disobedience.

"If business could honestly implement civil disobedience for just six months, I can assure you that a bloody revolution could be averted in this country

"The plea is to get involved in corporate social responsibility which is outside and beyond the comfortable zone The good old evolutionary alternative of influencing the local government — the bottom-up aproach — has run out of time

Mr Sibiya said the majority of South Africans were in favour of disinvestment

Mr Elias Ngugama, a director of several Anglo American companies in Zimbabwe, urged companies to examine workers' future career paths and development.

He felt companies should train and develop black workers now to avoid having to window dress in the future

1987 designers of the best recruitment ads in Business Times with Miss SA Wilma van der Bilj, centre, at the IPM conference Helen Human of Human-Mundels, left, Paul Tingley of Paul Tingley Selections, Jack Bensch of Wheeler Bensch, Koos Lemmer of Altoleval, Mrs Sue Oliver of DMB&B and Robert Wilson of Two Oh-1

"Avoid regretting lost opportunities like many Zimbabwean executives, who often say these days 'If only we had started our training and manpower development 20 years ago' You have the opportunity to do it now"

Mr Bonginkosi Nzimande, a senior lecturer at the University of Natal, was pessimistic about blacks accepting free enterprise

He contended that blacks' experience of capitalism had alienated them from it Mr Nzimande said recognition of the permanence of urban blacks was not as enlightened as it appeared, as it reinforced the urban-rural divide

Creation of an "urban labour aristocracy", while increasing numbers of blacks were to be left starving in rural areas, and capital flight to the homelands, indicated business complicity in apartheid

Creating a black corporate elite as a buffer would also not help to preserve free enterprise, he argued

"Whilst employers and the state have been relatively successful in creating a class of black people who are sympathetic to the free enterprise system — a state and employer sponsored black middle class — this is no solution to the problems of workers who constitute the majority of the adult black population

"The benefits that accrue to the selected elite never filter down and reach the lower classes the black elite still constitutes a very small percentage of the population

Mr Nzimande said the black middle class did not have political legitimacy because they were an elite

"Gone are the days when the black elite was respected by the masses by virtue of being rich or educated Unless one's skills and education are placed directly at the service of black masses, you are not part of the struggle

"It is ever more difficult to guarantee that when the crunch comes the employer-sponsored black middle class will defend capitalism"

Mr Nzimande said political rights and dismantling of apartheid, freedom to organise, a living wage and job and social security were the major demands of black workers in SA.

He said employers could pay a living wage

"The sooner they dehabituate themselves to fat profits from cheap labour, the better for the future Over and above this, there must be job security and a halt to retrenchments I honestly do not believe that many companies retrench because they are about to go under But retrenchments are carried out because they are threatening the already fat profits SA employers are used to because of cheap labour

Mr Nzimande said employers should take a more vigorous anti apartheid stance to bring about change and to get police out of industrial relations

INDUSTRIAL RELATIONS

Flooded wage bills

Will the thousands of workers sent home because of the Natal floods be paid? Many of them could be forced to stay off work for two weeks

This issue is new to industrial relations Rarely does an industrial council agreement (the Transvaal knitting industry is one exception) contain provision for payment in the event of unavoidable production stoppages The motor industry in the eastern Cape, for example, is *not* obliged to pay its workers in certain circumstances (such as plant breakdown or raw materials shortage)

The Durban Metropolitan Chamber of Commerce says it has issued no directive, saying that it's very much a domestic company matter, and that conditions vary Early this week the chamber had no idea of the number of companies or workers affected

At least one large employer in the area, Frame, has arranged to pay "the average normal wage" to those employees who've been prevented from working because of the floods It's a private arrangement, explains a Frame spokesman, adding — crucially — that "we're in the fortunate position of being insured, which covers wages "

Frame employs about 10 500 workers in the Durban area Most are not working The wage bill for two weeks would normally be around R2m A spokesman for the textile workers' union says he sees no problem with the arrangement

FINANCIAL MAIL OCTOBER 9 1987

According to one industrial relations adviser, most companies would look to paying for a few days, at least But he doubts whether most could afford the full amount in addition to other reparation costs Some would ask workers to take early paid leave, "but they will lose somewhere along the line "

Toyota and the metal workers' union (Numsa) have held talks on the matter. According to Numsa, Toyota proposes paying for four days — which would have to be made up in the form of overtime, on about eight Saturdays, at the normal wage rate

The union is not happy with this, and would have preferred full normal pay But it will let the members decide ■

Black, white executives must face snakes in the ladders game

12/10/87

By Winnie Graham

Mr Morakile Ernest Shuenyane, the public affairs manager of the Black Management Forum and social responsibility manager of Makro (SA), has pin-pointed "filters" in black and white behaviour bound to affect race relations in this country as more blacks take top positions in companies

Addressing the Public Relations Institute of South Africa on "White Blacklash in Affirmative Action Programmes" in Cape Town last week, he listed these points as "white" problem areas

- Interrupting blacks when they talk
- Condescending behaviour
- Paternalistic attitudes
- Offering help where it is not needed or wanted
- Verbal focus on black behaviour
- Insisting on playing games the Western culture way
- Showing annoyance at black behaviour different from their own
- Too easy expressions of acceptance and friendship
- Talking about, rather than to, blacks who are present
- Putting emphasis on how blacks should work, rather than on what should be done
- Assuming too much

The Starbridge campaign was launched to close the gap between people of different races. If you have ideas on how to build bridges, write to Starbridge, Box 1014, Johannesburg.

Mr Shuenyane pin-pointed nine problem areas on the black side These are

- Confrontation too early and too harshly
- Rejection of honest expressions of acceptance and friendship
- Pushing whites into such defence postures that learning and re-examination are impossible
- Failure to keep a commitment and then offering no explanation
- In-group joking, laughing at whites in black cultural languages
- Giving answers blacks think whites want to hear
- Using confrontation as the primary relationship style
- Isolating themselves at social gatherings
- Assuming too much about others

Discussing the black manager's perspective to affirmative action, Mr Shuenyane said blacks were not asking the corporate world to start discriminating against whites in their favour

"We know the pain of being discriminated against, and we do not wish it to happen to anyone else, even if we are to benefit from it," he added

"Nor are we asking to be promoted at the expense of white employees, specially those more capable than us"

Black managers, however, were asking for equality based on merit, for a chance to be allowed to compete and access to all the tools needed in the race

They were asking for a chance to prove themselves without being pre-judged, and for the removal of unnecessary prejudice barriers in their path

He added "All these obstacles are there as a result of white fears and insecurities.

"Bringing all the socio-political overtones into consideration I believe we have to adapt our situation or the landmines of fear and insecurity will blow black advancement sky high

"We could start by putting sensitivity into the heart of affirmative action"

Employers 'will resist'

132

B/day

13/10/87

ALAN FINE

TRADE unionists should recognise that, when they propagated sanctions and stayaways and employed confrontationist tactics, employers would resist to protect their businesses, outgoing Seifsa president Keith Jenkins said yesterday.

He told the Seifsa annual meeting "Trade unions cannot at the same time, in all seriousness, make demands for improved living conditions."

Jenkins said metal industry employers had moved towards a more acceptable relationship between skilled and unskilled wages. The rate for a labourer as a percentage of the artisan rate had increased from 23% in 1973 to 39% in 1987

He noted the refusal of the National Union of Metalworkers of SA (Numsa) to sign the wage agreement for the fifth consecutive year and the industrywide one-day strike which followed in July.

Jenkins said this had the makings of a serious logjam in future negotiations, as employers could not continue negotiations once they had reached agreement with the majority of unions.

He also expressed concern at government attempts to use employers to resolve the rent boycotts by requiring them to make rent deductions from wages He said this would not address the real issue and would introduce a new major area of industrial conflict.

He also called on government to act speedily on tax reform, saying the Margo proposals should be introduced as a package To make piecemeal changes would be disastrous.

He hoped major capital projects such as Mossel Bay and the Lesotho Highland scheme would help lift large sectors of industry out of recession

● See Page 5

'Politicians cannot treat with unions'

B/day 132 16/10/87

Businessman has political role

● WILSON

MICK COLLINS

THE intervention of a growing and extremely powerful trade union movement in political issues had compounded communication between SA's First and Third World sectors.

This was said last night by Shell chairman John Wilson when he received the Harvard Business School Club's Annual Business Statesman Award in Johannesburg.

Addressing the adverse effects of socio-political issues on the economy, Wilson said only the businessman, not the politician, could deal with political issues in the workplace, since only he could negotiate with unions.

Despite law reforms

"Whether we like it or not, political issues do permeate the business world The strike statistics of the eighties bear this out — around 200 000 man-days lost due to strikes in 1980 to over one-million in 1986.

"From about 100 cases in the industrial court to probably around 5 000 this year ... and this despite the far-reaching reforms in our labour laws in the 1980s."

It was clear, he said, that the interaction between business and politics must be carefullyn scrutinised, if this was to be constructive and not confrontational.

"The onus is on business leadership to be pro-active and identify stumbling blocks to effective communication and negotiation with labour and, where appropriate, with government.

"If we take the initiative and invite trade unions to discuss wider issues ... the beginning of a productive partnership between capital and labour could develop."

Private enterprise, and especially big business, had in the minds of the majority of black South Africans become synonymous with apartheid. This was understandable, as for many years investors took advantage of the apartheid economy, using to the full the cheap and plentiful labour supply available to it.

"A credibility gap has to be closed between capital and labour," he said.

Business leaders took a major step forward in doing this through the Federated Chamber of Industries Business Charter published in Janaury 1986.

People must change

"But publication is one thing, implementation another.

"If the charter is to be more than a piece of paper, it must be made a living credo; the yardstick against which society can be measured.

"If South Africa is to change, its people must change.

" Business leaders can be a catalyst in this process."

'Pretoria on verge of announcing major steps'

Cape Times 19/10/87 (132)

Business deregulation: Govt considers reports

Own Correspondent

JOHANNESBURG. — The government is considering a series of reports recommending widespread business deregulation, particularly for blacks.

Recommendations include country-wide Sunday trading, abolition of local trade licensing boards, repeal of laws restricting black business, and open entry to the taxi market.

The reports, prepared by the Competition Board, were made public at the weekend. Board chairman Stef Naude says their release, at the government's request, indicates Pretoria is on the verge of announcing major deregulatory steps.

The reports' release coincides with the first use of the 1986 Temporary Removal of Restrictions on Economic Activities Act. The so-called "Red Tape Act" empowers the State President to cut through regulations impeding economic development.

According to the latest Government Gazette, the Act is being used to speed up a building development in the Johannesburg suburb of Kew. Naude expects further applications of the Act to follow.

However, Free Market Foundation director Leon Louw warned yesterday that the government had promised deregulation action before without delivering. While welcoming its apparent new willingness to act, he said. "I'll wait and see what happens before getting excited"

Local government

The board's recommendations on entry into the taxi market — that licences should be available on demand, subject to driving ability and vehicle road-worthiness — have already been incorporated into the white paper on National Transport Policy.

The report says the existing subsidized bus system is inefficient and unpopular.

Another board report recommends deregulation of trade at local government level. The report says that of the approximately 75 economic activities requiring licences, only a handful should be retained on health and public safety needs

The report also recommends the rest of the country follow Natal in ending Sunday trading restrictions.

The Departments of Constitutional Development and of Development Aid are currently examining a report calling for the repeal of laws restricting trade in black areas.

The report says two elements of the Development Trust and Land Act — prohibiting blacks from possessing a trading licence or buying and owning a business site without individual ministerial permission — should be repealed. It adds so should two government proclamations from the 1960s barring blacks from licensing two premises within a 32km radius, and prohibiting salesmen and hawkers from entering black areas without written permission.

Warning issued on labour disputes

Cape Post 20/10/87 132

Mr SEPP VAN HÜLLEN

By RALPH JARVIS
Motoring Editor

THE perception that labour disputes in South Africa always and necessarily represent a "white management - black labour force" confrontation has to be broken down in a process of evolution

This was the warning yesterday by the chairman of the board of Mercedes-Benz of South Africa, which recently came through the longest strike in its history

Speaking at the launch in the Cape of the new Mercedes-Benz 230 TE station wagon, Mr Sepp van Hüllen said about 5 000 units were lost in the strike

Mr Van Hüllen said an aspect of the strike that had come to the fore was that "we have probably seen the beginnings of a new ball game and new rules for the game"

"This strike showed the international dimensions and possibly new rules that might apply from now on for multinational concerns such as ours

"It would appear that the international political implications will have a strong bearing on such strike actions

"Another feature that we noticed was the union's declaration against violence but that, in spite of this, a very pronounced degree of solidarity was visible as was evidence of intimidation and provable acts of violence"

Mr Van Hüllen said that during the strike MBSA had the chance to look at the legal structures that governed labour disputes in South Africa

"It is my opinion that the rules in this country are still somewhat incomplete," he said.

"I do not advocate the need for more rights for the employer, but rather a more balanced system which makes settlement more accessible

"For us at MBSA there is no doubt in our minds that the unions and their presence in industry are a very essential aspect and there is no hope to build up a meaningful industrial relations situation without unions

Mr Van Hüllen said that in the MBSA strike, both parties, management and the union, had learnt a very important lesson — "that there should be more open communication and more opportunity for discussions on an ongoing basis with the willingness to recognise and respect the other side's position and responsibilities"

"In the final analysis our strike had no clear winner nor a clear loser

"On the positive side, both parties gained in certain areas

Unions 'must have role in politics'

B/day 22/10/87 (132)

ALAN FINE

COLLECTIVE bargaining had been a useful tool for SA's black workers.

But it had inherent limitations which prevented it effecting a redistribution of wealth, and this is why unions had to participate in the political process.

So said Cosatu education secretary Alec Erwin yesterday at a Johannesburg conference — Power and wealth in SA, the economic system under review — organised by the Institute for Industrial Relations

Erwin argued redistribution had occurred in Western European societies from the 1930s to the 1970s, when social democratic and labour parties, usually formed by the union movement, had channelled available wealth into "social consumption" — education, health, housing and other forms of welfare.

Unions had, in the past decade, achieved a great deal with regard to working conditions, discipline and grievance handling, and job security

But collective bargaining, with regard to wages, represents merely a defensive action in protecting the levels of real wages

This is because capitalism has the capacity — through technological progress, lay-offs and price increases — to adjust to wage demands, he said.

Hence the need for direct political participation to effect a redistribution — urgent if people are to live a decent life, said Erwin.

(132) B/day 23/10/87

NEWS FOCUS

Municipal unions putting on muscle

ALAN FINE

"WE HAVE to organise underground. It takes a lot of co-ordination of organising committees, education of shop stewards and others, and many sleepless nights. Only when we are strong enough can we come into the open."

This is how Sipho Radebe, general secretary of the National Union of Public Service Workers (NUPSW), describes his union's strategy for survival in the municipalities and hospitals of SA.

Black railway and postal workers have caught the limelight in 1987 But as significant as the major strikes are the rumbles in the other two sectors

Both have proved very difficult to organise. Managements are extremely conservative. A rash of strikes over the past few months — all unlawful because they are deemed essential services — have gained little

But there are signs that, after seven years of painstaking work since the spectacular but futile 1980 Johannesburg municipal strike, organisation in the municipalities is about to take off.

Most municipalities, other than those of the white cities, belong to the Municipal Employers' Organisation (MEO). The MEO has resisted dealing with any union that is not registered, or which organises workers other than municipal employees. The latter point, particularly, has been a major obstacle.

It is also hostile towards decentralised bargaining. According to MEO chairman Johann van der Merwe, the sector prefers to work through industrial councils in the different provinces while shunning the idea of local recognition agreements which have become commonplace in the private sector.

No objection

"We recognise the right of workers to freedom of association. But they must recognise that we have the right to decide on what basis to deal with unions," he says.

He adds that he does not fear the growing popularity among municipal employees of Cosatu and Nactu affiliates and has no real objection to dealing with them.

But the unions themselves see MEO policy as a less than subtle attempt to shut them out. Two distinct strategies designed to overcome it are emerging.

The NUPSW, a Nactu affiliate which claims 15 000 municipal members and has become prominent in the Transvaal, is set on changing MEO thinking.

Last week it achieved what it believes to be a major breakthrough — recognition by the Boksburg municipality. According to the municipality's director of management services, Koot Marais, agreement on issues like negotiation procedures and recognition of shop stewards has been reached, subject to confirmation by the town council.

Radebe believes this is the beginning of the collapse of the long-held MEO policy on union recognition "Other municipalities we are dealing with have already expressed interest," he says.

It certainly appears set to cause some kind of shake-up. The MEO's Van der Merwe was unwilling to even believe the news of the agreement until he had received confirmation. "It is a sorry situation if some municipalities go against our policy," he said.

The Boksburg accord, which — perhaps because of the sensitivities involved — Marais hesitates to term a recognition agreement, is to be discussed by the MEO soon.

Sound footing

"We will explain our views, and hope to clear the air," said Marais The Boksburg council's approach is merely to keep industrial relations on a sound footing, and believes this development will help, he said.

The NUPSW attitude towards industrial council participation is still unclear "The workers will decide," says Radebe with no undue enthusiasm.

He has no problems with the fact that municipal and hospital workers do not have the right to strike

"We recognise they are essential services, and accept disputes have to be resolved through arbitration," he says. But he warns the authorities must do away with working condition which are "conducive to strike action".

This includes the need to bring hospitals under the Labour Relations Act (LRA), thus providing acceptable channels for dispute resolution.

In contrast to the NUPSW approach, the new Cosatu municipal union to be formed this weekend is likely to adopt the strategy of using "the system".

According to the Transport and General Workers' Union's general secretary Jane Barratt, the key strategic intention of the merger is to create a sectoral union, thus overcoming the MEO objection. The new union will then be in a position to gain access to industrial councils around the country. She is not at all confident, though, that new obstacles will not be placed in their path.

There appears less likelihood of any such advances in the forseeable future for hospital employees.

The provincial authorities, particularly in the Transvaal, have done their utmost to avoid dealings with militant unions.

Consensus among unionists and lawyers is that gains in union rights here will be a long, hard process of piecemeal advances — largely in the courts.

(132) 28/10/87 7

Warning on lack of control in industrial system

By RALPH JARVIS
Property Editor

GREATER deregulation of the industrial council system in South Africa could lead to chaos if it is not controlled in a responsible manner, Dr Piet van der Merwe, Director General of the Department of Manpower, told representatives of the building industry yesterday

He was addressing delegates to the 82nd annual congress of the Building Industries Federation of South Africa (Bifsa) at the Wild Coast Sun,

"Deregulation has become a buzz word in this country and, in real terms, the employers will have to adopt a responsible attitude to the challenges that await them," he said

Dr Van der Merwe said employers would be called upon to deal with many issues that arose within the working environment, ranging from segregation of toilet facilities to the thorny issue of paid public holidays

"Perhaps the most vexing problem that employers will have to face is the question of intimidation," he said

"Legislation cannot handle this problem and there are no easy answers to it

"There have also been calls from employers in industry for tighter wage controls and the re-introduction of minimum wages and this is a question that all employers in South Africa will have to consider during the course of 1988"

Dr Van der Merwe said the Department of Manpower handled 364 000 complaints against employers by employees during the course of the year and the Industrial Councils dealt with about 2 000 cases against employers

The challenge for business, labour

132 W/POST 31/10/87

By RALPH JARVIS

THE challenge facing the business community in South Africa is to find a way to forge a contract with labour to bring about wider political and economic change

This was asserted this week by Mrs Kate Jowell, senior lecturer in industrial relations at the Graduate School of Business at the University of Cape Town

In a hard-hitting address to delegates attending the 82nd annual congress of the Building Industries Federation of South Africa (Bifsa), Mrs Jowell said the responsibility for protecting market systems fell on organised business and organised labour

"They both have an interest in securing a viable economy in the future and ensuring for themselves in any new political structure, the kind of independence that will allow them to protect their joint and several interests

"That inevitably means that they must push for gradual reform of our political system rather than the radical change of revolution"

Mrs Jowell said business had to find a way of defusing or deflecting the issues elsewhere lest it, and the economy, increasingly become the punch-bag in the political fight between the State and the black workers

"Understandably, business is reluctant to take on wider political and social issues"

In the rhetoric of the disenfranchised, apartheid was a synonym for "capitalist exploitation of the working class", Mrs Jowell said

"Therefore, for some, the obvious solution is to throw the economic baby of a market system out with the political bathwater of apartheid," she said

Referring to the living wage campaign being conducted by the Council of South African Trade Unions (Cosatu), Mrs Jowell said it touched the core question at stake if South Africa was to have a stable future

"Any package that business and labour might put together will have to address at least some of the current stresses in our system — unemployment, declining living standards, the level of social spending on the one hand and, on the other, wage demands, disinvestment and sanctions campaigns"

Mrs Jowell quoted a trade unionist as saying all voting and economic power lay with business Therefore if things did not change it was because big business did not want it to

"This view is naive in that the business community, in the form of its executives, represents a miniscule slice of the voting public

"It also has woefully little power to influence government's decision-making

"The bludgeoning through of the regional services councils' financing in a form widely condemned as unworkable and inefficient is one recent illustration of that

"This naivety is, in part, due to the lack of contact between business and unionists on any level other than the collective bargaining arena," she said

ARGUS 2/11/87

It's no wonder the land is in turmoil!

(132)

By DICK USHER, Labour Reporter

BAKERY workers strike miners strike . railwaymen strike postal workers strike food workers strike car workers strike.

Strikes have achieved an extremely high profile this year there have been several involving large numbers of workers, some have lasted for extended periods, several in the public sector were technically illegal and smaller stoppages are becoming so commonplace that they hardly make news

Opinions on what is going on range from the wild-eyed conservatives who think that before every one-day stoppage the union phones ANC headquarters for instructions, to less sensational analysts who see it all in terms of a growing maturity in industrial relations and indications of greater confidence by workers and their unions

But, whatever the explanation, South African industrial relations are in greater turmoil than they have been for years.

This turmoil would appear to be walking on four legs — a quadruped with political feet

The first element lies in the aims and nature of the movemement itself overtly socialist, it aims at worker control of the means of production

Its methodology is to enable people to take control of the most accessible portion of their lives — in the workplace — so that they will one day be able to take control of the rest

Its slogan is "Organise the Unorganised" and its most visible manifestations have been the extended public sector strikes among Post Office and railway workers

As the unions expand their areas of organisation, they are continually coming up against fresh employers who appear determined to repeat the mistakes of others, who require their workers to labour under unacceptable conditions, who resist unionisation by various means and find themselves — early in the relationship — with a strike on their hands

The strike is, in all probability, technically illegal, but many unions do not willingly recognise the distinction between legal and illegal strikes

First shock

What is material is that the employers are forced to realise that they are not immune to collective action, and the workers lose their "strike virginity" They become aware of the possiblities of their collective strength

Many of the unions, however, have been round long enough to have developed established relationships with employers

Those employers have recovered from the first shock of having to deal on an equal basis with the new wave of employee organisations and have settled down to a working relationship — of varying degrees of comfort — with one of the unions

In the past year these relationships have been ruffled by the emergence of the Congress of South African Trade Unions' (Cosatu) living wage campaign which, in addition to its demand for higher wages, also seeks a 40-hour week, and an end to overtime — steps towards opening up job opportunities for the unemployed, maternity benefits for women, paid holidays on May 1, June 16 and March 21, no tax deductions, the end of the hostel system and the right to "decent education"

All these are part of what one researcher sees as the emergence of "macro" demands in the negotiating arena, matters extraneous to the workplace, but relevant to the greater aspirations of the people working there — usually overtly political demands

Relationship

This is the second leg The third leg is related to people taking control of their own lives

Here the unions have been entering relationships with groups in the community Members are encouraged to work within these organisations and use their skills and influence to help direct them towards worker-oriented goals At the same time the organisations, most of which have accepted working class leadership of the "liberation struggle", come in to support battles in the workplace

In the recent bakery workers strike, a meeting under the auspices of Cosatu was attended by about 100 delegates from affiliated unions, the UDF, Cape Youth Congress, Western Cape Students' Congress, the Unemployed Workers' Movement, South African National Students' Congress, the Western Cape Traders' Association and others

In concrete terms their pledges of solidarity and support for the strikers realised very little, they went back to work before much organisation could take place

The real significance was that the meeting took place and who was at it — a demonstration of the developing relationship

According to Newton, all actions have an equal and opposite reaction

If the first three legs are seen as action, the fourth is that of reaction

On the Government level the unions see this as measures attempting to curb them — various restrictions in labour legislation and those proposed in the Labour Relations Amendment Bill, the threat to gains posed by the Temporary Removal of Restrictions on Economic Activities Act, emergency regulations and detentions of unionists, and bannings and restrictions on newspapers

From somewhere

From somewhere come the physical attacks on buildings — the bombing of Cosatu House in Johannesburg, Community House in Cape Town and numerous others round the country — the mysterious and divisive pamphlets, the violent attacks on unionists

And then there is the employers' resistance to movement — lockouts and mass dismissals, court interdicts

Is there any wonder there is tumult in the land?

132

Changing face of trade unions

THE face of unions in South Africa has changed dramatically over the past few years

Many unions, mainly smaller ones, no longer exist as the country's biggest trade union federation, the Congress of South African Trade Unions (Cosatu), moves closer to its aim of having only one union in each industry.

The latest mergers in Cosatu are last weekend's launch of the South African Municipal Workers Union and the launch of the Paper, Printing and Allied Workers Union two weeks ago

Eventually, Cosatu, which claims a membership of almost one million, hopes to consist of only about 15 giant unions.

Exempted

At its launching congress in December 1985, Cosatu set itself a six-month deadline to achieve this aim

By mid-1986, it became clear that uniting the unions in the different sectors would take much longer, and the period was extended.

At Cosatu's last congress in July, only industrialised unions were allowed to participate

Those unions which had by then not merged had to give an undertaking to launch national industrialised unions

The Paper and Printing, and Municipal unions gave this undertaking Unions organising transport workers, like the South African Railways and Harbour Workers Union (Sarhwu) and the Transport and General Workers Union (T&GWU) were exempted because of the railways strike

Grey area

Sarhwu's Western Cape region resolved at its AGM last weekend that its national body should merge with T&GWU The two unions will have merger talks on November 7.

The South African Allied Workers Union (Saawu) was refused permission to participate in the Cosatu congress because of its refusal to give off its members to other industrial unions

Since then, Saawu has been involved in a number of mergers with other Cosatu affiliates

Another grey area has been the Commercial Catering and Allied Workers Unions (Ccawusa), which was formed out of the Retail and Allied Workers Union, the Hotel and Restaurant Workers Union and the old Ccawusa earlier this year

After its launch, there were claims from some Ccawusa members that the new organisation was not properly constituted The dispute is still being sorted out

The National Union of Textile Workers (NUTW) is trying to form a federation of clothing and textile unions with other unions, including some which were previously in the conservative Trade Union Council of South Africa (TUCSA)

The only union unaffected by Cosatu's policy on industrialised unions is the National Union of Mineworkers, with 370 000 members the federation's biggest affiliate

Electrical

NUM has recently started to organise electrical power workers at plants in the Western Cape

Cosatu's second biggest affiliate is the National Union of Metalworkers of South Africa (Numsa), which was formed out of three unions earlier this year

Other unions formed as a result of mergers include the Food and Allied Workers Union (Fawu), the National Educational Health and Allied Workers Union (Nehawu), the South African Domestic Workers Unions (Sadwu), the Chemical Workers Industrial Union, and the Construction and Allied Workers Union (Cawu)

Cosatu hopes to form national unions for the unemployed and farmworkers

Unions 'create need for calm'

Own Correspondent

DURBAN — Trade union membership had grown by more than 1 400 000 workers in the past 10 years leading to a need for more sophisticated and rational labour relations, Manpower Minister Pietie du Plessis said yesterday.

More than 2-million workers now belonged to registered and unregistered trade unions — 23,8% of SA's total workforce, Du Plessis said at an NP businessmen's lunch.

To maintain stability in the workplace, management needed to remain calm and treat each situation with balance, caution and wisdom to avert "unhealthy polarisation".

Yet SA strike statistics compared favourably with those of developed countries in terms of lost man-days and worker involvement and were "no cause for alarm".

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B/day 4/11/87

Stable IR 'needs new ground rules'

(132) B/Day ALAN FINE 11/11/87

THE creation of a stable and peaceful industrial relations (IR) system required a new social contract between management and labour, lawyer Clive Thompson told the Andrew Levy & Associates IR seminar in Johannesburg yesterday.

Thompson said this would mean a deliberate and concerted effort to set IR apart from the governing order in SA's divided society as far as possible.

He argued the new social contract had to do away with reliance on the State's coercive instruments.

Employers had to recognise the right to strike and picket. Participants in any "competent" strike should be protected from dismissal, while unions had to understand that unlawful activities could be resisted.

Business not using its clout — Cosatu chief

By Sven Lunsche

Cosatu general secretary Mr Jay Naidoo yesterday accused business of withholding its "considerable clout to bring an end to State oppression".

He also took a side-swipe at the violence in Maritzburg, immediately drawing an emotional response from kwaZulu Chief Minister Mangosuthu Buthelezi.

In a scathing attack on the business community, Mr Naidoo — who was addressing about 500 senior executives at the *Financial Mail's* investment conference in Johannesburg — said their reluctance to challenge apartheid effectively was seriously undermining industrial relations in the country.

"You seem eager to wash your hands of responsibility for apartheid, but are unwilling to mount effective and convincing opposition," he said.

He said business had a considerable part in shaping the current structures of the State and that it had been the main beneficiary of the system.

"Any economic initiatives by you, which do not address the political needs of the majority are therefore meaningless solutions.

"A meaningful long-term relationship between trade unions and management is only possible if there is common understanding that South African society has to be fundamentally restructured," he said.

Mr Naidoo's remarks, that Inkatha was the real cause behind the current violence in Maritzburg and that their perpetrators of violence were not apprehended by the police, drew a heated response from Chief Buthelezi.

"It has been known that violence in this country over the last few years has been fomented by the ANC through the UDF and its affiliate Cosatu. We are committed to non-violence, but have the right to protect ourselves among others from Cosatu members, who have killed Uwusa members."

13/11/87 STAR

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Communication will 'take teeth out of unions'

Pretoria Correspondent

Managements have been advised to establish effective communication systems to minimise the influence of unions in their companies.

Speaking at a Small Business Development Corporation seminar in Pretoria yesterday, Professor P C Schutte, director of the Institute for Manpower and Management Research, said managements had to take active steps to establish a system to normalise labour relations at shop-floor level, and take the "teeth out of the unions".

But most of the 60 managers of small businesses at the seminar said they had established communication structures — which collapsed when unions took over.

Professor Schutte said the systems had to be democratic, and communication should start from grassroots — not vice versa. He said most companies had ineffective systems because information flowed from management downwards without any feedback.

Professor Schutte added: "In 1924, whites used the union to fight their way into the labour field.

"It is a normal process that blacks are also using the unions to gain mobility in the labour field."

Professor Schutte also advised managers to identify the ever-increasing "semi-skilled" young black worker to train for future strategic planning.

INDUSTRIAL RELATIONS

GENERAL

JAN - DEC 1988

4/1/88 (132) Volkskas.

Work discrimination — wrangles expected

Own Correspondent

JOHANNESBURG — In the progressive new climate of deregulation, SA is expected to face teething troubles on issues of workplace discrimination, unfair labour practices, equal employment opportunities and affirmative action, says psychologist Alwyn Moerdyk.

Writing in the latest Institute of Personnel Management journal, he says the draft Labour Relations Amendment Bill — expected to be enacted this year — making discrimination based on race, sex or religion an unfair labour practice, may result in painful alterations to the system which could be construed as reverse discrimination by affected parties

Judging from the American and British experiences, Moerdyk identifies three general discriminatory processes

- Premarket discrimination, restricting peoples' access to opportunities through inadequate schooling,
- Disparate treatment, whereby different groups are given different treatment for doing the same work,
- Adverse impact, where policies can potentially have a negative effect on people by virtue of their backgrounds (for example the use of biased selection tests)

Each of these processes will have to be addressed by management in the near future, Moerdyk says

He distinguishes between "equity of outcome" and "equity of process" for redressing premarket discrimination He favours the former, which is facilitated by affirmative action programmes.

Affirmative action justifies different (favourable) treatment of people previously discriminated against in order for them to be treated fairly in the future.

Moerdyk advocates the presentation of documentation by management to show that all groups are similarly treated with respect to salaries and wages and access to overtime and perks

Additionally, company statistics must indicate that selection tests (IQ and aptitude) are valid for all relevant groups, equally valid for different groups of people, and do not discriminate against any group

Fingers on the trigger for industrial conflict

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By Bronwyn Adams

INDUSTRIAL conflict is set to increase in 1988, says the Institute for Industrial Relations (IIR)

Between January and August last year 5,5-million work days were lost through strike action — a fourfold increase over the previous year

The triggers for heightened industrial action have been identified by the institute as wages and working conditions, accounting for 36% of the total number of disputes, sympathy (14%), dismissals (14%), retrenchment (7%) and other reasons 29%

More broadly, the origins of conflict include Cosatu's living wage campaign, the high inflation rate and strength derived from trade union mergers — a dozen national unions emerged last year from 33 smaller unions

The reasons for last year's strikes indicate the significance of wages, which increased by an average of 18% Unionised black workers kept abreast of inflation, testifying to the success of Cosatu's living wage campaign

IIR executive director Mike Miles says the number of workers involved in strikes surprised some managers who had predicted there would be a fall in industrial protest, given the depressed economic environment of 1987

Only avenue

However, managers overlooked the fact that unions appear to be the only avenue for expression left open to many politically impotent people, he says.

The extension of Cosatu's call for a living wage this year indicates that industrial relations will continue to be a political forum. If strikes could take place in poor economic times last year, the chances of their increasing in the predicted recovery this year become greater

But the introduction of politics into industrial relations, although understandable from labour's point of view, is dangerous for two reasons, says Mr Miles

First, it is disruptive to the collective bargaining process because many issues of contention lie beyond management's control Second, the raising of political issues challenges the Government to play a more active role in the relationship between employer and employee

He says evidence of this can be seen in the Government's move to introduce an amended Labour Relations Act The proposed Act "in redressing the imbalance in favour of unions" will effectively render sympathy and secondary strikes illegal and remove union indemnity from claims for damages arising from lost production in illegal strikes

It also defines boycotts as unfair labour practices and hampers the unions' ability to strike by changing conciliation board procedures After the legislation comes into effect, unions will have to take a dispute to the conciliation board within 21 days or forfeit the right to strike legally

The legislation will remove the Industrial Court's right to grant interim relief to either party

Positive

Through this Act, the Government will control the relationship between the two parties, says Mr Miles

Government intervention, although seen by many employers as a positive development, will hamper the emergence of mature collective bargaining procedures as it favours control over negotiation, he warns.

But, on a more positive note, this year should see an increasing willingness by more conservative employers to take part in formal labour institutions, such as the Industrial Court, says industrial consultant Andrew Levy & Associates

The firm says the union movement enters 1988 as the most comprehensively organised black force in SA

"Its power potential remains greater than ever, but there are areas of weakness"

Two of the greatest weaknesses are the movement's vulnerability to State suppression "and its own lack of pragmatism and flexibility based upon its ideological structures"

"Both of these factors can potentially limit the value of organised labour as the most powerful agent for change in Southern Africa"

The IIR says the expectation of further committment by management to the collective bargaining structure is offset, however, by labour's disappointment with it

Cosatu unequivically rejects Government intervention in labour matters. Because it has been acknowledged as a credible organisation in the minds of the public and a trend setter among unions, its response must not be taken lightly

General secretary Jay Naidoo warns that the legislation is potentially a major source of conflict, calling for organised opposition

New Bill threat to Wiehahn reforms

ARGUS 21/1/88 (132) (168)

By DICK USHER, Labour Reporter

MAJOR labour legislation due to go before Parliament this year will in effect kill many of the advances made by the Wiehahn labour reforms of 1979

If the Labour Relations Amendment Bill is enacted it will

- Severely limit the right to strike,
- Make a wide range of strikes illegal;
- Introduce the possibility of unions being sued for damages resulting from industrial action;
- Undermine the principle of the majority union at a workplace having the right to negotiate for the whole workforce,
- Restrict the powers of the Industrial Court to make law, and
- Legalise unfair dismissals and retrenchment in some cases

The Bill has been criticised as a recipe for chaos by the labour movement, management and union labour law specialists and industrial relations experts

INTRODUCED IN 1986

It was first introduced in 1986 and republished in slightly amended form in September last year in what some observers see as a Government response to conservative demands for curbs on unions, especially after last year's public sector strikes in the Post Office and SA Transport Services.

Spokesmen for both major union federations, Cosatu (Congress of South African Trade Unions) and Nactu (National Council of Trade Unions) this week criticised the Bill as reversing the achievements of the Wiehahn reforms

Nactu said it aimed to curtail union activity, support employers and control union use of legal provisions which they had used to advantage

Cosatu said there did not appear to be many benefits for those who followed the provisions of the Bill and stayed within the system

A Cosatu spokesman said: "This will make it even more difficult for unions to channel worker militancy within the framework of the requirements of the Act than it is at present," he said

RIGHT TO STRIKE LIMITED

Provisions which are considered most harmful are limitations on the right to strike, the dilution of the limited protection against dismissal for legal strikers that Industrial Court judgments have established and the removal of unions' indemnity against damages claims.

An amendment to Section 65 of the Act bans strikes or lock-outs "if the employer or employee is not directly involved" in a dispute, outlawing sympathy strikes

If a dispute is "virtually the same" as one which has led to industrial action in the past 12 months a strike would be illegal

A new section 79 provides for union liability for damages caused by forms of industrial action and requires the union to prove it was not involved

A Cosatu memorandum on the Bill calls this "the most threatening provision".

(Turn to page 3, col 6)

Law seen as 'recipe for chaos'

ARGUS 21/1/88 (132) (168)

(Continued from page 1)

A new Schedule I extends the definition of an unfair labour practice It withdraws protection from employees with less than 12 months' service and undermines the principles for a fair dismissal developed by the Industrial Court

LENGTHY DELAYS

A special labour court, proposed in clauses added to section 17, would remove the Industrial Court's right to sit as a court of law and sets up appeal processes which lawyers say will substantially increase litigation and therefore costs

They could also lead to delays in obtaining relief

Critics also fault the Bill for several provisions which bolster the position of minority unions and for permitting racial unions to register without non-racial unions being allowed to object

The Bill, now with the Standing Committee on Manpower, is seen by unions as attacking them.

But a leading labour lawyer said "It would be more accurate to describe it as subversive of a coherent and effective collective bargaining system"

No democracy in firms says trade unionist

EAST LONDON — Economic systems reflected political systems and because South Africa was not a democracy, there could never be democracy in business, the national co-ordinator of the South African Domestic Workers' Union, Mr Jeff Wabena, tol the Idasa forum

Speaking as a worker representative, he outlined workers' peceptions of democracy and said they were moulded by their experience as black South Africans

"Without the vote there is no democracy whether it be in business or anywhere else"

He said the South African system did not allow for this and that blacks were "oppressed as a nation and exploited as workers"

"There can be no democracy while these two issues — oppression and exploitation are at play We belong to South

by Matthew Moonieya
business editor

Africa which is one of the richest countries in Africa Black workers feel they have a say in making South Africa rich and making the economy grow

"But when it comes to sharing, we are not a party If those in power feel that the economy must be shared, it can be done"

Mr Wabena said it was a fallacy to believe that democracy was at work because the trade unions were able to sit with managements and draw up agreements Laws were enacted in parliament which enabled managements to tear up such agreements if there was a dispute.

"These agreements are there to cover conflicts but we see managements calling in state intervention when there is a dispute"

A lot of problems at the workplace were caused by lower management who were quick to refer to a worker's colour if he made a mistake

"We are human beings too and can we continue to live with this attitude? We are not recognised as workers who help to produce the wealth As businessmen you must get your cut, but you did not create the wealth alone"

Mr Wabena said the trade union movement was at a disadvantage during negotiations because they did not have access to information such as how much profit the company made

He objected to the confidentiality of such information

"It is important for us to have access to information because we are part and parcel of the company If the company expands, we are not told about it We merely see buildings going up

"But we are told when profits go down and there is a need to retrench workers. This is the only time we are told"

BUSINESS

27/1/88 (132)

Forum told values of blacks not understood

EAST LONDON — Managements and trade unions were committing fraud against the average worker because both were run on First World colonialist principles — centralised power — with no regard for the workers' interests, corporate crusader and arch proponent of participative management, Mr Albert Koopman, said here last night

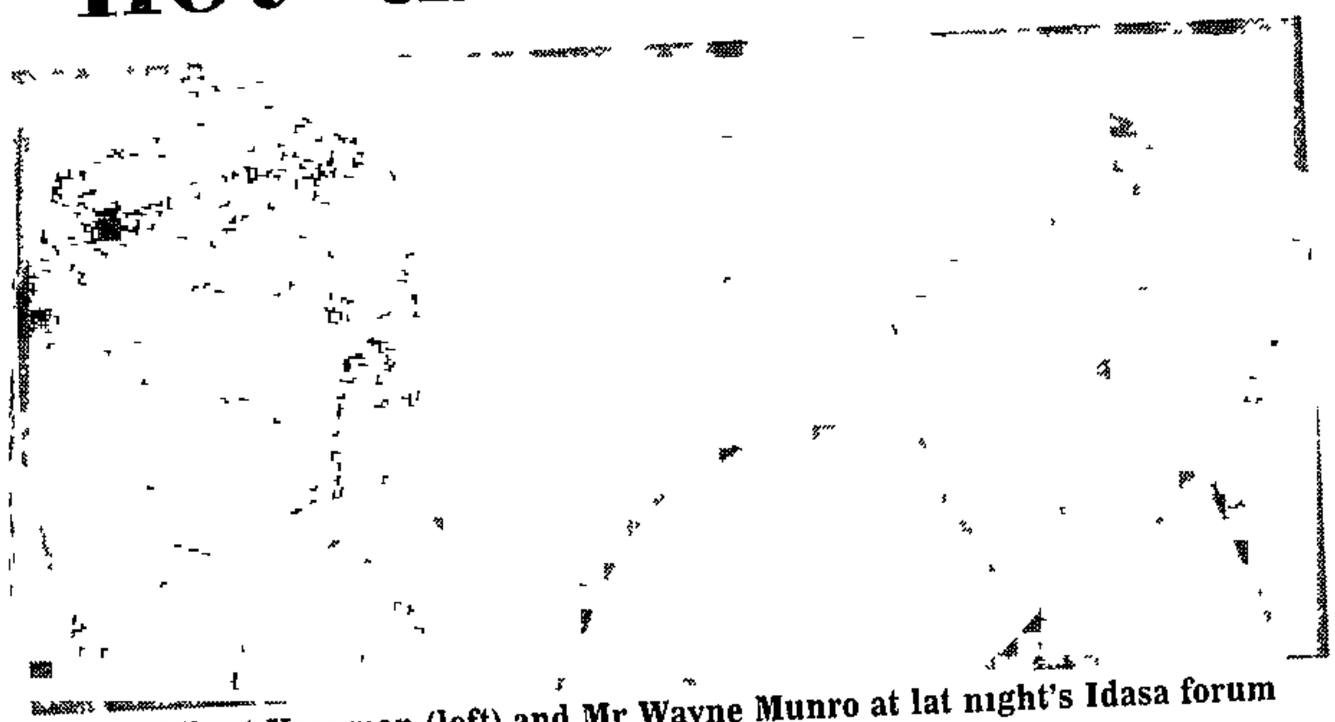
Addressing a forum of the Institute for a Democratic Alternative for South Africa (Idasa) forum on democracy in business, the businessmen who built Cashbuild into a major success story on the basis of participative management, slammed both the trade union movement and managements

He said when conflicts arose at the workplace, the two First World orgnisational structures — unions and managements — became locked in negotiations while "the workers' hearts bled and the country lost hundreds of thousands of rands in lost production and time"

These traditional procedures and structures did not understand Third World values "and we see in South Africa the two dichotomies of the ideology of man's existence which are totally at opposite ends individualist versus group co-operative pursuits"

We have further seen that value systems are also at opposite ends and that the drives from each value system can in fact cause immense polarisation and misunderstanding

"In every case we see by and large that our black workers cannot fulfill their social purpose and thus will never realise their work ethic, not that they do not have it, but that our organisations restrict them from doing so"



Mr Albert Koopman (left) and Mr Wayne Munro at lat night's Idasa forum in East London

"This is why black advancement programmes are so counter productive because you alienate the black manager from his fellow worker"

He did not condemn an adversarial relationship between management and labour as this could be healthy

"But this can only operate in a free society and South Africa is not a free society If the society is not free, a greater interdependence is needed if wealth is to be created The interest of the worker rather than the political interest should become the driving force

"This is the greatest opportunity for a pragmatic workers' democracy for consensual power sharing and participative democracy rather than representative democracy"

Dealing with his system of participative management at Cashbuild, Mr Koopman said that pragmatism had it that each worker had a democratic vote in the running of the business to satisfy the need for consensus by the managed

"In this way you have direct participative democracy and shared values become the rule of law These shared values and adherance to the rule of law is decided by the workers, not an individual manager or union leader All workers partake in the process of business and subsequently share in the responsibility of consequences"

If an organisation wished to liberate the work ethic, it had to accommodate the majority of its workforce through organisation governance that would lead to consent by the managed

Mr Koopman named three forms of organisational governance market economy which exists when individualists compete with each other for their share of the social endowment, bureaucracy where individuals were governed by a structure which coped with individualist as well as co-operative needs and focussed on recognition rather than rewards, and the economic clan which meant tying in directly with the congenital human nature of collectivist people.

"In the last case people want to work together and subordinate themselves to a greter purpose The vision here is that cohesion will come, not through a structure, but come in the form of a vision and that the social endowment will be distributed as a communal effort"

Mr Koopman said there was a major difference between the requirments of a Third World individual and that of a First World one, The former has communal interests, does not desire to be self-seeking and competitive nor to differentiate from his fellow man on an individual basis

The fear of retaliation stops employees from using their company's 'open door' policy

(132)

C/Press 31/1/88

The following is an edited version of an article by the executive director of the Black Management Forum, SHAKES TSHABALALA. It was published in the December 1987 issue of the forum's publication, *The Black Leader*.

MANAGERS in some companies claim that they have an "open door" policy

This suggests it is possible to go over the boss's head, or that the company's personnel department offers an alternative route

But most companies do not have clear policies or the supporting procedures necessary to make these additional routes a credible resource for a broad range of employees and their problems

In particular, lower and middle level managers rarely feel free to complain on their own behalf or even to seek assistance in handling subordinates' complaints and problems

When companies do respond effectively through traditional arrangements, they rely on an uncertain supply of supervisors and managers who are good listeners and who have unusual tact and judgement

Under traditional arrangements, because management is likely to define an employee s concern as an "accusation" and could see its mere exposure as "causing conflict", employees often find it difficult to make inquiries or to articulate their problems

To design a more effective approach for handling concerns and complaints, it is important to examine common reactions of employees and guddle managers to the conventional approach

According to US labour specialist P Rowe, workers and middle management are affected by the following

- Fear of reprisal
- Loyalty to the company
- Privacy and personal control
- Lack of negotiation skills
- The belief that complaining would be pointless

Most people try to avoid conflict and bringing up problems And most employees – support-staff and managers alike – do not want to take a complaint "up the chain" past their supervisors.

They know for a fact that it is taboo to go over the boss s head and they definitely fear reprisal for doing so For professionals, the fear may not be of immediate reprisal but rather of a deferred reckoning that would upset their future careers

In many companies, these fears are well grounded Many top executives encourage what is known as the "middle management macho" ethic and press supervisors to handle things on their own This makes them feel deeply undercut when employees' complaints go over or around them

Resistance and reprisal can grow also because the only real power many supervisors have lies in controlling both access to higher levels and the downward flow of information

The chain-of-command may also prompt managers' fears that they will be punished for any decision found to be so bad that it is not accepted

These fears support the powerful tradition of "existence solution" When they have an unresolved dispute with a superior many executives and other professionals believe it is better to get out than to risk a fight

Even in companies committed to low staff turnover, middle managers may pass this way of thinking down to subordinates, encouraging exit rather than dispute resolution

The fear of retaliation also often prevents staff members from consulting a personnel officer

Angry employees often view their problems in all-or-nothing form, seeing first the supervisor and then the personnel officer as nothing but apologists for management

And because the personnel department keeps official files and informal oral employee histories some workers are afraid to make their complaints known

They fear that if they talk to these people especially about personal but work-related problems – alcoholism drugs, love affairs, harassment and divorce – they will suffer retribution

BMF executive director Shakes Tshabalala

Employees who are loyal to their supervisors and work mates may want to express concern but not grievances

Most employees do not want to get involved in legal action against their employers

And those who sue report feeling that they had no other options When employees do not get support from inside the company, they take the matter to the courts At this stage they feel that loyalty means nothing in the company

The majority of employees dearly want to guard their privacy and will do almost anything to avoid revealing certain kinds of problems to fellow workers

Moreover, many employees and managers strongly prefer to act on their own rather than turn to others for help Most also prefer to resolve a dispute on a problem directly with their supervisors or fellow employees or subordinates

Many people therefore, will not complain to a superior or to a personnel officer because they fear these people may be indiscreet or may take action on the complaint – without permission

Also, some employees mainly want to be heard at the top or seek information that they feel only top management has These people may not want to go to a supervisor or to the personnel department They believe they will not get what they want if they go through intermediaries

No matter what organisational level they are on, employees often lack the knowledge and skills necessary to handle a dispute on their own

If treated unfairly, especially in cases of sexual or racial harassment, many workers know or believe that they have too little evidence on their side and are reluctant to get into a "his work against mine" confrontation

When employees first make a complaint they are often surprised to learn the real implications of employment-at-will, that there are relatively few protections for non-union employees and thereafter they are too reluctant and resentful to try again constructively

Supervisors, especially those with little experience, also may have very limited views of what constructive opinions are open to them as they attempt to handle a problems with subordinates

Employees at all levels often think that it is useless to complain about certain kinds of problems.

Engineers scientists and medical specialists are often convinced that management and personnel officers will not understand technical, safety or public policy issues

Especially so when they are worried about safety issues or ethical problems. Managers, in particular, may feel they cannot safely take their frustrations to others.

Problems with co-workers seem particularly bad to complain about This is specially true if the problem appears bizarre For example, an office mate is exposing himself or a colleague never speaks and naps under his desk.

D/D 20/2/88

1,8m SA workers belong to mixed trade unions

(132)

Political Correspondent

CAPE TOWN — More than 1,8 million workers in South Africa belong to racially mixed trade unions or unions with no racial classifications among their membership

The Minister of Manpower, Mr Pietie du Plessis, said yesterday in reply to a question by the PFP MP for Johannesburg North, Mr Peter Soal, that 446 779 whites, 310 196 coloureds and Asians and 835 122 blacks belonged to 106 registered trade unions,

There were also 287 303 members of registered trade unions which made "no classification according to the various population groups"

Mr Du Plessis said 41 unions confined their membership to whites, 29 to coloureds and Asians and 29 to blacks only

He added that 964 831 workers, including 527 284 blacks, were affected by industrial council agreements and an estimated 910 074 workers, including 571 177 blacks, were affected by wage determinations

Not one worker, he said, was affected by conciliation board agreements or arbitration awards

Mr Du Plessis told Mr Soal that 4 456 workers were prosecuted and many others were warned last year for not complying with various provisions of the Unemployment Insurance Act

The Unemployment Insurance Fund had a balance of R309,7 million at the end of last year, Mr Du Plessis said

During 1987, state employers and employees paid R24,9 million into the fund

A total of 395 888 applicants who were employed in both the state and the private sector received benefits during 1987

Mr Du Plessis said that 8 183 new apprenticeship contracts were registered last year and of these 6 633, or 81,1 per cent, were white

New apprenticeship contracts were registered by 665 coloureds, 330 Asians and 557 blacks

At the end of last year, 25 689 apprenticeship contracts were in operation, he added

Reported bar to discussions on PW's style meets official silence

Political Correspondent

CAPE TOWN — An official silence yesterday greeted a report that the State President, Mr P W Botha, had decreed to Nationalist MPs that he was no longer prepared to tolerate discussions in party circles about his presidential style

The report, which appeared in yesterday's issue of the Financial Mail, also stated that at a National Party caucus meeting held in Cape Town earlier this month

Mr Botha had indicated his determination to resolve "two prickly issues" — the Group Areas Act, and beach apartheid — before the end of the year

The Minister of Finance, Mr Barend du Plessis, told the caucus that he would be prepared to resign in two year's time if the economic reforms announced by Mr Botha failed to be implemented successfully

Mr Du Plessis said that at the present rate of economic growth, it would be almost impossible to match last year's salary increases for civil servants

Asked for official comment on the report, a spokesman for Mr Botha's office said "This is a party political affair"

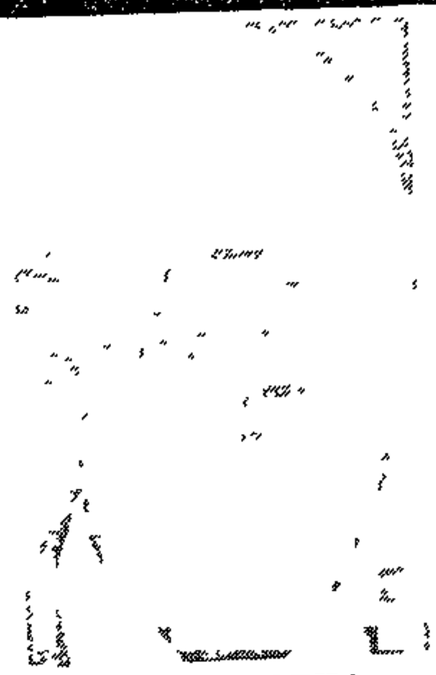
Approached for his reaction to the report, Mr Du Plessis responded "I have absolutely no comment"

However, another Nationalist source dismissed the report an inaccurate

The Financial Mail report stated that all speculation about a presidential successor to Mr Botha in the NP's caucus had been "dampened by Mr Botha himself"

"He accused certain juniors of discussing him with journalists and cited a meeting in the restaurant of the old Cape Provincial building"

The report continued



MR P. W BOTHA

"This was the first contact Mr Botha had with his caucus since the Financial Mail reported that a group of NP MPs had formed a so-called Club 22 to advance the presidential stakes of the Foreign Minister, Mr Pik Botha

"Addressing the caucus, Mr Botha said his style and that of his successor would naturally differ, but that he was no longer prepared to tolerate discussions about his style"

However, reports stated that the government's economic policy dominated the caucus meeting, and that Mr Du Plessis had "painted a gloomy picture of what was to come" should the latest programme not be implemented sucessfully

The report states "Criticism was levelled at government departments, which, finding themselves with part of their budget unused at the end of their financial year, promptly spent it all, instead of risking cuts by the Treasury in the main Budget

"However, the main culprits are perceived to be certain subsidiaries of Armscor, which, at the end of the financial year, go hawking the latest military hardware to defence chiefs

"Some Nationalists are of the opinion that Mr Du Plessis feels that substance should be given to implementing the proposed reforms"

Smuetsu (132)

FOCUS

The road ahead - by Tony Bloom

Tony Bloom, chief executive of Premier Milling, speaks out on why he is leaving for a new life in Britain. This is the second and last extract from a wide-ranging interview with Ameen Akhalwaya.

Some people are quite happy to acquiesce in it and yet others are positively acquiescent. Others are happy to just go along with it, and not to say anything, not to stick their necks out

I'm not saying who's right and who's wrong I've always felt out of step with the regiment. I've been viewed as the lunatic left of the business establishment.

Q: On the other hand, trade unionists, more radical black activists would regard you as part of the overall apartheid scheme.

BLOOM That's right As far as a lot of the black liberation movements — in particular the union movement — are concerned I'm identified with the capitalist class and therefore on the other side of the fence

That's natural I certainly don't resent that in any way Certainly in our policy in this group, we try very hard to work out some sort of modus vivendi with the unions, we've got to learn to live with each other

We're probably 85 percent to 90 percent unionised at this point, and that's something I welcome

Yes, we're going to have our punch-ups in wage disputes or work conditions or something like that, but that's a good, healthy negotiating process which I don't shy away from

Suspicion

In my discussions with union leaders — and there have been few, too few because there is suspicion and mistrust and one thing or another, and I am identified with the capitalist class — I try to point out that there is a difference between exploitative capital on the one hand and free enterprise on the other, and I am very firmly in favour of free enterprise I think that's the system that works

Q A lot of major employers as well as government fear the increasing political role and political power of the unions Do you see, because of the government's action against organised political groups, whether the trade union movement itself wouldn't become the major political factor in the SA political situation?

BLOOM That's very likely to happen because if you close off every other avenue for political expression and leave only one, then you must expect all the political aspirations to be channelled through it

There is a very real danger of that happening — if it hasn't happened already

Q How do you see the economic situation developing in the next, say, 10 to 15 years?

BLOOM I'd need a crystal ball! I don't know about 10 to 15 years, it's hard to look two or three years ahead

There is no doubt the economy is in better shape than it was two years ago Let's start from that point

There seems to be a resurgence of consumer spending, companies are doing better despite the fall of the stock market and so on, there is more of an air of business confidence around, a certain amount of new investment taking place in South African companies Those are positive points

The ones to worry about of course are inflation — a major worry — and the fact that there is no foreign capital coming in to develop the whole infrastructure of business and create the jobs that are necessary to absorb all the work-seekers who will come on to the market place

Reasonable

But overall in the short term I think we can probably look to reasonable economic conditions

policies change — and change significantly and fundamentally and not incrementally — that's not going to alter the reluctance of foreigners to invest in South Africa in a meaningful scale

They will creep back in slowly, but really meaningful investment I think will wait until then

Q What do you think the Government should be doing in terms of fundamental changes to be able to attract more capital, to change the disinvestment campaign?

BLOOM There is only one answer — you have to scrap statutory discrimination, take it off our statue books in every vestige

Polecat

You might have to announce a timetable, a very short timetable but a precise one But until we take statutorily entrenched discrimination out of our laws, we're going to be regarded as the polecat of the world

Q Do you think the Government is ready to do so?

BLOOM No

Q Why not?

BLOOM I don't know the answer to that, but P W Botha made it clear in the last elections that there are certain non-negotiable issues

Segregated schooling is non-negotiable except books

Political rights for blacks are not going to be given except in structures which are not part of the mainstream You most certainly are not going to have blacks in the overall parliament

The Population Registration Act is going to remain Those are the cornerstones, the pillars of apartheid

If you take the State President at his word — and I think you should — those are not going to be abolished, in the near future anyway

Q Would that not support the theories of those who believe in violent overthrow of the Government, or of those who believe in non-violent change who would support economic sanctions and disinvestment as a form of pressurising the Government to change?

BLOOM On the question of violence as a political option I understand what drives people to violence, I don't condone it

Scales

Frankly I don't think it's going to achieve anything in the South African context because the scales are so unevenly weighted

The Government is so powerful militarily security apparatus police etc You may wel have sporadic acts of violence but basically the

TONY Bloom . . . leaving SA.

Q Is that linked to the political situation, the unrest situation in the country?

BLOOM The question of foreign participation certainly is That's entirely tied up with the whole perception of South Africa and its political policies in the eyes of the Western World And until those for incremental relaxations as far as private schools are concerned, but basically segregated schooling is going to remain

Segregated residential areas are going to remain There will again be incremental bits and pieces with the Group Areas Act, but fundamentally the Act will remain on our statute

Government is very firmly in control of the situation

So I don't think political rights are going to be won by violence for a very long time

On the other question, I don't want to be against everything and not for anything, but I'm totally against disinvestment and sanctions, basically because I believe that the way to break apartheid is by economic advancement

Because there are such inequities in the South African situation, the way to break them down is to open up the economy to everybody and to really break down in practice, in the work place, what legislation seeks to entrench in theory.

I think that's going to spill over into the broader social fabric

Story of anger and despair

Star 4/3/88

132

The impotence of Hungarian trade unions in the face of falling living standards and soaring unemployment is causing thousands of members to turn away in a wave of defections the like of which has not been seen in the Soviet bloc since the birth of Poland's Solidarity in 1980

The National Council of Trade Unions says 300 000 out of 4,2 million members have left this year.

Last month, the official number of jobless passed 10 000 for the first time. The government's "stabilisation programme" is expected to make between 30 000 and 100 000 people unemployed.

Officially, workers made redundant get full pay for six months, 75 percent of their wages for another six months and 60 percent after that But Hungarians were shocked recently to learn that most factories have been exploiting a legal loophole to avoid paying these grants.

To qualify for the payments, at least 10 workers must be dismissed at a time. So factories have been turning thousands of workers out on the street in batches of nine, with the apparent connivance of the unions.

This revelation, coupled with the trade unions' failure to make even a token protest at the erosion of living standards as 15 percent inflation begins to bite, has caused anger and despair.

Not only manual workers feel let down by the unions. Staff at Budapest's Sociology and History Institute have resigned en masse from the Public Employees' Union and are trying to do what no one has done in Hungary since 1956 set up their own union — *The Independent Service, London.*

FOR SUBSCRIPTION INQUIRIES — TELEPHONE EAST LONDON 26141

DD 9/3/88 (132)

Unions expect a pep talk from PW today

Daily Dispatch Correspondent

JOHANNESBURG — The State President, Mr P. W Botha, has invited the entire spectrum of South African trade unions to meet him at Tuynhuis today for what unionists expect will be a pep talk on the need to exercise restraint in wage demands this year.

The discussions come amid growing fears by the public sector unions that the private sector will pay no more than lip service to President Botha's appeal for restraint, and that they will be the only ones to suffer in any anti-inflation campaign

Unions on the invitation list include affiliates of the mainly black Congress of South African Trade Unions (Cosatu) and National Council of Trade Unions (Nactu), the right wing South African Confederation of Labour as well as non-aligned artisan and other unions such as the South African Boilermakers' Society, the Amalgamated Engineering Union and the South African Electrical Workers' Association

However, Nactu and the Cosatu unions said yesterday they would not be attending the gathering

The invitation was not specific on the agenda for the meeting, stating merely it was "for a discussion on salaries and wages"

Unionists who will be attending were reluctant to comment on the stance they would adopt

One said, though, he was expecting President Botha to appeal to their sense of patriotism, and to make financial sacrifices to reduce the inflation rate

However, he said, unionists recalled a similar prime ministerial appeal in the mid-seventies to which they adhered But prices had kept on rising leaving them the losers, and they were likely to be more sceptical about the expected appeal today

He added that it was possible President Botha would threaten them with a wage freeze if they did not co-operate

He said he did not believe this was a real possibility as the Minister of Finance, Mr Barend du Plessis, had already assured them and businessmen that the government would not interfere with the collective bargaining process

One Cosatu unionist speculated, though, that Mr Botha could be planning something dramatic for today given that it was the first time he had ever invited Cosatu unions to meet him

Spokesmen for Nactu and four Cosatu unions which could be contacted yesterday confirmed they would not accept the invitation Only one, Cosatu's Transport and General Workers' Union (TGWU), gave reasons for this decision

A spokesman said in the light of recent government attacks on Cosatu's activities, particularly through the restrictions imposed two weeks ago, the union was amazed Mr Botha had even considered such a meeting with them

His invitiation was therefore totally inappropriate

It was also ill-timed in the light of the Labour Relations Amendment Bill, now before parliament, which aimed further to restrict union activities

Furthermore, discussions around wages and salaries would be severely compromised by the fact that the government had already announced wage freezes on members of other unions

A spokesman for the office of the state president confirmed that President Botha would be meeting "a few trade unions" today, but declined to comment further

MR BOTHA

7/3/88 (132) B/day

Social concern 'a major issue'

BRONWYN ADAMS

CORPORATE social responsibility was no longer a management prerogative — it was emerging as an industrial relations issue, Wits sociology senior lecturer Eddie Webster said yesterday.

He said the issue was a political one and at its heart lay the debate over whether capitalism could effectively redistribute wealth in SA.

Webster said a pilot study on managers and members of three major trade unions suggested that, although the gap was wide between management and union in their perceptions of corporate responsibility, it was not irreconcilable.

The findings suggested workers believed management had either been forced into supporting such programmes, or provided them out of a sense of guilt.

Unions wary of PW talks

By David Braun,

CAPE TOWN — More than half the trade unions invited to discuss economic matters with the State President, Mr P W Botha, at Tuynhuys yesterday turned down his invitation Twenty-two unions sent representatives

The conference, attended also by Finance Minister Mr Barend du Plessis, Manpower Minister Mr Pietie du Plessis, took no decisions.

Mr Botha did, however, announce he would be give the Consumer Council and other consumer organisations more teeth

The unions which did take part in the talks are understood to have included the Amalagamated Engineering Union, SA Typographical Union, the Municipal Workers' Union and the Mine Workers Union

The National Union of Mineworkers was not present

A Transport and General Worker's Union spokesman said it was inappropriate for the State President to extend an invitation to a Cosatu-affiliated union when the Government had just imposed restrictions on Cosatu

The spokesman added that the invitation was "ill-timed" in the light of the Labour Relations Ammendment Bill currently being addressed in Parliament

D/D 10/3/88

Botha warns unions

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CAPE TOWN — President P. W Botha yesterday warned trade union leaders to "guard against excessive wage and salary" demands this year and appealed for co-operation to combat inflation

Mr Botha's warning was delivered at a meeting with the representatives of 22 South African trade unions

The meeting was boycotted by several, mainly black unions It was understood the meeting was to be split in two, one for predominantly white unions and the other for blacks.

Mr Botha also called on the unions to assist in overcoming excessive price increases by "cultivating a spirit of price awareness among their members".

Mr Botha indicated that he had informed the trade union leaders that the government is preparing legislation to provide increased powers to organisations

Mr Botha said that those who did not attend missed the opportunity of making a contribution towards maintaining a sound economy — DDC

D/D 24/3/88

No evidence for curbs says Relly

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JOHANNESBURG — The government restrictions on 17 organisations held to be a security threat to the country have been criticised by the chairman of AECI, Mr Gavin Relly, said in the group's annual report

He said the need for the measures was not evident

"If they are necessary this is worrying, if they are not necessary their implementation is alarming," he says

"We in AECI are concerned in practical terms that the process of industrial democratisation, which we believe is taking place through management's development policies and in our dealings with the trades unions, should not be thown into reverse

"Trades union activity is a vital, if robust, adjuster in our society and blunting its ability to perform its function properly will do great damage to the process of reform."

The lack of emphasis by the State President on political reform in his opening address to Parliament was ameliorated to some extent by the economic programme he outlined

Discussing AECI's performance during the year to December, he says that although substantial increases in domestic sales were achieved, performance in the second half was adversely influenced by two factors, the miners' strike in August which resulted in reduced sales of explosives, accessories and a wide range of chemicals, and lower agricultural activity which caused a 10 per cent reduction in fertiliser sales.

"But for these two factors, overall earnings for the year would have shown a further 6 per cent increase."

Regarding prospects for the current year, the indications were of moderate economic growth.

"Given normal climatic conditions and reasonable stability in the social and industrial environment, it is expected that earnings will show a further improvement," he says — Sapa

At the East London Chamber of Commerce seminar on labour relations yesterday were from left the technical director of the Daily Dispatch, Mr Len Beacom, Professor Dawie de Villiers, the president of the chamber, Mr Errol Spring, and Prof Piet Nel

D/D 25/3/88

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Union targets warned

by MatthewMoonieya
business editor

EAST LONDON — Small and medium-sized businesses, especially those in the non-metropolitan areas, should be braced for concerted trade union action

That was the warning yesterday from two prominent labour relations academics, Professor Pieter Nel and Professor Dawie de Villers, both of the University of South Africa

They addressed an East London Chamber of Commerce seminar on labour relations

Professor Nel, head of personnel and industrial relations at the university, said it was common knowledge that groupings such as the Congress of South African Trade Unions (Cosatu) had stated that their objective was to focus attention on the non-metropolitan areas

"Trade unions are making a concerted effort to operate in the areas outside the PWV, Durban-Pinetown, Port Elizabeth and Cape Town regions

"The reason is that they believe the smaller businesses are not sufficiently equipped to deal with trade unions at the level of their counterparts in the metropolitan areas

"Large businesses have gained their experience via formidable and lengthy interaction with trade unions over the last decade and are now operating at a level in which industrial relations managers are a good match for their trade union counterparts

"Medium and small-sized businesses are therefore attractive targets for trade unions since they are understandably not as well skilled and experienced as their larger counterparts The trade unions hope to have little opposition to increase their membership as well as extensive benefits for their members from smaller businesses"

Small businesses should note these facts, especially those in the Eastern Cape, because the trade union trend had been to focus attention on large companies such as Volkswagen, Ford, Mercedes Benz and Wilson Rowntree Issues which small businesses would face were ones such as wages, leave, safe working conditions and fair dismissals

"Increased strikes and a more hardline approach can be expected," he said

Prof De Villiers said small businessmen should acquiant themselves with their rights and obligations under the Labour Relations Act as well as other labour legislation

"Only thorough knowledge of the issues which impact on labour relations, such as trade union politics, grievances and disciplinary procedures, the substantive and procedural fairness of retrenchments and dismissals will ensure survival for small businessmen, in particular during the present economic upswing"

Both professors said their views were supported by numerous occurences in practice

They cited the Ellerines lengthy strike by a Cosatu aaffiliate, CCAWUSA, last year in the Eastern Transvaal and said managers involved in such clashes stated that they felt a feeling of helplessness because of lack of expertise

No	Surname	Name	Address	Home	Work

UNIONISTS CONDEMN 'BANDITS'

Sowetan 24/3/88

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SOUTH Africa's alleged incursions into frontline states and the crimes perpetrated in these countries by "bandits" such as Unita and Renamo were strongly condemned by the International Confederation of Free Trade Unions at a congress which ended on Friday.

By MATHATHA TSEDU

In a resolution which also condemned the continued alleged political, economic and social destabilisation of Southern African Development Co-ordination Conference (SADCC) countries, the organisation's 14th world congress held in Melbourne, Australia, further denounced South Africa's expulsion of migrant workers who come from frontline states "in retaliation for sanctions imposed by other countries "

Attacks

The ICFTU also protested against "continuing attacks on the independent black trade union movement, the arrest and the harassment of trade unionists, and the "vicious misinformation and defamation campaign against the independent black trade union movement, as well as efforts to impose further restrictions on the movement through legislative changes "

The congress reiterated the ICFTU's continued support for the National Council of Trade Union (Nactu), the Congress of South African Trade Unions (Cosatu) and other bona fide trade unions representing the interest of black workers in South Africa outside the structures of apartheid "

On Namibia, the ICFTU called for the immediate granting of independence on the basis of United Nations Resolution 435 which calls for a UN supervised election The ICFTU also condemned the Tsumeb and other corporations which engaged in "Union bashing activities in collusion with the apartheid authorities " The organisation pledged to maximise its support for the independent black trade union movements in Namibia

Over 800 delegates representing seven million workers worldwide attended the congress

Observers

Observers from Africa, including the secretary general of the Organisation of African Trade Union Unity (OATUU), Mr Hassan Sunmonu, and the executive secretary of the Southern Africa Trade Union Co-ordinating Committee (SATUCC), Mr Chakufwa Tshihana, also attended

Representatives from individual African states such as Zimbabwe, Mozambique, Tanzania, Lesotho, Kenya, Nigeria and Burkina Faso among others were also there. South Africa was also represented by Nactu

A more difficult year ahead for organised labour

D/D 4/1/88

132

Alan Fine: Johannesburg

The turbulence of the labour relations scene in 1987 has demonstrated with more clarity than ever before the potential, and the limits, of union power in South Africa

And it has brought the State, management and organised labour to a crossroads where each will have to make crucial strategic decisions that will determine the future course not only of collective bargaining but also of key elements of the political process

Wage bargaining in 1987 was characterised by two notable trends

On the one hand, unions achieved relatively high wage settlements A survey conducted by Andrew Levy and Associates showed settlements in the second half of the year as averaging 19.2 per cent — well above the inflation rate

This can largely be explained by the conscious union push for higher wages, as symbolised by the Cosatu living wage campaign, and improved corporate profits

On the other hand strike levels were again at an all-time high But a large proportion of 1987's wage strikes (and particularly the most prominent ones) ended with unions winning at best nominal improvements over pre-strike employer offers

Into this category falls the OK dispute (which began in mid-December 1986 and ended 10 weeks later), the mine, Highveld Steel and Iscor strikes

The industry-wide metal industry strike was dealt with in another way — a legislative sleight of hand which "delegalised" the action after a day by the renewal of the previous year's agreement

Nevertheless, the signs were that employers had, in any event, resolved on an uncompromising approach

A related development was the greater preparedness of employers to lock out (as for example, at Highveld Steel, Dunlop and Matthey Rustenburg) and dismiss, or threaten to dismiss, striking workers

In 1986 — as a consequence of the November 1985 Marievale judgment, in which it was ruled for the first time that the dismissal of strikers could constitute an unfair labour practice) it appeared that the dismissal weapon was falling into disuse

Last year, though, as employers and their advisers further analysed the Marievale and subsequent industrial court rulings on the subject, it became apparent there was still much room for manoeuvre

The mass dismissal of nearly 40 000 striking miners by Anglo American bears testimony to this — although that case is by no means over

Many strikes were accompanied by widespread allegations of employee violence and employer collaboration with the State

These two trends — higher wage settlements *and* higher levels of confrontation — may superficially appear contradictory

But from another point of view, to the extent one can generalise, it is quite logical.

In their responses to union wage pressures, managements have acknowledged the strength of organised black labour and are prepared to pay a premium on wages as a cost of labour peace

Simultaneously, though, employers are implicitly or explicitly saying that there is a limit to the amount they are prepared to pay

This manifested itself in the several major tests of strength In general — although there were some exceptions — employers showed they had the resources to win these contests of power

This, of course, gives the lie to the official explanation for government's main contribution to labour relations in 1987 — the Labour Relations Amendment Bill

It has been contended that the Bill — which, among other things, cuts back on the freedom to strike, facilitates legal action by employers for damages in unlawful strikes and more narrowly defines unfair dismissals — is necessary to even out the balance of power which has swung too heavily in the unions' favour

A more logical explanation is that the Bill will be the most subtle feature of a government campaign against militant and political unionism in 1988

Ironically, pronounced government antipathy towards Cosatu really began during the Sats strike — which many including Manpower Director General Piet van der Merwe, believe could have been avoided had Sats been covered by existing labour legislation

Even more worrying for Cosatu than the Bill are two recent police statements

In one the Commissioner linked Cosatu, and its living wage campaign, to the SA Communist Party

In another, Security Police chief Johann van der Merwe warned that Cosatu and other lawful extra-parliamentary organisations were promoting a revolutionary climate, and were of more concern to the SAP than was the ANC

Another hint at what 1988 may bring is the trial of Numsa leader Moses Mayekiso He faces charges of treason in connection with his alleged links with township organisations in Alexandra

There is a belief in union circles that the Mayekiso trial is seen by the State as a test case which could presage a crackdown on other unionists linked to youth and community organisations

Where does all this leave the three main actors on the labour relations scene?

As Cosatu has accurately pointed out, if 1987 was a difficult year for organised labour, 1988 will be even worse

The challenge for unions will be to develop strategies to deal with these difficulties Is attack the best form of defence, or should the emphasis be on retreat and consolidation?

Are high-profile political campaigns — like the moderately successful two-day stayaway around the white general election last May — feasible in 1988 without evoking an even more powerful State response? Or are more limited methods and less ambitious targets necessary for now?

The authorities, for their part, must surely devote some thought to the advisability of tightening their grip on labour relations

One reason the system has worked over the last eight years is because the rules of the game were perceived by labour as tolerable, if not altogether satisfactory

The planned changes could have precisely the opposite effect than intended — abandonment by unions of official channels — if the costs of conformity are perceived as outweighing non-adherence

For the unions, there are similar choices to be made with regard to relationships with employers

But those choices are more complex, because many employers tend to be more responsive to different union strategies than does government

The gut reaction is naturally to use the 1987 tactics more effectively Yet it is apparent that the Bill, even if it is modified before its final passage through Parliament, will make it even more difficult for unions to reverse the string of strike defeats

This suggests that unions will have to be more discriminating in selecting employer targets for industrial action, based on considered assessments of their respective strengths

And as labour lawyer Clive Thompson suggested at a conference last month, particularly given the tightening of State controls on industrial relations, there are advantages for both labour and management in the development of a new set of rules of conduct of relationships

Despite the setbacks unions have already suffered, and the crises still to come, employers would be unwise to expect them to become pushovers in 1988 One should not expect any significant fall in wage settlement levels

And if the government clampdown materialises employers can expect to come under substantial pressure from unions to become involved — both through non-use of the more objectionable aspects of new labour legislation and intervention to protect the civil liberties of those individuals and organisations that become targets of government action

ON STRIKE . . . unions won at best nominal improvements over pre-strike employer offers

Labour Update

Sowetan 8/4/88

STRIKE WARNING

. . . if new law is passed

132

A VAST and rapid increase in unlawful and unregulated strikes would occur if the proposed Labour Relations Amendment Bill was passed, Mr Cyril Ramaphosa, general secretary of the National Union of Mineworkers, said yesterday.

At a conference on laws against trade unions and political organisations organised by the Labour Law Unit at the University of Cape Town, Mr Ramaphosa said other consequences would be that unions would adopt a "hands off" approach in strike situations for fear of being held liable for damages caused by the strike and employers would lose valuable skilled employees because of strike dismissals

The bill was aimed at the Congress of South African Trade Unions (Cosatu) and its affiliates, he said

Cosatu was attacked because it formed alliances with progressive organisations and co-ordinated and participated in political campaigns

Interests

The affiliates were attacked because through their tight organisation they had articulated the political aspirations of members and the communities in which they lived

It was those unions which had best served their members' economic interests which had been best able to articulate their members' political views

Mr Ramaphosa said the bill was a blatant attempt to breathe new life into employer prerogative It had not been widely condemned by employer organisations and there could be no doubt that capital as a whole supported the bill

Employers who did not like it could either lobby the State directly or enter into a new series of agreements with trade unions in which "no attempt is made to buttress employer power with the coercive aspects of state legislation "

These agreements would establish rights not given by the statutory system

Mr Ramaphosa said the most crucial among these were the right to strike once conciliation procedures had been exhausted, the right to picket and the entrenchment of majoritarian trade unionism

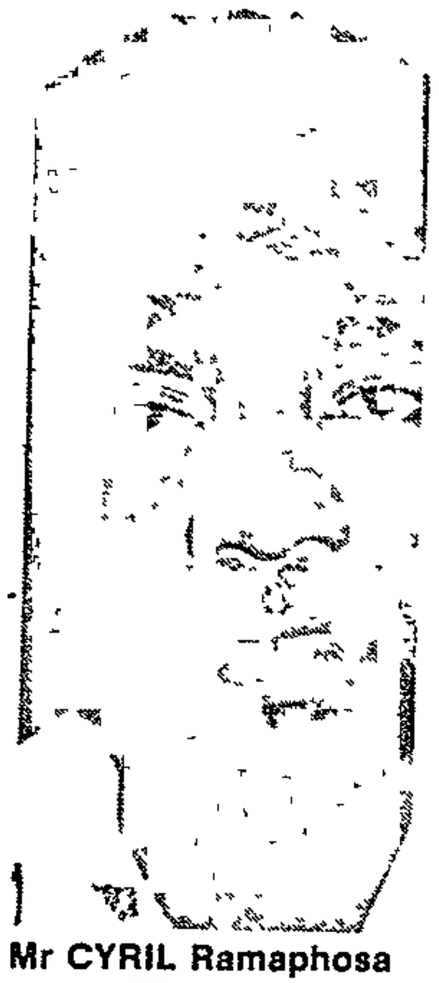
Trade Unions would in turn have to undertake that strikes take place in an orderly fashion and they would particularly have to address the question of violence

Any industrial system involved in profit-making had conflict built into it

The interests of workers and management were seldom the same, even on small issues, said Mr Ramaphosa

"The Labour Relations Amendment Bill cannot and will not conciliate the tension between labour and management in South Africa

"No matter the short term gains for employers, it can only exacerbate tension and highten conflict As we know in this country it is a sad fact that where we have conflict we often have bloodshed "



Mr CYRIL Ramaphosa

Union members increase

Star 29/4/88 (132)

PARLIAMENT — The upward trend in trade union membership had continued in 1987, although at a slower rate, the director-general of the Department of Manpower, Dr P J van der Merwe, said in his annual report tabled yesterday.

A total of 1 879 400 workers belonged to registered unions.

The number of strikes and work stoppages had increased to 1 148 in 1987 from the 793 of 1986, but fewer workers were involved in each strike.

While registered unemployment among whites, coloureds and Indians had shown a 14,7 percent drop from January to October, figures for blacks showed a 28,5 percent increase. — Sapa.

House 'aided black advances'

The House of Delegates had contributed to the advancements which had been made in black education, the Chairman of the Ministers Council, Mr Amichand Rajbansi, said yesterday.

Speaking in the Educa-

ANC detention camp in Angola, says US report

Star 29/4/88

The Star Bureau

WASHINGTON — The African National Congress maintains a detention camp in northern Angola and might hold other detainees elsewhere in that country and in Zambia, according to a new State Department report.

It says conditions at these facilities are likely to be harsh, with the degree of severity determined by availability of amenities, local laws and in some cases, personal animosities.

The report was prepared in terms of a law passed by Congress ordering a study of forced detention by the ANC and by the South African Government.

SOUTH AFRICAN AGENTS

The report does not estimate how many detainees the ANC has held at any one time. "The majority are suspected of being South African agents or infiltrators.

"ANC cadres who become politically dissatisfied or who refuse military training might also be detained, according to defectors.

"Some, although probably not a large number, are believed to be detained for non-political (for example, disciplinary) reasons."

Reports that the ANC has a large detention camp in Zambia could not be confirmed.

Turning to South Africa, the report devotes four pages of detail on detentions and treatment behind bars, quoting extensively from statistics kept by the Detainees Parents' Support Committee (DPSC), one of the groups targeted in a Government clampdown.

On treatment of detainees, the report says detainees are often held incommunicado, "a situation that provides considerable potential for police abuse of detainees".

'It is pandering to right wing'

Business urged to attack labour relations Bill

Star 29/4/88 (132)

By Michael Chester

The chairman of Shell SA, Mr John Wilson, has urged business leaders to close ranks in condemning Government plans to introduce laws that restrict trade unions and the powers of the industrial court in the settlement of labour disputes

In a Shell business review released yesterday, Mr Wilson expresses "grave disquiet" about the repercussions of proposed dramatic amendments to the Labour Relations Act

And the former Federated Chamber of Industries president warns that the new moves are "pandering to the growing white right-wing electorate"

The original legislation, introduced in the wake of the Wiehann Commission in 1979, was the first move to bring black trade unions into statutory procedures in collective bargaining and laid the foundations of the industrial-court system to deal with labour issues

Mr Wilson contends that while both employers and unions initially shared a degree of suspicion about the launch of the industrial court, its use in recent years had shown it to be a most effective way of entrenching the rights of workers and management and of setting out valuable guidelines.

UNACCEPTABLE LEGISLATION

Attacking the proposed amendments, he writes "It is incomprehensible that Government should seek to destabilise industrial relations, just when a positive consensus approach was crystallising, by imposing legislation which is not acceptable to any of the parties involved

"The new Bill seeks, among other things, to restrict the power of the industrial court and to render the use of statutory procedures more costly and time consuming; it severely limits the right to resort to industrial action, and can generally be said to be aimed at undermining the strength of the union movement — to the detriment of employers, employees and unions"

CHANGES CONDEMNED

The proposed amendments are yet to be debated by Parliament, but a standing committee on labour relations is now hearing evidence on its provisions.

"Now is the time when business can act," says Mr Wilson "There is by no means agreement in the private sector concerning the Bill, which can even be said to be welcomed by certain employers, indeed, it can legitimately be said to be pandering to the growing white right-wing electorate

"But it is up to companies like Shell, which do have a vision of a different future, to make their voices heard volubly and to make known their criticism and grave disquiet.

"Unions, academics, labour-law specialists, business organisations — all have condemned the changes So too does Shell"

Industrial relations had been a key issue in the business mix in the past 12 months, with more than 9-million man-days lost as a result of strike action

Productivity now stands as a particularly important issue, Mr Wilson says

"Shell believes it is essential for substantial wage demands to be linked to improved productivity if South African industry is to remain viable and competitive"

Congress of SA Trade Unions president Mr Elijah Barayi (centre) was the main speaker at a Labour Day meeting at the University of the Witwatersrand yesterday.

© Pictures by Herbert Mabuza.

'Move will lead to chaos and conflict'

29/4/88 (136)

By Mike Siluma, Labour Reporter

The promulgation of the Labour Relations Amendment Bill would destroy the South African industrial relations system and lead to conflict and chaos on the factory floor, Congress of SA Trade Unions (Cosatu) president Mr Elijah Barayi said yesterday

At a Labour Day rally at the University of the Witwatersrand, Mr Barayi also attacked State policies on privatisation and deregulation which, he said, would lead to freer profits for capital while impoverishing most South Africans

Referring specifically to the Amendment Bill, Mr Barayi said it sought to destroy the gains the unions had won over the years and had the support of employers

'DESTROY LABOUR RELATIONS'

"This Bill will destroy the labour relations system The result will be chaos and conflict in the factories," he said

The State President's economic programme, including the wage freeze, privatisation and deregulation, would lead to a deterioration of living standards for black and white workers

In particular, privatisation in the public sector would cost thousands of black and white jobs, Mr Barayi said

Despite repression by the State, the workers' demands — including an end to apartheid and starvation wages and the establishment of a democratic society — remained, he said

The meeting was also addressed by the president of the National Education, Health and Allied Workers Union, Mr Robert Mkhize

Parliament '88

'Minister must start talks on May Day'

Star 4/5/88

132

HOUSE OF ASSEMBLY — Mr Peter Soal (PFP Johannesburg North) yesterday asked why the Government was so dogmatic about making Worker's Day fall on the first Friday of May.

Speaking during the committee stage of the Manpower Budget Vote debate, he said many workers obviously preferred May 1 — some simply because the current arrangement had been imposed on them.

He asked Manpower Minister Pietie du Plessis to use his influence to initiate discussions between the Government, employees and employers to find a solution to the problem.

Mr Soal praised the department, saying its workings had become a role model for constitutional development in South Africa. — Sapa.

May Day holiday: 'it is up to employers'

DURBAN — Most workers in the Congress of South African Trade Unions are prepared to work on Friday, Workers' Day — the Government's official May Day

Star 4/5/88 (132)

A Cosatu spokesman said yesterday that it would depend entirely on the employers. If they wanted their employees to work, the employees would do so. If they gave their employees a holiday, this too would be accepted.

"We do not recognise the first Friday in May to be May Day We have already observed May Day on Sunday and some of the workers have made special arrangements with managements already," the Cosatu spokesman said. — Sapa

Mr Pietie du Plessis . . . witnesses afraid to testify.

Laws under scrutiny

Star 6/5/88

132

A Cabinet committee was giving very serious consideration to problems with existing legislation on intimidation and it was hoped the Minister of Justice would come forward with an Act to solve them, **Manpower Minister Pietie du Plessis** said in the House of Delegates yesterday.

Replying to debate on his budget vote he said the matter was receiving attention at the highest level.

Although there was already a very strong Act, the difficulty lay in the unwillingness of witnesses of intimidation to give evidence in court.

Mr du Plessis also said that as a result of increased contributions from employers and employees, the UIF was now in a sound financial state, with R300 million in reserve — Sapa

Confusion surrounds declaration of Workers' Day

Star 5/5/88

By Mike Siluma, Labour Reporter

The confusion surrounding tomorrow's Workers' Day holiday has prompted industrial relations experts to urge the State to review the situation, which could cost the economy millions of rands without satisfying the demands of many workers.

One of the flaws in President Botha's declaration of a Workers' Day is that it excludes large sections of the working population in the factories and mines, and covers only shop and office workers.

The reason is that Workers' Day was declared in terms of the Public Holidays Act, which does not regulate holidays in industry.

Industrial workers fall under the scope of the Basic Conditions of Employment Act while mining holidays are regulated by the Mines and Works Act.

Thus tomorrow will be a normal working day for workers in the mining and manufacturing industries.

On the other hand, in terms of an Industrial Council agreement, metal industry workers will be entitled to a public holiday tomorrow.

Most organised labour has already rejected Workers' Day and continues to demand May 1 as Labour Day.

Affiliates of the Congress of SA Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) have entered into agreements with many employers recognising May 1 as a paid holiday.

A Nactu spokesman said any dilemma concerning May Day was of the employers' own making as they had refused "to come out in concert against the declaration of Workers' Day". As far as members were concerned, tomorrow would be a normal week day.

Cosatu spokesman Mr Frank Meintjies said some workers, such as those in the metal industry, would try to go to work tomorrow.

But Steel and Engineering Industries Federation (Seifsa) director Mr Brian Angus said the industry would shut down and any employer wishing to work would have to pay workers holiday rates, which were higher Workers trying to go to work "will be wasting their time", he said.

The Government, for its part, has not helped clarify the issue by suggesting that industrial workers arrange with individual employers on how they should treat the holiday.

It is estimated that each public holiday costs the economy between R200 million and R400 million in lost production and remuneration.

In view of this, and that, next year, both the Government's Workers' Day and May 1 fall on a week day, labour experts have called for a Government re-think on the issue

Institute for Industrial Relations executive director Mr Mike Miles said: "It would really help if, before next year, the Government re-thinks issues on some of the holidays.

"The Government does not tend to negotiate with any parties within the private sector, including unions, on such issues. This is a rather disturbing factor."

The chairman of Independent Mediation Services and an industrial relations consultant, Mr Theo Heffer, also called for clarification of the issue before next year.

"The large number of employers who have negotiated this day as a paid public holiday with their workers could face a three-day working week and a great deal of disruption," he said, pointing out that research had shown organised labour preferred May 1 as Labour Day.

Info meeting called off

(132) ALAN FINE B/day 11/5/88.

A NUMBER of Eastern Cape businessmen have expressed unhappiness at, and declined to attend, a meeting convened by the Bureau for Information's local office to discuss "the labour situation" in the region

At its agm last week the FCI executive expressed "a particular concern at the role of the Bureau in labour affairs". Its associate, the Midlands Chamber of Industries (MCI), had received an invitation to the meeting

The FCI is to take the matter up with the Manpower Department

But, according to the Bureau's regional liaison director Hennie Collins, there were no ulterior motives behind the meeting — which was scheduled for May 9 but called off "because quite a few people could not attend".

He said the meeting was called after government departments in Port Elizabeth, together with members of the private sector, identified a need to discuss the economic stability of the region The

● To Page 2

Info Bureau labour meeting is called off

● From Page 1

(132) B/day 11/5/88

"labour situation" was one aspect of this.

The Bureau's role was merely to facilitate the proposed meeting, in line with its mandate to stimulate communication between government and the private sector, Collins added

The MCI's Peter Morum said yesterday that, while he did not see the Bureau's motives as insidious, the organisation felt there was already more than sufficient government interference in business without the Bureau coming onto the labour scene

Another leading eastern Cape employer who had not intended accepting the invitation, and who did not wish to be identified, said it had crossed his mind the meeting might have been initiated by the local Joint Management Committee (JMC), in whose activities he had no wish to be involved

Collins said to the best of his knowledge it was not a JMC project

Cosatu tells of problems with big business

Sowetan 20/5/88

GROWING national corporations are posing serious problems for workers who concentrate on strengthening their muscle at plant level, writes LEN MASEKO.

This view is expressed by the Congress of South African Trade Unions in the latest edition of its mouthpiece, *Cosatu News*

Certain companies, says Cosatu, have acquired a lot of capital and have grown into big national corporations with factories spread all over the country This move had been accompanied by "a concentration of power at a centralised national level "

Cosatu says· " With bosses concerned only with maximising profits, centralised planning and policy-making at national and international level has become the norm in most national monopoly organisations

"Powers are delegated from the national and international head office to various divisions within the corporation But, finally, individual factories and plants become the centres for the implementation of the company's policy," says the federation

Basic demands

This development had posed serious problems for workers who had — since 1973 — concentrated organisation at plant level and had been content with winning basic demands at individual factories

But, says the federation, the unions have also expanded their organisational base in the last 15 years and have developed "a truly national profile" They had also built national structures and developed greater resources

Yet, while winning "limited victories" in their factories, workers had not been able to challenge company policy or deal directly with those who formulate it

The result of these developments in both capital and labour had been one union being organised in a company at many different factories in various parts of the country

Cosatu says. "And each union in an individual factory has had to deal separately with plant-level management, making it impossible for workers to bargain and negotiate directly with the central policy makers in their national or international head office

"One of the immediate problems the union faces in this situation is that, while management has the resources to cope with numerous sets of negotiations across the country, the union is unable to develop adequate communication structures between factories and plants," the federation adds.

Significant advances

The end result, according to Cosatu, was that workers' organisations were easily "divided and out-manoeuvred" It often happened that, while workers in different factories belonged to the same union, they did not know what their fellow workers in other plants were negotiating or doing

"Workers have since realised that their old style of organising at the factory gate was not enough to challenge the concentration and centralisation of power within monopolies," says the federation

Trade unions were now making significant advances in building national shop stewards' councils consisting of representatives of workers employed by giant monopolies These structures were aimed at challenging the power of big business

Putting the workers in the picture at JCI

Star 7/6/88

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In this two-part article, TEIGUE PAYNE examines the influence of participative management programmes in improving industrial relations, particularly when changes are to be made to existing practices in the workplace.

Prompted by the effects of mechanisation on industrial relations, JCI has implemented a major, and apparently highly successful, participative management programme on its two West Rand gold mines

JCI was in the vanguard of the mining industry when it took the step of changing to mechanised mining at its Western Areas and Randfontein mines The switch began in late 1984 and today about 70 percent of the production of both mines is from mechanised mining methods

Because mechanisation involves reduction in labour, workers at both mines were initially not in favour, despite improved employment opportunities and remuneration and safer working conditions

In June 1987 an audit of industrial relations on the two mines produced very adverse results particularly because of retrenchments due to mechanisation and strong unionisation. The results prompted JCI's Gold Division chairman Kennedy Maxwell to decide on participative management.

More intensive

The programme which was applied has been both more intensive and much larger in scale than has hitherto been attempted in the mining industry, although most major mining houses are currently examining or implementing participative management programmes

Historically, mines have generally been paternalistically inclined and have relied on a management style and structure not unlike that of the army Factors like unionisation and the need to combat rising costs by improving productivity have prompted the rethink among the big houses.

JCI believes its participative management programme has played a major role in gaining workers' acceptance of mechanisation

Phillip Amm, senior manager, personnel services at JCI said in

Kennedy Maxwell — winning the confidence of employees.

an interview that mechanisation involved a steep learning curve "Sometimes we fell off the curve, but were are now making very positive progress

Industrial relations have also definitely improved. We are not out of the woods yet, but we have turned the corner."

Mr Amm says implmentation of the system is a massive educational task because it entails a fundamental change in attitude by both mangement and workers. For management, designing the system is an art rather than an exact science, and requires proactivity and intuition.

Fundamental to JCI's programme has been the formation of Employee Indaba Groups (EIGs), a quality circle-type meeting of people involved together in the work situation

Members of the groups range from the highest to the lowest ranking employees When the groups are in session, no seniority exists.

The prime purpose of the groups is to exchange ideas and opinions with the object of focusing on the problems affecting the production process

Mr Amm described the implementation of the groups at Western Areas for a mechanised mining core unit involving 120 people, with a production target of 35 000 tons a month

At the inception of the programme, management held a meeting of the core unit. Senior managers presented an overview of how the mine was performing, with pie charts illustrating the way its revenue was distributed on various cost items like labour, stores, power, water and insurance

When management was satisfied that the workers understood the concept of participative management, they were split into groups of 10 to 12 and the members were asked what problems they were experiencing in their duties

A "facilitator" with each group recorded the problems identified and wrote them on a flip chart

A total of about 400 problems associated with the unit were recorded on the various flip charts

Credibility

Management divided the problems between large and small issues It first tackled the problems it could rectify immediately — like expediting stores and spares and organising better avialability of artisans to service machinery and thus reduce downtime

These improvements gained considerable credibility for the process

For the larger issues, EIGs were formed and problems requiring attention were addressed "with significant results", according to Mr Amm.

EIGs are now formed as and when they are needed, and the objective is that informal EIGs should be formed for specific problems

Mr Amm says use of EIGs has not declined since the implementation of mechanisation Management is insistent that participative management must become a way of life on the mines, and by now every employee at both mines is involved in the process

● **The second part of this article will be published tomorrow.**

Workers enjoy day of culture

By KERRY CULLINAN

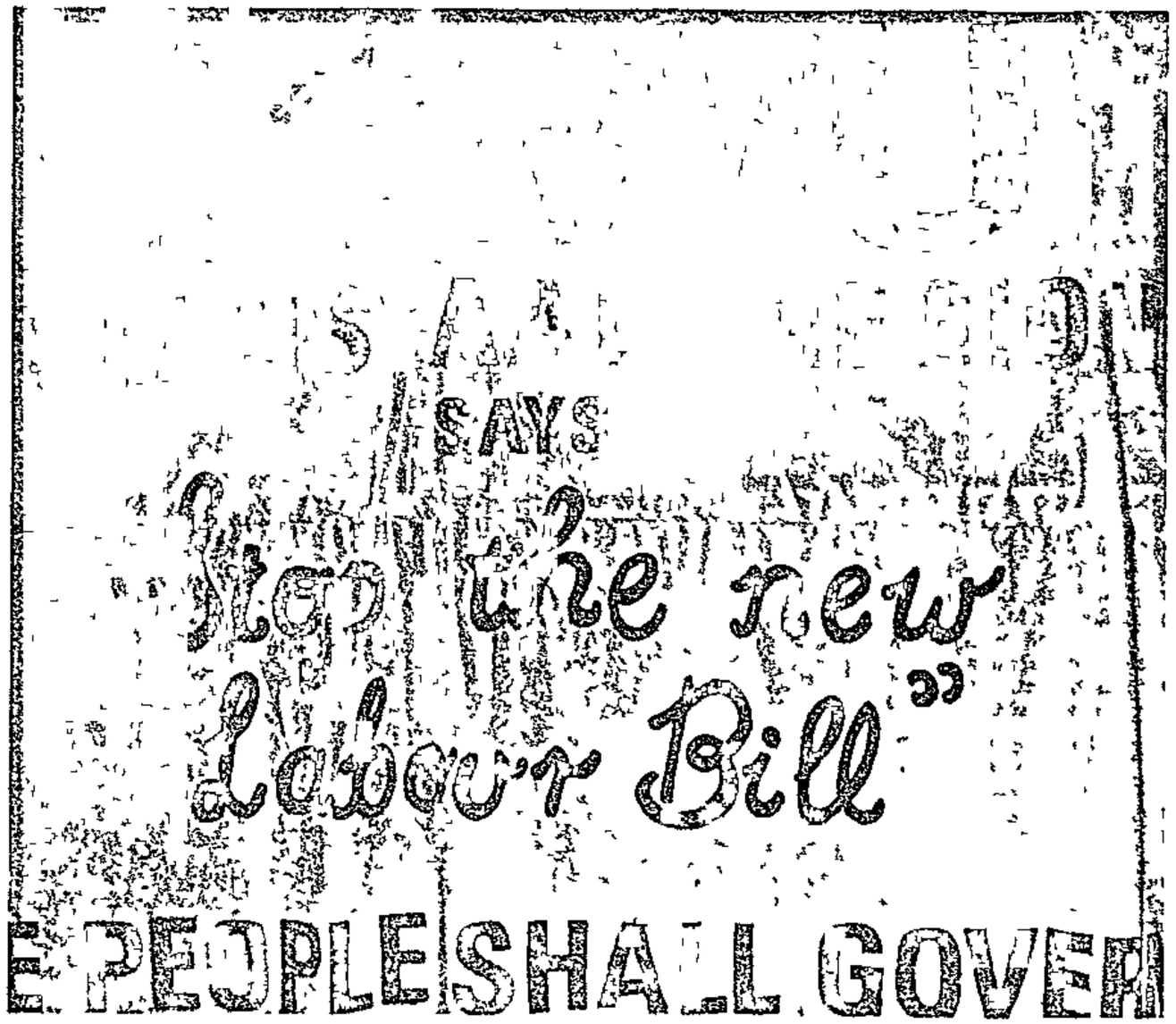
CROWN Mines in Johannesburg came alive when thousands of workers from all over the Transvaal attended a Food and Allied Workers' Union cultural day on Saturday

Worker and youth plays gumboot dancing speeches and singing were some of the acts that the 3 000-strong crowd were treated to, while stalls displays and banners reading "Fawu says stop the Labour Bill" decorated the hall

"We need culture in our struggle to express the aspirations and emotions of our people" said the Federation of Transvaal Women's Amanda Kwadi

"Through unity action and organisation we are going to win our liberation

Other speakers included Cosatu cultural co-ordinator Mi Hlatswayo the *New Nation's* Sefako Nyaka and a representative from the National Union of Namibian workers



Fawu cultural day banner protests the Labour Relations Amendment Bill.

The showdown ends

First as Cosatu, Nactu join forces

Food workers celebrate their culture at a day of singing and dancing.

By REVELATION NTOULA

THE three-day showdown is over

Independent sources put the stayaway figure at 80 percent on the first day

The three-cornered event featured black workers, business and the government

While business tended to understand organised labour's grievances, the government issued threats and blamed agitators and outside interference

One of the striking features of the stayaway was the fact that for the first time the two opposing labour organisations, Cosatu and Nactu, agreed on a common stand on a matter which affects black workers

It was also endorsed by the South African Council of Churches and clergymen

Although the central issue was a protest against the Labour Relations Ammendment Bill, the government-imposed restrictions in February also formed the basis for the peaceful protest

The aim of the Bill, workers feel, is to curtail their newly-found bargaining power which appears to have become a thorn in the flesh of both the employers and the authorities

After the economically hurtful effects of the stayaway and its political implications, it now seems unlikely that the government will persist on the passage of the controversial Bill

An important side effect of the stayaway was the fact that in a rather unusual move, Manpower Minister Pietie du Plessis invited Cosatu for frank discussions on the Bill

The Minister's invitation was seen as a radical departure from the government's usual tactics

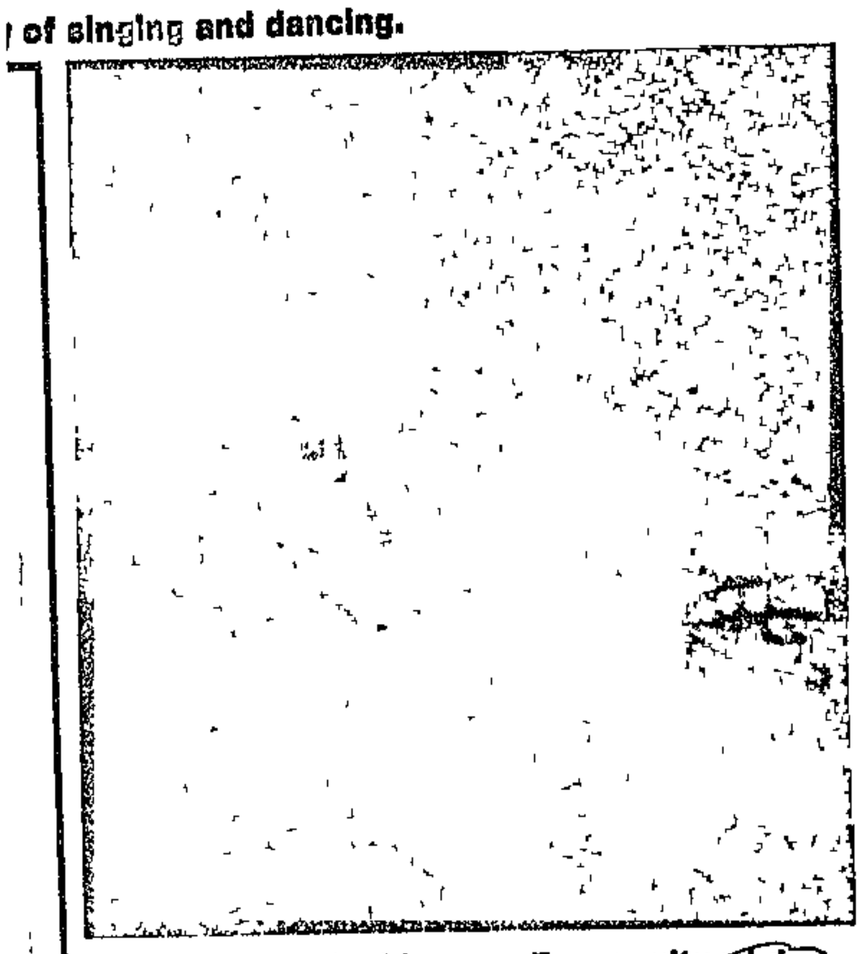
Amanda Kwadi addresses Fawu cultural day

Seminar on worker politics amid protest

By KERRY CULLINAN

THE Institute of Industri ordinating Committee on Labour Affairs advertisement in su

of singing and dancing.



Amanda Kwadi addresses Fawu cultural day

Seminar on worker politics amid protest

By KERRY CULLINAN

THE Institute of Industrial Relations held a seminar on political issues in the workplace on Tuesday – the middle of a three-day national workers' protest.

One of the intentions of the seminar was to encourage debate between trade unions and business on the role of politics at work and whether unions should involve themselves in politics.

Businessmen far outnumbered unionists, with all those belonging to Cosatu and Nactu-affiliated unions staying away from the Sandton Holiday Inn, where the seminar was held.

Instead, it was left to Bokkie Botha, chairman of the Federated Chamber of Industries' manpower committee, Don Maitland of the whites-only Mine Surface Officials' Association, and others to explore the issues.

Botha, speaking on the role of employers' organisations, said that in the last few days employers had come together as never before. He quoted the SA Coordinating Committee on Labour Affairs advertisement in support of the Labour Relations Amendment Bill as one example of employer unity.

He agreed unions should have the right to engage in political protests, but did not see why employers had to suffer because of government policies.

"Workers could have worn black armbands or held lunchtime demonstrations instead of staying away," he said

Maitland said Cosatu was being used by outside communist powers, and appealed to trade unions and churches to stay out of politics.

He also said Cosatu was guilty of misusing its power by calling the three-day protest, which he claimed was aimed at drumming up flagging overseas support for revolution in SA.

Graeme Rowan of the SA Society of Banking Officials said politics divided people.

"Polarisation has already occurred in Cosatu as a result of its political stance."

While business tended to understand organised labour's grievances, the government issued threats and blamed agitators and outside interference.

One of the striking features of the stayaway was the fact that for the first time the two opposing labour organisations, Cosatu and Nactu, agreed on a common stand on a matter which affects black workers.

It was also endorsed by the South African Council of Churches and clergymen.

Although the central issue was a protest against the Labour Relations Ammendment Bill, the government-imposed restrictions in February also formed the basis for the peaceful protest

The aim of the Bill, workers feel, is to curtail their newly-found bargaining power which appears to have become a thorn in the flesh of both the employers and the authorities.

After the economically hurtful effects of the stayaway and its political implications, it now seems unlikely that the government will persist on the passage of the controversial Bill.

An important side effect of the stayaway was the fact that in a rather unsual move, Manpower Minister Pietie du Plessis invited Cosatu for frank discussions on the Bill.

The Minister's invitation was seen as a radical departure from the government's usual tactics.

Although angered by the effects of the stayaway and failure to avert it at last week's pre-protest meeting with Cosatu, business leaders seem willing to continue the debate on the Bill.

They now also appear to agree that they can no longer divorce themselves from politics or matters concerning civil liberties.

Workers employed by parastatals like Iscor, Sats and the SABC who did not report for duty during the stayaway, are unlikely to get sympathetic treatment by their bosses, who would like to be seen to be "no-nonsense" employers.

Whether this week's stayaway will lead to better understanding and the creation of better lines of communication between workers, employers and the government, will largely depend on the authorities' attitude.

No protection for labour costs

(132) B/day 15/6/88

HELOISE HENNING

THE Board of Trade and Industry (BTI) says it will not consider granting ever higher levels of protection to compensate for "unbridled demand for higher wages by trade unions".

In its review of economic conditions, contained in the BTI 1987 annual report released this week, it says unit labour costs during 1987 rose by 10%, making labour unit costs equal to those in "other overseas countries".

"Failure on the part of the trade unions to understand and accept this point will simply mean that the economy will continue to under-perform and the level of unemployment will rise above the already excessively high levels."

The board says capital costs in 1987, which it calculates in nominal terms, were about 44% higher than an average of those in the US, UK and West Germany.

"Weighting the comparative costs of labour and capital by their respective overall contribution to the GDP, the board finds the total cost of the two primary production factors (labour and capital) in 1987 was some 22% higher than in representative overseas countries."

The hardening of the rand exchange rate could have put the costs premium even higher.

It concludes that for these reasons certain economic activities may have "effective protection" of some 22%, or 5% more than in 1986.

Unsustainable

The BTI says continual devaluation of the rand to compensate for the lack of competiveness is an unsustainable practice.

In fact, the long term effect of a sliding rand — 52% since 1980 — has sustained high inflation, poor productivity and a poor balance of payments performance in the manufacturing sector.

"The solution lies in reducing the level of inflation and improving the productivity performance of labour and capital."

Survey tells of 350 deaths, 7 500 arrests

Star 15/6/88

World trade unions report grim picture

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GENEVA — More than 350 trade unionists were killed and some 7 500 arrested in repression of workers' organisations around the world last year, the International Confederation of Free Trade Unions (ICFTU) said yesterday.

An annual survey of violations of trade union rights says the overall picture remained grim, particularly in Latin America, despite improvements in some countries.

The Brussels-based ICFTU, which links 141 trade union bodies in 97 countries, released the report in Geneva where a delegation headed by general secretary John Vanderveken is attending the annual conference of the International Labour Organisation (ILO)

They survey says violations ranged from murder, abduction, torture and imprisonment to legal and administrative restrictions and union-busting moves

In Brazil, more than 200 people were estimated to have been killed, mostly by professional assassins hired by landowners in disputes over land ownership resulting from a government land reform programme, the survey says

In Colombia, 74 trade unionists were reported to have been murdered last year and 49 members of a farmworkers' union were killed by paramilitary groups in March and April this year.

The survey cites killings in El Salvador, Guatemala, Chile and Honduras Arbitrary detention and violence against trade unionists continued in Paraguay Violations of union rights still occurred in Nicaragua, although the general human rights situation had improved somewhat, the ICFTU says

Economic reforms in the Soviet Union and some other East European countries did not appear to have basically changed the traditional role of trade unions in Communist states as agents for increasing productivity and strengthening labour discipline, it adds

Union rights were severely curtailed in South Africa while in a number of black African countries the political parties in power dominated trade unions and made it difficult for them to function fully, the survey says.

Governments in some Asian countries which had made welcome strides towards democracy were still hostile towards trade unions, the ICFTU says, citing police action against unions in South Korea

Abuses occurred in Indonesia, Iran, Iraq, Nepal and Pakistan, while unions were banned in several Arab states.

In Turkey, anti-union laws enacted by an earlier military administration had been retained by the present civilian government.

Britain, too

Even in some countries with long-established democratic traditions, governments failed to respect trade union rights.

In Britain, a series of laws passed since 1980 had undermined the rights of trade unions to run their own affairs, and to organise industrial action

Union-busting consultants were said to be becoming increasingly part of industrial relations in the United States and labour laws failed to protect unions sufficiently from their activities — Sapa-Reuter.

COMMENT

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Labour relations

THE dispute between employers and unions on proposed amendments to labour relations law will centre on the key issues in which they have opposing interests and are, therefore, unlikely to agree.

The unions are reasonably united on the issues and the three-day stayaway last week was partly to demonstrate support for their attitude. Employers are less united than is suggested by the advertisements published by their consultative committee, Saccola According to Saccola, most of the Labour Relations Amendment Bill is either reasonable or non-controversial. However, two prominent company chairmen, Tony Bloom of Premier and John Wilson of Shell, have condemned the Bill in its entirety. Bloom says it will jeopardise industrial peace and should be resisted by employer and employee alike. Wilson calls on business to voice its concern at a measure he maintains panders to the growing right-wing electorate, is intended to undermine the trade-union movement and will undo much of the good work done by the 1979 Labour Relations Act, which was the result of the Wiehahn labour reforms.

The truth lies somewhere between Current labour legislation has been in force for nearly a decade and there are provisions which experience has shown need to be added, deleted or amended. The result of that is not all bad, even from the union point of view. Employers can differ on which provisions are reasonable, according to their own interests, and lobby accordingly. Where the fight will come is about provisions which disadvantage unions and favour employers. The question is not whether this is so, but whether it is fair.

Unions have legitimate interests and it would be folly to attempt unreasonable inroads into their right to free collective bargaining, including the right to strike. However, that does not compel acceptance of the abuse of union power. In particular, it is reasonable to demand the limitation of secondary strikes against a company not involved in a dispute, or product and service boycotts Neither unions nor employers should resort to intimidation or discrimination, and the inclusion of such actions in a codified definition of an unfair labour practice is also reasonable

Wilson believes it is inevitable that unions should assume a political role as black people have been denied another formal method of voicing their opinions. That may be so, but it is doubtful whether he, or any employer, is willing to contemplate the prospect that labour relations may become the main arena of political dispute in this country. In any event, it is equally true that politicisation of labour relations by the unions will evoke a response designed to prevent that politicisation.

The trouble arises when either side seeks to make of industrial relations a political instrument, a weapon, to be used for other purposes. A law which limits collective bargaining to the normal field of industrial relations is acceptable; one which seeks to undermine the unions is not.

Machines 'not the answer'

Business Day Reporters

WHILE employers hurt by stayaways may move towards more capital-intensive production, this does not necessarily make economic sense, say economists and spokesmen for organised business

An FCI spokesman says "One cannot say there will be a move towards mechanisation in general It is a highly specific question to each sector But uncertainty on the labour front will certainly be taken into account when a manufacturing strategy is planned"

Sectors such as mining and chemicals are already very capital intensive, while for others — such as clothing and cars — mechanisation to replace the workforce is not a viable prospect

A mining analyst says generally speaking where mechanisation is possible it has been done He cites examples of open-pit coalmining, which is heavily capital intensive

National Institute for Productivity (NPI) statistics show capital input used to generate products and services increased 25% from 1980 to 1987 while labour input declined about 2% in the same period

NPI economist Roelf du Plooy says the capital labour ratio has been on a rising trend for a number of reasons and is likely to continue. The trend towards

B/day 20/6/88

● To Page 2

Machines 'not the answer to stayaways'

● From Page 1

increasing capital input is typical of a developing country such as SA

He says developments on the labour front have caused employers to think increasingly in terms of mechanisation. However, the figures show the trend towards using more capital and less labour have not resulted in increased overall productivity

Cape Clothing Manufacturers' Association secretary Colin McCarthy says the industry is still labour intensive and mechanisation is not a viable prospect

Volkswagen SA spokesman Ronnie Kruger says experience in West Germany has proven mechanisation becomes economical only when daily production levels are at 2 000 cars VW, one of the largest local producers, makes only 300 a day.

B/day 20/6/88

CAPE TIMES 21/6/81 (132)

Labour law committee

JOHANNESBURG — The National Council of Trade Unions and the SA Employers' Consultative Committee on Labour Affairs will set up a committee of experts to resolve their differences over proposed changes to the labour legislation.

Unions more organised in bargaining, says expert

(132)

BRONWYN ADAMS

SA TRADE unions had become better organised and definitive in their activities, demonstrating a level of increased preparation and awareness in their bargaining procedures, FSA industrial relations director Mike Beaumont said

Beaumont said a popularist trade union perspective involving work place, social and political issues was to be expected in SA This was bound to complicate matters and management had to be thorough in its assessment of problem areas.

Beaumont said trade union sophistication had altered the distribution of power in industrial relations. These changes, coupled with the new Labour Relations Bill, would result in increased industrial court actions Management should be careful in its treatment of settlements and disputes

B/day 27/6/88

Survey indicates anti-black attitude among employers

Star 1/7/85

By Mike Siluma, Labour Reporter

South African employers, faced with future industrial unrest by black workers, could turn increasingly towards coloured and Indian workers

This is the finding of a survey into employer attitudes in the aftermath of the recent national three-day stayaway in response to calls by predominantly black unions

The survey was conducted in all major economic sectors throughout South Africa by Mr Rob Daniel of the management consultant firm P E Corporate Services

According to Mr Daniel, the stayaway had caused many employer attitudes to harden to the extent that they now intended to adopt a tougher stance

DISCIPLINARY ACTION

He said most employers had reacted to the stayaway in the following ways

- By taking some kind of disciplinary action, such as issuing workers with warning notices
- Threatening to fire, or actually firing, those staying away
- Adopting a no work, no pay policy or allowing workers to take either paid or unpaid leave
- Threatening to automate or mechanise, or going ahead with this decision
- Suggesting a change in the composition of the workforce through race substitution, entailing a reduction in the ratio of black workers in favour of more coloured and Indian workers
- Negotiating with trade unions to make up for lost time

'Employers may turn towards coloured or Indian workers'

Star 20/6/88

132

By Mike Siluma,
Labour Reporter

South African employers, faced with the prospect of future industrial unrest by black workers, could turn increasingly towards coloured and Indian workers.

This is the finding of a survey into employer attitudes in the aftermath of the recent national three-day stayaway in response to calls by predominatly black unions.

The stayaway was in protest against the Labour Relations Amendment Bill and State repression of anti-apartheid organisations.

The survey was conducted in all major economic sectors throughout South Africa by Mr Rob Daniel of management consultants P E Corporate Services.

According to Mr Daniel, the stayaway had caused many employer attitudes to harden to the extent that they now intend to adopt a tougher stance in the future

He said most employers had reacted to the stayaway in the following ways:

- Taking some kind of disciplinary action, such as issuing workers with warning notices
- Threatening to fire, or actually firing, those staying away.
- Adopting a no work, no pay policy or allowing workers to take either paid or unpaid leave.

AUTOMATION

- Threatening to automate or mechanise, or going ahead with this decision.
- Suggesting a change in the composition of the workforce through race substitution, entailing a reduction in the ratio of black workers in favour of more coloured and Indian workers.
- Negotiating with trade unions to make up for lost time.

'Turbulent' labour scene' is worry for SA Breweries

Star 4/7/88

By Derek Tommey

The 'turbulent labour scene' is worrying South African Breweries' top management. The group's chief executive, Mr J M Kahn, has much to say about this in the latest annual report

"The group lost more manhours last year than for the preceding eight years since black unions became legal," he says

"Many trends and tactics on the labour front have been drawn into a pattern where the distinction between ideological objectives and shopfloor aspirations has become more blurred than ever."

The search for constitutional solutions which would accord justice and dignity to all had inevitably created a climate of uncertainty, he continues

"This, coupled with the limited opportunities for political negotiation, has facilitated the emergence of forces with hidden agendas"

This had done organised labour a great disservice as the numerous violent incidents during protracted major strikes testified

Mr Kahn says he wonders whether labour mobilisation during the year was in the best interests of the workers on bread-and-butter issues

He says it is to early to tell what the proposed amendments to the Labour Relations Act, which had drawn criticism from both unions and employers, would achieve But there could be little doubt that "those elements which seek to exploit the labour movement, with scant regard for the welfare of the ordinary worker or for positive interaction on the shopfloor, must be discouraged

The group's chairman, Mr M B Hofmeyr, says it is imperative for the country to get its internal affairs into better order

Several factors, including far greater momentum towards political change, were needed to harness the remarkable natural and human resources with which South Africa is blessed

Uncertainty exists in the socio-political and industrial relations environment But providing reasonably settled conditions prevail, the group expects further satisfactory real growth

Number of strikes declines

Star 12/7/88 (132)

By Mike Siluma
Labour Reporter

South Africa could be heading for a relatively strike-free 1988, following the lowest number of strikes recorded for the first six months of any year since 1983

These are the findings of a preliminary report of the Industrial Relations Monitor report, compiled by industrial relations consultants Andrew Levy and Associates

Both legal and illegal strike action was monitored

"Man days lost so far this year are close to 90 percent lower than for the same period last year," says the report

"Should the current wage talks in the metal industry reach conclusion without strike action, this would be a major confirmation of the trend"

According to the report, a preliminary reason for the low level of strike activity for the January to June period could be an informal decision by unions to limit strikes following damage suffered by labour during last year's strikes

mately the responsibility of the State, he said

(132)

Illness not grounds for dismissal

STAR 13/7/85

A worker cannot legally be dismissed for being an Aids carrier, according to a labour lawyer, Mr Rod Harper.

Speaking at the "Aids at Work" conference in Johannesburg yesterday, he said illness was not a basis for dismissal but had to be seen in the context of an infected worker's productivity.

Mr Harper said that although workers could be dismissed on the grounds of incapacity, the principle required was that the employer acted fairly.

This meant looking at all possibilities, such as transfer, before resorting to dismissal.

An Aids carrier could be transferred if there were medical grounds for the move.

An example was a nurse who worked with blood samples, Mr Harper said.

There was no obligation in law to force an employee to undergo a medical examination although there was provision in health legislation for a State doctor to conduct examinations, he said.

Business moving right — but look left, unions told

Staff Reporter

WHILE much of the private sector is swinging to the right, change is likely to come from a small grouping on the left, according to business executive Mr Christo Nel

However, he urged trade unions to begin distinguishing between conservative and progressive businesses so that progress in labour relations could be made

Writing in the influential Leadership magazine, Mr Nel, who delivered a paper on economics at talks with the African National Congress in Dakar, said South Africa was experiencing a rise in business conservatism parallel to the rise of the Conservative Party.

Yet at the same time a "small, creative minority" was emerging that was ready for "a leap into the future".

Mr Nel said last year's white elections had resulted in the re-emergence of "verkramptes and closet supporters of the Government" and quoted the managing director of a company as saying "I would never have supported the Nats, but now I feel I must — to help keep the rightwing at bay."

However, change in business thinking was "never initially wrought by a majority".

It was brought about by a creative minority which showed the "courageous pioneering spirit" needed to break new ground.

But this needed to be matched by differentiation on the part of organised labour between conservative and progressive employers.

"The challenge lies in the development of an understanding of each other's limitations and accommodation of the different dynamics driving each other

"This could open the way for the creative minorities within business to accommodate non-negotiable positions, while responding to those opportunities for interaction that do arise."

It could also enable organised labour to "focus its energy more productively on change-minded creative minorities rather than waste time hoping for a cohesive mass-response which is not likely to be forthcoming"

Mr Nel argued that the current pattern of indiscriminate labour action, which he said took no account of individual businesses' positive efforts, weakened the position of progressive businesses while strengthening that of conservative ones

Above all, the rise of conservative business should not be viewed as an "insurmountable obstacle".

"To succumb to such an illusion would constitute an abdication, if not of responsibility, then of opportunity by either organised labour or the creative minority within management

"Both parties would be guilty of entrenching the current phase of polarisation and conflict."

BUSINESS

UCT academic explores new labour code

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W/E ARGUS 16/7/88

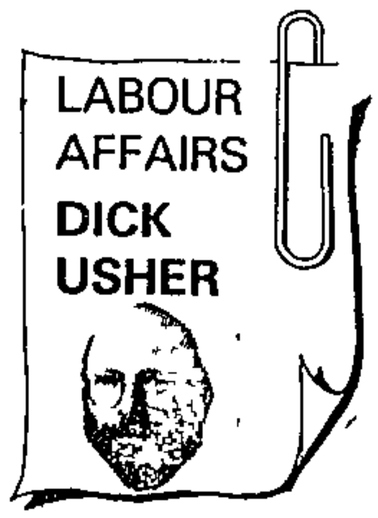
A NEW social contract, an alternative labour code grounded in contract rather than statute, is being explored by UCT acadamic and head of the labour law unit Clive Thompson.

He argues that this could contribute towards a negotiated future for South Africa

The social contract idea has been floating around in various (mostly disjointed) forms since the impact of proposed changes to labour law through the Labour Relations Amendment Bill started to permeate consciousness, but Thompson has developed a form and context for the idea

He starts from the point that, for the foreseeable future, the burden of a minority government will remain with the South African industrial relations system, carrying with it at least two consequences

- While elsewhere it is the state that is in the forefront of endeavours to entrench political, civil and socio-economic rights, here it is other societal actors that will have to take the lead, and
- Whatever is done can only produce a second-best solution because of the pervasive effects of an unjust political order



But within these restraints there is a largely untested opportunity for labour and management to construct an area of autonomy premised on social justice

The primary topic addressed by the alternative concerns planned bargaining, Thompson argues

The expectation would be that on core bargaining matters the parties would negotiate according to the "proposal and counter-proposal" formula

If disputes over interest (as opposed to rights) emerged, voluntary mediation and arbitration would be available, but if these could not produce a resolution either party could resort to industrial action to support its stance

Thompson lays out a form of agreement which would take the contemplated action outside the statutory definitions of strike and lock-out and proposes that the disputes procedure should contain an explicit waiver that the parties would agree not to invoke the provisions of any other law in a matter regulated by their own contract

The bottom line is that these provisions would give, among other things, employees an effective right to strike through extensive protection against dismissal

He also makes provision for disputes arising under unplanned circumstances, such as wildcat strikes, in which the agreement would impose a positive duty on both sides to take all reasonable steps to end such unprocedural behaviour speedily

A third part of procedure would involve private adjudication to deal with disputes involving interpretation or application of the procedures, disputes arising from alleged unfair dismissals or from unfair labour practices

"One is attempting both to anticipate and contribute towards a future society which is both more pluralistic and democratic than the present order," said Thompson

Distinguish between employers, unions told

STAR 18/7/88

132

Own Correspondent

CAPE TOWN – While much of the private sector is swinging to the Right, change is likely to come from a small grouping on the Left, according to business executive Mr Christo Nel.

However, he urged trade unions to distinguish between conservative and progressive businesses so that progress in labour relations could be made

Writing in the influential magazine *Leadership*, Mr Nel, who delivered a paper on economics at talks with the African National Congress in Dakar, said South Africa was experiencing a rise in business conservatism parallel to the rise of the Conservative Party

Yet, at the same time, he said, a "small, creative minority" was emerging which was ready for "a leap into the future".

Mr Nel said last year's white elections had resulted in the re-emergence of "verkramptes and closet supporters of the Government", and quoted the managing director of a company as saying. "I would never have supported the Nats, but now I feel I must to help keep the Right wing at bay"

However, change in business thinking was "never initially wrought by a majority", Mr Nel said.

COURAGEOUS

It was brought about by a creative minority which showed the "courageous pioneering spirit" needed to break new ground.

But this needed to be matched by differentiation on the part of organised labour between conservative and progressive employers

"The challenge lies in the development of an understanding of each other's limitations and accommodation of the different dynamics driving each other

"This could open the way for the creative minorities within business to accommodate non-negotiable positions, while responding to those opportunities for inter-action that do arise"

It could also enable organised labour to "focus its energy more productively on change-minded creative minorities rather than waste time hoping for a cohesive mass response which is not likely to be forthcoming"

Mr Nel argued that the current pattern of indiscriminate labour action which, he said, took no account of individual businesses' positive efforts, weakened the position of progressive businesses while strengthening that of the conservatives.

Above all, the rise of conservative business should not be viewed as an "insurmountable obstacle"

Wage levels dip in first quarter

STAR 19/7/88

132

By Mike Siluma, Labour Reporter

Pay settlement levels attained by black unions have dipped 2,1 percent in the four months since February

At the same time, employers have dug in their heels to resist high wage claims

The figures come from a wage settlement survey conducted by industrial consultants Andrew Levy and Associates for the period between February and June

They show the average level of settlement reversed to 17,6 percent in June after rising steadily from 13,7 percent in 1985, 15,5 in 1986, 17,2 in last year, and reaching a four-year high of 19,7 percent in February this year

UPSWING

The survey found that the bargaining environment remained tough although the general economic situation, particularly in the manufacturing sector, had improved considerably in the past few months, leading to "improved profitability"

The authors of the report point out that the economic upswing is consumer-based and is largely generated by a consumer perception of a relative "return to political calm" It is also fuelled by an increase in the money supply and bank credit, the report says

Union warns on conflict over holidays

Star 19/7/88

132

By Adele Baleta

The all-white Amalgamated Engineering Union (AEU) has warned that Government's continued failure to address the issue of public holidays will lead to conflict.

This view was expressed by AEU general secretary, Mr T S Neethling, in the *Metalworker*, the union's bi-monthly May/June journal.

"The Government's solution (to the issue of public holidays) seems to be that, as it cannot make everyone happy, it intends to see that everyone is equally unhappy," he wrote

EXCLUDED

The State's declaration of Workers' Day (the first Friday in May) as a holiday in place of May 1, as recognised in most countries, made black workers unhappy.

This dissatisfaction was increased because Workers' Day was covered by the Public Holidays Act which only applied to some sectors and excluded others such as the mining industry

Industries not covered by the Act were permitted to negotiate non-statutory holidays and although some companies recognised these holidays, others did not, leading to discontent among black workers

"It also makes whites unhappy because those that get May Day as a holiday do not appreciate the political overtones of the holiday, and those who do not are even unhappier because they have no holiday at all"

Mr Neethling said the Govenment's failure to agree to requests that holidays falling on a Friday be shifted to a Monday meant more unhappy workers

W/E ARGUS 23/7/88 (132)

BUSINESS

Bridging the gap between workers and management

WHEN South African labour and management sit down at the negotiating table there's a space between them bigger than just the traditional space between these two parties.

Apart from the distortions which our socio-political circumstances impose, there is also an ideological gap across which a management, believing it is pro-capitalist and pro-free market, stares at a labour movement which is generally socialist oriented.

Crossing this gap is all the more difficult because most white South Africans have about zero conception of the economic, ethical and political underpinnings of socialism, thanks to the limbo of ignorance created by censorship of material, Government misinformation which generally equates socialism with "communist imperialism" and their own misconceptions about just how free is the free market system they so avidly espouse

The whole area is raddled with misconceptions and misunderstandings on both sides.

LABOUR AFFAIRS

DICK USHER

With all this in mind, a one-day workshop next month on capitalism and socialism, organised by Contact Group, should be of interest to local businessmen.

It will be led by Professor James Moulder, head of the philosophy department at the University of Natal, who has presented similar courses at the UCT Business School and other universities

Moulder said this week that both concepts were emotionally loaded, which blocked rational thinking, and to get over this bridge the workshop aimed to show that people could talk about the issues that mattered without mentioning "isms"

The two real questions facing South Africa were how to expand the creation of wealth and how to distribute it fairly

"Both questions involve all humans, but the debate round these two questions has become rhetorical rather than pragmatic," he said

"There is a sense in which government and management on one side and opposition forces such as the ANC and trade unions both mis-describe South Africa as a capitalist system

"But if you look at the total situation in its historical context it would be more properly described as ethno-socialist What is called free enterprise is actually an economy heavily regulated by government The question is whether to have democratically based regulation or unilateral regulation

"At present we have unilateral regulation and, through this we are in a way compelling blacks to be socialists because they know nothing about a system in which they haven't been given a chance to participate

"We have to keep the bakery going and find ways of baking a bigger pie out of which everyone will get a fairer share Which means eliminating the rhetoric and dealing with the real questions in a pragmatic way."

For workshop bookings ☎461-8507

Tongaat chief maps out pathway to the future

Star 25/7/88 (132)

By David Canning

DURBAN — While complex problems await business, the Natal-based Tongaat-Hulett Group has identified opportunities around which it is planning its activities for the 1990s

Group managing director Dr Geoff Cleasby, speaking at a graduation ceremony of the Graduate School of Marketing in Durban last Friday night, said the future must not be feared, but tackled in an innovative and creative way

'From our analysis we have deduced that opportunities will certainly lie in the third world population around our cities" Blacks would not only increase in absolute numbers, but also in standards of living, he said

Lower middle class

More blacks would move into the realms of the lower middle class The number of black civil servants also would raise the average per capita income

There would be a great opportunity for providing food for the loss of an agricultural subsistence base for households - and opportunities for supplying the informal sector such as hawkers and cottage industries

Many areas of opportunities existed for sales of durable items — as had happened with taxis

With the liberalisation of black land ownership it is possible that boarding houses and sub-letting will become popular in the older inner-city areas, and that it will be profitable for blacks to build far larger dwellings and sub-let "

Opportunities also would arise in areas of import replacement, particularly requisites for government in the area of schools, hospitals and security forces — especially for vehicles

Dr Cleasby said a more pragmatic outlook could also lead to export opportunities in Africa

Over the next seven years, he believed that taxes would remain high, with more emphasis on indirect taxation

The tax policy would tend to favour the creation of jobs, rather than encouraging capital-intensive expenditure

Inflation and interest rates would be high and the rand would continue to depreciate, particularly against the yen and Deutschemark

There was likely to be continued disturbance on the political front, with all major political groupings attempting to strengthen their power bases

Over the next seven years there would be further major reforms enacted - but only in reaction to pressures exerted No major change would be discernible in the short-term but, over seven years, the changes would represent significant reform

The political changes would fall far short of what the world was demanding and this would influence SA s trading partners

Turning to labour, Dr Cleasby said managments had to understand and accept that black unions would be politically oriented as long as the black population had no meaningful say in decision-making

Industrial development

Black trade unions were essential at this stage of industrial development and should be welcomed not feared by management

It was absoltely essential to establish good industrial relations which would allow true and objective negotiations to take place

He also said Project Free Enterprise had shown that workers had little understanding of the the free enterprise system and certainly no commitment to it Unfortunately, it was identified with the political system

A great deal still needed to be done to encourage black workers to make them feel part of the system

Especially important was the need to show concern for the quality of life of workers

Referees gain more trust

(132) B/day 25/7/88

ALAN FINE

INDEPENDENT Mediation Service of SA (Imssa) records show a fast-growing use by employers and trade unions of voluntary third-party help in industrial disputes.

The Imssa panel of 39 mediators and 55 arbitrators last year handled 199 cases of mediation and 162 arbitrations, overall almost double the number for 1986

Statistics so far this year indicate growth is continuing

The organisation's services are being called upon more in the face of an overloaded Industrial Court and a trend towards private arbitration generally due to fears about the future of labour legislation.

Imssa director Charles Nupen said last week that arbitration cases would soon become more numerous than mediation as parties look for cheap, speedy and simple resolution of disputes.

He attributed Imssa's growth to the fact that the terms of mediation and arbitration were determined equally by both parties.

"A system of dispute-resolution needs legitimacy to survive the turbulence of the times It therefore cannot be fashioned by one party alone," he said.

Initial mistrust of arbitration was no longer a problem.

"The market in arbitrators soon determines which individuals have won the confidence of both sides." Nupen said Imssa mediation, usually on wage disputes, showed a 60%-70% settlement but this was down from 90% three years ago. Disputes had become more complex and economic and political circumstances had caused a hardening of attitudes.

There was also a trend for parties to refer disputes for mediation before deadlock occurred.

"If mediation is seen as an automatic step the process becomes devalued," Nupen said

(132)

CLINGING TO MYTH

Bosses told

By JOSHUA RABOROKO

SOUTH Africa's industrial relations were characterised by constant tension, instability and a marked absence of industrial peace, the director of the Association of Black Accountants of Southern Africa, Mr Mashudu Ramano, said this week.

Addressing a group of employers in Johannesburg he said workers in general showed very little commitment to the organisations they work for

He said "Hence the distribution of skills is still very narrow at the top and excessively large at the base creating an abundance of unskilled and a devastating shortage of managerial, executive, professional and senior administrative manpower

Mr Ramano said these factors clearly showed that there was a need for the transformation and restructuring of the work-place He called for major changes in business practices in South African corporations

He said many managers still believed that black workers were non-creative, non productive, idle and still very much motivated by the "tribe instinct"

"Others still cling and hold on to the outrageous and diabolical myth that blacks belong to an inherently and genetically inferior species.

He said as more blacks got educated there would be a corresponding increase in pressure for business to open opportunities for them The politics of exclusion and seclusion would and must become a thing of the past, if "we are to advance as a nation"

"If black advancement is not one of your organisation's main activities and goals right now, your organisation's survival is at stake," he told the employers

Good relations

Natal Mercury 18/9/88

GOOD labour relations depend on the behaviour of both the employers and trade unions although it is the employer who should play a vital role of preventing industrial relations problems, according to Dr P J van der Merwe, director general of the Department of Manpower

Meeting

Speaking at a meeting of the Tugela — Basin Personnel Association in Ladysmith last night, Dr van der Merwe said the maintenance of sound labour relations did not depend on the legal framework "Reliance on the Act to solve industrial relations problems is a matter of last resort and not the best anyway," he said

Politics influence shop floor issues

Finance Staff

There was a 50 percent increase in strikes, lock-outs and work stoppages last year and it was apparent that unless there were changes in central government, the shop floor would become a political battleground.

So said Donald Ncube, industrial relations consultant to Anglo American at yesterday's sessions of the Fedhasa congress

Mr Ncube said the loss of manhours due to labour action had increased from 1,2 million in 1986 to 5,8 million last year

A multiplicity of strategies were needed at business level to explore areas of commercial partnership and social justice among them the removal of the last vestiges of discriminatory labour practices.

The present dispensation of wealth had assumed racial connotations, as economic deprivation was perceived as racial domination

Moreover, it was a myth to assume that the growing black population would automatically create an enormous consumer market. Within 12 years, blacks would make up 47 percent of the population

This represented an exponential increase of "mouths to feed", but would be accompanied by mushrooming squatter populations, destitution and desperation.

These people would be neither part of the productive labour market, nor a vibrant consumer market.

Anglo man warns on political future

14/8/88 (132) (Pres)

UNLESS there are changes in government, the shop floor could become South Africa's political battlefield, according to Anglo American industrial relations consultant, Donald Ncube

Addressing the Federated Hotel Association of SA in Durban recently, he said industrial action had increased by 50 percent over the past year

He said the loss of manhours due to labour action had increased from 1,2-million in 1986 to 5,8-million last year

Besides parliamentary representation, many strategies were needed at business-level to explore areas of commercial partnership and social justice

There was a wide range of choices, including shared equity, joint ventures, extended business franchises and links between the formal and the informal sectors

In South Africa, the distribution of wealth had assumed racial connotations Economic deprivation was perceived as racial domination

Within 12 years, the black population would increase dramatically This represented a huge increase in "mouths to feed and would be accompanied by mushrooming squatter populations, destitution and desperation"

These people would be neither part of the productive labour market, or a vibrant consumer market

The implications for radicalism and township unrest were self-evident, he said.

"We need to give people a stake. They cannot defend that which they do not own."

At grassroots level, he suggested that retail trade take a tolerant attitude towards the hawker

"We have to encourage and promote informal business" – Sapa

Oil firms reject union claims

Cape Times 24/8/88 (132)

JOHANNESBURG — Two major oil companies, BP SA and Shell SA, yesterday rejected claims by the Chemical Workers' Industrial Union (CWIU) that they were not prepared to negotiate issues such as social responsibility projects.

Both said they were prepared to negotiate these issues directly with the union

They were responding to the CWIU's declaration of a dispute with nine oil companies for refusing to agree to bargain over certain issues at a national level

While BP would not comment on the issue of national negotiations, Shell questioned whether the CWIU was representative of employees in the oil industry and rejected the union's claim to bargain with nine different employers with "different businesses, employment policies and trade union arrangements".

The CWIU said the companies refused to negotiate for public holidays, maternity leave, education assistance, job security and social responsibility programmes.

BP said there was no issue upon which it refused to negotiate with the CWIU in bargaining units where they represented employees The statement said BP was committed to negotiate with the CWIU at all worksites where it had such recognition.

Shell expressed suprise at the CWIU's claim they were not prepared to discuss fringe benefits and social responsibility; meetings had already been held in this regard, the company said

The CWIU was unavailable for comment

(132) 2/10/88 STimes.

MANPOWER MIRROR by ROBYN CHALMERS

Participative management

INTERBOARD SA managing director Rod Taylor believes industry in SA could be revolutionised if it adopted the Cashbuild principle of participative management.

He did when he took over the helm of Interboard last year, and he is now reporting an increase in income of some 80% and a drop in expenses of about 10%

Interboard works closely along the lines of Albert Koopmans' participative management philosophy — giving workers a say in the running of the company — which led Cashbuild to be rated by Martin Nasser's Project Free Enterprise as one of the companies with an industrial relations strategy that effectively brings blacks into management.

CHALLENGE

Mr Taylor was poached from Mr Koopman by Ed Dutton in July last year, and accepted the post of Interboard designate managing director because he "saw it as a challenge

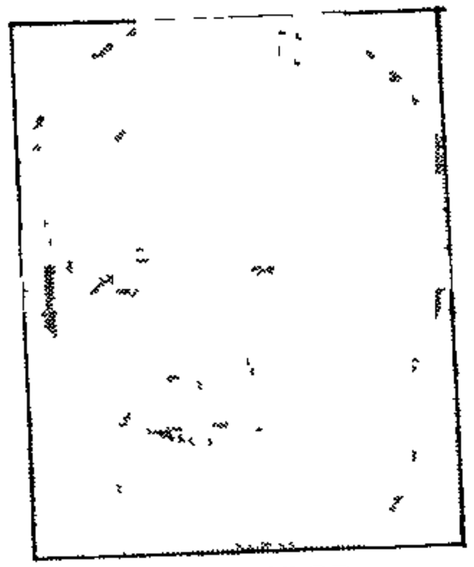
"I was very disappointed when I arrived because there was great animosity between black and white workers Within two weeks I had demolished the office and set about changing the whole management structure of the business

"It was tough going in the beginning, because there was a lot of insecurity and suspicion among the workers which had to be dispelled," he says

The first thing to do was to build team spirit, which he did by clothing all factory workers in brown overalls to remove any class distinction and setting up work teams, each with a team leader, to take care of various operations such as labour, selling and production.

Workers then formulated a philosophy, outlining attitudes towards the customer, the team, the culture, training, suppliers, products, quality and service.

A Christmas training programme was introduced, because Mr Taylor says workers have great misconceptions about business



ROD TAYLOR
Giving workers a say

"Many believe for example that all tax goes straight to the military, so we had graphs and diagrams to show them where it actually all goes," he says

The company has 380 workers, none of whom are unionised. Mr Taylor explains. "For the first six months after I joined, we had about six meetings with the United People Workers' Union over dismissals.

MEETINGS

"When we changed our emphasis to team leadership, and curbed white management, the union approached us again. We brought in the team leaders, and the outcome of the meeting was that the workforce decided it didn't want to be unionised.

"I told the workers before the meeting that I would support whichever decision they made, but I also said that if they had to pay a union to solve their problems, then there was no need for me to be around," he says.

A big breakthrough for the company was the three-day stayaway earlier this year

"Being based in Wadeville, with Katlehong on our borders, we are in a very politically sensitive area. Wadeville was desolate throughout those three days, but only 18 of our workers stayed away," says Mr Taylor

Interboard has a profit incentive scheme, whereby 5% of the company's profits are distributed to the staff. On the request of workers, a lump sum is paid out on a quarterly basis.

"We base the amount to be paid on a percentage of the workers income, but because there is such a disparity between income levels, we broke them down into eight levels and weighted the payout in favour of the worker," he says

RISKS

Effectively, this means that upper management gets about 15% of their salary, and workers get almost 45%

The operation has been an eye-opener for other industries, says Mr Taylor, and believes that the reason why other companies haven't tried it out is because of the risks involved.

"SA has the opportunity to become a world leader, but South Africans have always had life too easy — we need more entrepreneurs," he notes

Book on absenteeism issue

Education Reporter (132)

The vice-principal of Rhodes University, Dr Roux van der Merwe, and Mrs Sylvia Miller of the industrial relations unit at the University of Port Elizabeth, have published a revised edition of their book, "Measuring Absence and Labour Turnover"

The book is aimed at managers and personnel specialists who are concerned about the problems arising from absenteeism and labour turnover and wish to take effective action It is also aimed at students who plan careers in organisations which employ relatively large numbers of people

"There is no doubt that absence and labour turnover is a problem in South African business," says Professor Roux Star 13/10/88.

"Our surveys and other published figures indicate this, and there is a constant demand for information and for assistance in dealing with worker instability"

Overtime stifling creation of jobs

Star 17/10/88

By Dick Usher

CAPE TOWN — Startling figures from the Labour Research Service show that about 100 000 jobs could be created in the manufacturing sector alone by cutting overtime.

A spokesman for the Cape Town-based organisation says that official statistics show the average worker in the manufacturing sector does five hours a week overtime — a total of 6,7 million hours a week.

Since 1985, the low point of the recession, overtime has increased by 32 percent, while employment has fallen three percent in the same period

There has been very little increase in employment as a result of the recent boom and employment is still well below its peak level in 1983 before the recession started

Overtime stands at 12 percent of ordinary hours worked

"Increased production in the manufacturing sector is being accomplished, not through employing more staff, but by existing staff working longer hours," he says.

It cannot not be eliminated altogether, but if employers reduce this to four percent, or two hours a week per worker, that would release about 4-million worker hours which could be used to create jobs.

This is in the manufacturing sector only, and does not include commerce, the service sector, mines and other sectors of industry, such as construction.

Manufacturing and construction account for about 20 percent of total jobs, so the possibilities for job creation should expand greatly if other sectors are included.

He says unions should back their demands for job creation with a two-pronged approach to overtime

"Management should be told that workers do not want to work overtime and that they want to see more staff on the payroll," he says

He agrees that cutting overtime might reduce wages for already badly paid workers, but would broaden the base of wage-earners.

"Employers have a problem because of the shortage of skilled workers, which means they have had to call on those people to work longer hours as the economy has expanded, but to some degree they have only themselves to blame because they seem to prefer the cheaper method of paying overtime, rather than investing in training programmes to expand the supply of skilled workers," he says.

Unions 'using their power in townships'

Star 18/10/87 (132)

Trade unions have paved the way to a new style of community organisation, according to research findings released yesterday by the South African Institute of Race Relations (SAIRR).

The ability of unions to remain organised under state of emergency conditions provided a lesson to other anti-apartheid organisations that had been weakened by stringent security action, the report said.

The publication, entitled "Urban Policy and Housing", compiled by Mr Paul Hendler, identified a pressing need for stronger grassroots organisation in the townships

The research showed that the unions were starting to use bargaining power to resolve township housing disputes and in so doing provided a model for community organisations seeking to strengthen their power base

These unions had demonstrated how the process of sustained negotiation could be used to achieve short-term gains.

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KEEP OUT BOSSES TOLD

Response to the Govt's campaign

GOVERNMENT attempts to harness business into its campaign to get black workers to the municipal polls has come under more criticism, this time from the Institute for Industrial Relations.

The institute's director, Mr Mike Miles, cautioned employers not to get involved in the campaign

"The institute believes that in the interest of sound labour-management relations, employers ought not to become involved in the municipal election campaign," said Mr Miles

Letter

The Transvaal Provincial Administration has, in a letter to employers, urged them to "assist and encourage their black staff to register as voters and later to exercise their democratic right to vote"

The administration said "for both practical and constitutional reasons, it is of vital importance that the (municipal) elections for black local authorities should be successful."

In a statement, Cosatu warned that attempts by employers at campaigning in favour of the elections would "provoke anger on the shop floor"

Nactu secretary general, Mr Phiroshaw Camay, said his organisation had challenged the South African Employers' Consultative Committee on Labour Affairs (Saccola) to state its position on the Government's call, but had received no response.

Saccola spokesman, Mrs Frieda Dowie, said that she could not see how Saccola, or any other employers' association, could involve itself in party politics

Builders challenged on unemployment

Industrial violence is 'all too common'

Star 25/10/88 132

By Frank Jeans

CAPE TOWN — Violence and intimidation are assuming alarming proportions in industrial relations, the Building Industries Federation's annual congress was told yesterday

"Brutal physical violence and murder are unfortunately all too common," Mr R H "Robbie" Botha, executive president of the Mine Surface Officials' Association, told delegates

"I doubt whether, given the kind of violent intimidation we have seen, the Wiehahn Commission recommendation that peaceful picketing be legalised can be carried out," he said

The commission recommended that the Industrial Conciliation Act be amended to provide for the legitimate use of peaceful picketing as an instrument of industrial action

The commission also recommended, however, that picketing "accompanied by coercive action of an unlawful nature be prohibited"

Mr Botha had plenty of praise for the former Minister of Labour, Mr Fanie Botha, for his part in averting what he called a "mounting revolutionary onslaught" against South Africa

"He was the one who had to sacrifice popularity with the hardliners in his own party," said Mr Botha

"He was the one who had to cope with the political in-fighting which preceded the appointment of the Wiehahn Commission and if it had not been for Fanie Botha having grasped the conceptual shortcomings in our whole system, an Armageddon would probably have been upon us before reform could cushion the impact of revolutionary onslaught"

Mr Botha said he had no doubt that the exclusively white trade unions were "relics of the pre-Wiehahn era" and were becoming increasingly irrelevant

The opening speaker, Professor Attie de Vries of Stellenbosch University, challenged the building industry to take the initiative in helping to absorb the massive unemployed workforce into its rank and file

"We must change dramatically and include in our forward planning the 50 percent unemployed instead of just talking about what we have to do

"No political system can afford that number of unemployed," he said

Anti-South African lobbyists

While acknowledging what had to be done, Natal builder Mr Bob Stevenson, a Bifsa past president, crossed swords with Professor de Vries and pointed out that compared with industries abroad, the local building industry had achieved much in the promotion of blacks

"It should be remembered that elsewhere in the world blacks are not brought into the building industry and this is true in America where anti-South African lobbyists persist in criticising this country," said Mr Stevenson

Mr Stevenson said he had approached the question of bringing a black on to his board but not as a token gesture

"The black board member must elevate himself and contribute something to the board," he said

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Unions cautioned on wages

ALAN FINE

MANY employers believed black workers' wage rates had reached acceptable levels, and further increases would be limited unless wages were linked to productivity, SAB beer division human resources director Rob Childs said yesterday.

Speaking at a seminar in Johannesburg organised by the Industrial Relations Consultancy on Cosatu's living wage campaign, Childs said successful productivity bargaining required unions to accept certain business paradigms, such as profits and the free enterprise system.

A campaign for a living wage was a reasonable trade union strategy. But, if they simply asked for more money, little would come of it, he said.

Cosatu information officer Frank Meintjies said while employers continually emphasised growth, they were silent on the need for the redistribution of its products.

He accused management of being "anti-growth". Much of the capital created through increased profits had been exported or invested in the stock exchange rather than used for job creation.

Meintjies saw wage bargaining as a defensive action which merely protected real wages. Workers had turned to direct political participation to effect a more equitable distribution of wealth.

Wits University sociology professor Duncan Innes said the demand for a living wage was a moral one. For the SA economy to sustain it, required a new economic strategy.

This would include a massive state co-ordinated housing programme which would boost employment.

The small business sector had to be deregulated so as to unleash entrepreneurial forces. However, some regulation to ensure the health and safety of employees and the public was required, as was the need to ensure sweatshops did not proliferate, said Innes.

Projects to add value locally to metal and mineral exports had to be introduced, and SA needed to concentrate more on finding export markets in Africa and other Third World areas for manufactured goods.

Govt invites Cosatu and Nactu affiliates

4/11/88 ALAN FINE (132) B/Day

COSATU and Nactu affiliates had been invited to the tripartite conference convened by Manpower Minister Pietie du Plessis to take place in Pretoria on November 23, Manpower director-general Piet van der Merwe said yesterday

He said, however, that Cosatu and Nactu officials had not been included in the 900 invitations which were going out to businessmen and trade unionists.

That was because only representatives of registered labour organisations had been invited.

Nactu general secretary Piroshaw Camay said it was unlikely that affiliates' leaders would attend as Nactu had a standing policy which precluded meetings with government politicians.

(132) B/Day 9/11/88.

'Ambit of bargaining widens'

ALAN FINE

AFTER the turbulence and record strike activity last year, the labour movement had adopted a more sophisticated approach in 1988, labour relations consultant Andrew Levy said.

Addressing a Levy, Piron and Associates (LPA) conference in Sandton yesterday, he said unions had returned their focus to questions of strategy and tactics, reassessment, and consolidation and strengthening of structures.

He noted a widening of the ambit of collective bargaining This was evident in the talks between the SA Consultative Committee on Labour Affairs and Cosatu and Nactu over the Labour Relations Amendment Act (LRAA), and the initiative by the Consultative Business Movement in holding talks with Cosatu and other extra-parliamentary bodies.

These developments, said Levy, had positioned management away from its union-perceived position of being in collusion with the state. They also paved the way for future negotiations on a more far-reaching level

An example of more strategic thinking was seen in the August metal strike where Numsa won recognition from employers as the dominant union in the sector and won agreement on ways of eliminating racial discrimination.

An exception to this trend, said Levy, was the public sector which lagged four to five years behind the private sector in terms of the maturity of management/union relationships.

Talking on the trend by parties towards "contracting out" of labour legislation, legal academic and LPA director Johan Piron said this road was strewn with technical difficulties and was incorrectly focused The goal should be to reduce unbridled power on both sides and to increase the area of equity. Therefore, new procedural arrangements should be designed to supplement existing legislation where it was unacceptable.

Unions challenged on pro-sanctions views

By Mike Siluma, Labour Reporter (132)

Black South African trade unions were yesterday challenged to demonstrate that they have rethought their pro-sanctions standpoint

The call was made by Mr Johann Liebenberg, the Chamber of Mines' senior general manager of external relations, when he was addressing the "*Financial Mail*" investment conference in Johannesburg

Examining the achievements of black trade unions during 1988, Mr Liebenberg said that, by and large, collective bargaining had triumphed, with unions in many sectors, including the mining industry, reaching wage and conditions of service agreements without resorting to industrial action

He said negotiations in the metal industry, which ended in a strike by 30 000 workers, ran counter to the general trend

One of the unions' main achievements, said Mr Liebenberg, was the establishment of company and industry-wide shop stewards' councils.

Unions had, however, failed to restore membership to 1987 levels, or to raise it above those levels

Turning to the union's stand on sanctions, Mr Liebenberg said a growing number of unionists had privately realised that sanctions were "not producing the results the union strategists anticipated"

Unions had to demonstrate to members that they cared about the retention and creation of jobs and the improvement in members' working conditions

"The time has arrived (for unions) to demonstrate publicly that they have re-thought on sanctions and no longer believe that sanctions are the answer," Mr Liebenberg said

Civil suits 'the wrong remedy'

By Mike Siluma, Labour Reporter

The Institute for Industrial Relations has warned South African employers against relying on civil suits to resolve industrial relations issues, saying this would damage labour-management relations

He was reacting to threats by a number of companies to sue trade unions for losses allegedly incurred during industrial action Together, the threatened claims amount to R4 million

In a statement yesterday, the institute's director, Mr Mike Miles, said it was "concerned at the recent attention being given to Section 79 of the Labour Relations Act, particularly the assumption employers might now have, that they can resolve industrial relations issues simply by sueing trade unions for damages".

"The institute believes that it is not in the interests of sound industrial relations to sue unions.

"Responsible employers want to deal with strong unions who have the resources to educate and train their members and representatives in responsible industrial relations practices.

"Weak unions who cannot effectively meet the needs and aspirations of their members are not the sort of unions which South Africa can afford," said Mr Miles.

(132) B/Day 11/11/88

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LABOUR FIELD LEADS THE WAY — GOVT

MARITZBURG — The labour field, perhaps more than any other, provided opportunities to improve relations in SA and to raise living standards, Manpower director-general Piet van der Merwe said yesterday.

In an address to the annual FCI conference in Maritzburg, he outlined some of his impressions of recent developments in the manpower field.

"Never before in SA's history has more attention and effort been directed at an intensive analysis of the meaning and role of manpower policy, administration and manpower programmes, and how they can contribute optimally to the national economic wellbeing, than during the past decade.

"Never before has so much progress been made with the elimination of discrimination in labour matters, the promotion of fair employment practices, the training and re-training of the employed and the unemployed and the recognition and protection of the rights of workers and employers than during the past decade."

Van der Merwe said the last decade had seen a rapid growth in trade union membership.

There had also been important structural changes within the labour movement and an upsurge in the number of new trade unions.

However, a "a disconcerting development has been the injudicious use of bargaining power by some unions, who fail to follow the prescribed conciliation procedures and often resort to illegal strike action". — Sapa.

(132) B/day 18/11/88

STEYN "If I look at how human dignity has been advanced by people owning their own homes and having a sense of pride and belonging, that probably warms me up the most"

Picture ROBBIE BOTHA

Train your workers — or go to the wall

MICHAEL ACOTT

JAN STEYN is stepping down as executive chairman of the Urban Foundation with a challenge to business help promote the economic empowerment of black South Africans through staff training and the active support of black entrepreneurs

When the Urban Foundation started in 1976, formed by the private sector after the Soweto riots, Steyn began with seemingly insurmountable problems and few solutions

The past 12 years have given him some very specific insights into which problems can be solved and how they should be tackled

He does not expect business to do things out of charity Much of his time has been spent persuading business men that helping to solve the black housing problem is in their own long-term interests.

"You can't conduct sound business in an unstable environment."

And as great a priority as housing is education, training and jobs for the thousands of black people who are streaming to SA's cities

He believes firmly that business must act here in its own best interests, too, because unless business takes a firm and active role in educating and training the next generation of black workers and management, it is business that will suffer

'The short-term goal must be the rapid economic empowerment of black South Africans," he says

"Secondly, a really dynamic improvement must be made in education and training at every conceivable level in order to sustain and accelerate that process."

He sees a vast private-sector training programme moving "like a big wave" behind the urbanisation process, lowering the threshhold for black entry into the economy

"There is no higher priority in SA.

"Commerce and industry must constantly monitor what it is spending on training, how it is spending it and whether it is getting the return that it should have on that investment.

"Every head of every business must ask himself how much per capita per annum is being spent on training Where is he going to find future management to run the business? Where is he going to find the apprentices and the technicians?

"White SA supply it for the future? — not on your nelly"

Steyn also sees black economic advancement as helping to break down the fear and distrust which he regards as the greatest inhibitors to progress.

"We can do so much to improve race relations, to remove tensions in our society, by giving opportunities to black people to participate in our economy and become stakeholders in a sound and stable future SA

"Successful economic advancement of blacks would also help destroy all the illusions that underpin the cry for separatism which emerges from so many white South Africans"

Government can help black business advancement by rapid deregulation But organised business needs to pump in money and resources and seek out black suppliers.

"Black business will need small loans — they will be high risk loans and you'll have to charge high interest rates for them But you ve got to give people access to money and you ve got to give them access to counselling and advice and you've got to give them administrative support and backup

"Business has a critically important role, not only in conventional job creation but also in actively looking at how, in procurement and allocation of orders, they can bring in the small black entrepreneur

"Middle management especially must understand the importance for their own long-term survival of specifically supporting the small black manufacturer"

The Urban Foundation has a black business directory which Steyn encourages businessmen to consult and use

This is a continuation of the programme Steyn embarked on 12 years ago to foster understanding and co-operation between black and white

"Bringing together black leadership and the business leadership not only developed the understanding of the business community, but over time a greater realism on the part of black leadership regarding the quality of white South Africans — the recognition that they cared and wished to work for a common future

"One has the beginnings of a development of some mutual trust."

What gives him much satisfaction is the huge contribution the Urban Foundation has made to black housing

"We are talking about the preservation of human dignity — that in the end is what it's all about If I look at how human dignity has been advanced by people owning their own homes and having a sense of pride and belonging, that probably warms me up the most"

The other huge sense of achievement is in the political changes — the 99 year leasehold provisions, the abolition of the pass laws and government's recognition of black urbanisation — for which he and the foundation were major proponents

"While I concede that much remains to be done, I get very angry with people who say to me that nothing in SA has changed The authorities are no longer arresting 200 000 to 300 000 people a year under the pass laws, shoving them in prison and subjecting them to a demeaning process which had little to do with justice The fact that you've made some contribution towards bringing about that kind of change in the lives of ordinary people gives one great satisfaction"

He remains, as ever, an optimist

"How can you be pessimistic of SA's future if you've actually seen the processes of change at work? The fact that we're in a trough at the moment shouldn't destroy our longer term hopes or obscure the longer-term horizons

"I think there is far more hope for the future today than there was 10 years ago The tension in the air is almost a reflection of the intensity of the hopes of the people who were without hope prior to 1977 '

The present trough in the change process Steyn regards as one of his failures, not accepting the counter-argument that he cannot be held responsible for a lack of government action

'You've got to take some of the responsibility for it — if you hold yourself up as a change agent and you don't deliver you ve failed"

He is also concerned about the possible passage of legislation tightening group areas provisions and squatting restrictions now being considered by the President s Council.

"If the legislation were to go through in its present form, I would consider that a failure of very substantial proportions. In both instances, we would be creating a legislative framework which is inappropriate for SA's needs"

Other failures he cites are that the Urban Foundation did not do as much as it could in the early stages to secure a high level of community involvement in its programmes, and that it has not got the private sector involved in financing really low-cost housing for the poorest black people

But successes outnumber the failures and Steyn believes it has all been well worth while

' I was born an idealist and I will die an idealist I m not doing this for any other reason than that I want to live in a more just country and I want my children to live in a reasonably just society

"That's what inspires the people in this organisation — they believe they are making a contribution to building a new and different and better SA"

Steyn hands over his executive duties to Sam van Coller in April next year, but will stay on as chairman, stressing that he will continue to be very much part of the action

' There is still a tremendous amount to be done

"The racial structuring of our society has got to go, not only for moral or ideological reasons but for sound economic reasons

"Just as little as we could hope to practise grand apartheid today given our econmomic needs, so I believe we will be unable in the future to practise any kind of apartheid because SA's economy will not grow at the required rate to create jobs if we do"

'SA cannot afford weak trade unions'

MILITANT workers on the march during a strike

TREAD WITH CARE

Bosses warned about suing trade unions

Employers must be cautious about taking drastic measures such as suing unions for damages, as this could ultimately be financially devastating to their own interests

This warning was given by Mr Mike Miles, executive director of the Institute for Industrial Relations (IIR)

He has expressed concern at "the recent attention being given to Section 79 of the Labour Relations Amendment Act particularly with the assumption which employers might now have, that they can resolve industrial relations issues simply by suing trade unions for damages"

Employers he warns, should not believe that "short-term retributive action" is a better solution

The IIR director's warning comes in the wake of impending multi-million lawsuits instituted by certain employers against three affiliates of the Congress of South African Union The unions are

- The Transport and General Workers' Union which faces a R2 million damages claim from Ullman Brothers after a work stoppage by 250 union members
- The Food and Allied Workers Union whose members at Kwela Wholesalers Meat Supply in Benoni embarked on a work stoppage, thereby triggering R1,7 million claim from management against the union
- The Papi Kganare-wing of the Commercial Catering and Allied Workers' Union of South Africa which is engaged in a legal battle with Pyramid Distributors which claims R500 000 in damages from the union The claim arises from a work stoppage by Ccawusa members

Unions

The IIR believes that it is not in the interests of sound industrial relations for employers to sue trade unions

"Responsible employers want to deal with strong unions who have the resources to educate and train their members and representatives in responsible industrial relations practices,' Mr Miles says

South Africa could not afford weak unions who could not effectively meet the needs and aspirations of their members

Mr Miles points out that Section 79 is not as simple as it might seem

"The intention of the new legislation (Labour Relations Amendment Act) is to shift the onus of proof on to the respondent rather than on the applicant ' the IIR director says

"It is standard legal doctrine for the applicant to discharge that burden If the respondent succeeds in discharging that onus, the applicant will lose the action '

Section 79, he says, does not only allow for trade unions to be sued for damages An employer could be sued by those employees who claim to have suffered damages as a result of illegal industrial action instituted by the employer

Damages

Where an employer terminates the services of employees en masse it might be argued that th it employer has committed an illegal lock-out and he would thus not be subject to the indemnity provided in terms of s 79 (1) thus rendering him liable for damages the IIR director adds

The IIR urged both employers and unions to avoid suing the other party for damages in the event of an industrial dispute

FOCUS

By LEN MASEKO

Political comment in this issue by Aggrey Klaaste and Sam Mabe Sub-editing headlines and posters by Sydney Matlhaku All of 61 Commando Road, Industria West Johannesburg

- Write to the Editor at PO Box 6663 Johannesburg 2000 Nom-de-plumes can be used, but full names and addresses should be supplied or the letter will not be published

Worker share ownership vital, says US visitor

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Star 23/11/88

By Adele Baleta

Without worker participation in share ownership schemes there could be no justice, Mr Norman Kurland, a member of President Ronald Reagan's task force for the expansion of employee share ownership in Third World countries, said in Johannesburg yesterday.

Mr Kurland is in South Africa to meet union and business leaders, and hold workshops to encourage the development of employee share ownership programmes (Esops).

PROMOTION THE AIM

He is also president of the Washington-based Centre for Economic and Social Justice, a group whose aim is the promotion of Esops

Mr Kurland told a group of labour relations executives at a seminar organised by Webber Wentzel, a Johannesburg law firm, that South Africa needed to look at alternatives for reconstructing the country's economy in ways that were neither socialist nor capitalist

He said neither socialism nor capitalism would bring about justice. It was necessary to democratise the opportunity for mass individual ownership of property and the means of production.

Esops, he said, did not bring together socialism or capitalism but transcended both

"They are a method to enable new wealth to be created for the have-nots without taking away the old wealth of the haves, which is what most people fear about political change.

"We need to create a win-win situation where everyone can have a stake in a free, just and stable South Africa."

He said people needed to overcome their fears.

"The first step is to provide justice in the workplace. You cannot have justice without worker participation in share ownership schemes."

Mr Kurland believes the value of Esops is that it creates a win-win situation where an individual's energy, ingenuity and self interest merges with that of everyone else in the company.

Esops, he said, also transcended the conflict-prone and wasteful wage system, offering a new paradigm for creative problem-solving.

Clothing labour gets more costly

Star 23/11/88

Own Correspondent

CAPE TOWN — Semi-skilled labour employed in the clothing industry could price itself out of the market, says the National Clothing Federation's executive director, Mr Hennie van Zyl.

Labour, the industry's second largest expense, is showing rapid price increases, he says in the federation's annual report

"Unlike fabric, labour — or rather the semi-skilled labour the industry presently uses — can price itself out of the market

"If unions insist on continued large pay increases, they must realise that a point will be reached where the industry will have to start choosing between increased labour costs or increased usage of technology.

"This will lead to the use of less, more highly trained and highly paid labour. It would be sad for the country if the unions forced manufacturers into the use of less labour and it must raise the question as to whose interest the union leadership is concerned with"

CONCERN

Mr van Zyl said the rise in the price of fabric remained a major concern

"The depreciation of the rand has pushed up prices, and yet there are calls for more protection by the textile industry on the grounds that there has been a surge in textile imports (which incidentally is not the case)

"The price of textiles in recent years has been rising faster than the increase in clothing prices. Textile prices have risen faster than the overall consumer price index"

Sanctions are having an effect on the economy and the situation is likely to get worse, said Mr van Zyl.

"For clothing manufacturers, backdoor sanctions are proving more of a problem to export than legal sanctions."

'Cosatu is not welcome'

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Sowetan 25/11/88

SOME labour union leaders did not have labour matters on their agenda, but revolution, the Minister of Manpower, Mr Pietie du Plessis, said in Pretoria on Wednesday.

Briefing journalists at Manpower 2000 conference with employers and unionists, he said such umbrella organisations as Cosatu had not been invited to the conference because they were not registered, but their affiliates had been, if they were registered

The decision of those that declined the invitation was unjustified, he said, because they had had the opportunity of having direct contact with the Government today

Mr du Plessis said that although some union leaders' agenda was revolution, "I am sure that by far the majority of their members disagree"

He said it was significant that members had to be killed and intimidated in order to keep them from work

"If they had the support of the masses it would not be necessary to intimidate the masses," Mr du Plessis said

Asked why these leaders were not charged with treason, Mr du Plessis said many were, but "others are very careful and don't come out in the open"

More than 600 people attended Wednesday's conference

Mr du Plessis told the conference that labour unit costs had increased to such an extent that South Africa "will find it consistently more difficult to compete internationally, as it has already virtually priced itself out of international markets"

Projections also revealed that by the year 2000 the country would experience a shortage of at least 234 000 graduates and diploma holders, of which a great percentage would probably be technicians — Sapa

S/Times 4/12/88 (132)

Drop in strikes lauded as more sophisticated approach by unionists

THE year 1988 has been hailed by labour experts as the year in which unions showed signs of maturing, strikes dropped and the scene was set for an even better 1989

An overview of the past year, however, is much easier than a prediction of the coming one

At the beginning of this year, for example two industrial relations experts were dismally wrong in their forecasts

By ROBYN CHALMERS

Andrew Levy & Associates said increasing and longer strikes in support of wage demands are likely to occur this year and the Institute for Industrial Relations (IRR) noted that industrial conflict is set to increase in 1988

Apart from these two mistakes however they did suggest that there would be greater Government intervention in labour matters and that employers would be more willing to make use of the Industrial Court and collective bargaining procedures all of which came true

At a glance 1988 produced some surprises Possibly the most important was the introduction and promulgation of the amended Labour Relations Act.

Stayaway

This resulted in extensive meetings between employer organisations under the auspices of the SA Consultative Committee on Labour Affairs (Saccola) and the two biggest union organisations Cosatu and Nactu — communication on a national basis which had never been seen before.

Out of this came the three-day stayaway in protest at the new Act. Hundreds of thousands of members supported their unions and emptied the streets.

The main reason why many industrial relations practitioners have praised unions for showing signs of great maturity during 1988 is the huge drop in the number of strikes and subsequently the number of mandays lost.

Manpower Director-General Piet van der Merwe estimates that in 1987 SA lost 5 8-million man days to industrial action compared with 141 000 in the first six months of this year

Chamber of Mines senior general manager of external relations Johann Liebenberg believes this is really the outstanding achievement of the unions this year

Very reasonable improvements in wages and other conditions of employment were negotiated without many union members being compelled to participate in strikes which are costly to both employers and employees.

"In the steel, manufacturing and engineering industry the negotiations between Seifsa Numsa and others ran counter to this general trend.

'In August 87% of the union members who voted rejected the employers' offer in a strike ballot and up to 30 000 metalworkers nationwide heeded the call for a strike over a two week period

The drop in strike action, which in some circles is described as increased maturity or a more sophisticated approach is seen in others as a weakening in the unions

Andrew Levy director Gavin Brown traces this phenomenon back to 1987

It became increasingly apparent during the course of this year that 1987 represented something of a high water mark in our IR history and that the events of last year did and will continue to influence our IR for some years to come.

Apathy

'It was a year in which the highest-ever levels of strike action coincided with a white general election that called for a course correction to the right and a peaking in the black townships unrest which had commenced in September 1984.

"We also saw a peaking in the degree of cohesion between the labour movement and various blocs of anti apartheid organisations a downward spiral in the value of our currency the increasing reality of sanctions and of course the stock market crash of October

The result of all this has been the retreat of Cosatu he says. The demolition of Cosatu House in Johannesburg at the height of the Sats strike marked the beginning of a traumatic period for the confederation — major losses in membership an increase in apathy from both the rank and file and the silencing of Cosatu in terms of the emergency regulations earlier this year

Opinion seems to be that 1988 has resulted in an altogether more sophisticated and politically well considered approach from unions which has less to do with political agendas and more to do with advancing the economic interests of membership

Looking towards 1989 IR practitioners are cautiously optimistic.

Dr Van der Merwe believes that sound labour relations is one of the biggest challenges to be faced next year

The Government can and has provided a statutory framework for assisting employers and employees in resolving disputes that inevitably arise in the workplace.

Decisive

Management and trade unions more than anyone else have a crucial role to play in the maintenance of sound labour relations"

Cosatu publicity secretary Frank Meintjies believes that unions today more than ever are poised to play a decisive role in the transition of a democratic non racial SA that ensures peace and well-being for all

He argues that on the broad IR front, the initiative remains with the increasingly powerful trade unions and that more mandays have been lost through strikes and stoppages than official statistics suggest.

Mr Liebenberg believes the time has arrived for unions to re-think their public support of sanctions

The intellectual bottom has fallen out of the sanctions bucket and even in the US the campaign is losing its intellectual following although there is still a lot of heat in the debate.

Sanctions are not producing the results the union strategists anticipated and I am led to believe that privately there are a growing number of them that realise this.'

Mr Brown believes the legal environment facing SA is one in which the law will play a bigger and bigger role rather than the reverse that is being seen by the exponents of the social contract.

'As far as labour relations are concerned the big bang of wage increases averaging 10 15 points above the annualised inflation rate appear to be ending.

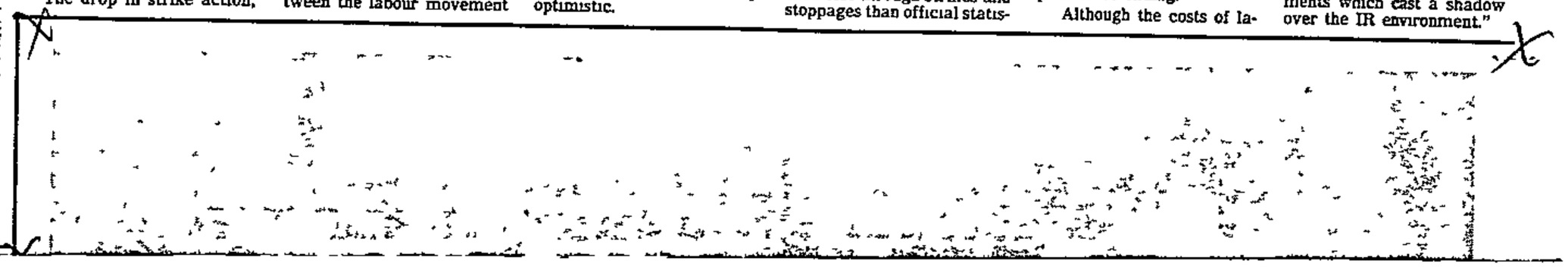
Although the costs of labour may at this stage still only be nudging investors towards a shift to the capital side of the labour/capital mix there is ample evidence of employers adopting alternative strategies to counter the rate of increases in real wages, such as sub-contracting

Mr Brown believes the skills gap in labour relations is disappearing — that labour negotiations in which all the skill lies on the union side are becoming more scarce.

Crucial

If management is feeling any greater sense of security in labour relations, it is crucial to remember the part played by the State of Emergency One small turn in the political wheel will generate several revolutions in the IR cog

'The recent interest rate increases hold the possibility of a new round of insolvencies and a wave of retrenchments which cast a shadow over the IR environment."



Unions 'pressured into SA politics'

Cape Times 7/12/88

Cape Times 7/12/88 (132)

Political Staff

BLACK trade unions are pressurised to become involved in politics because black South Africans do not have a direct say in the first tier of government, the Minister of Manpower Mr Pietie du Plessis, has admitted in an interview

However, "the establishment of acceptable structures through which the social, economic and political aspirations of black South Africans can be met, will lessen the pressure on black trade unions", he said in an interview in the latest RSA Policy Review, published by the Bureau for Information

"In this manner they will be in a position to direct all their attention to labour matters"

The Labour Relations Act stipulates that unions cannot be used to further the aims of political parties or use their funds or offices to further interests of political parties

Mr Du Plessis said there was no doubt that some union leaders did not strive for labour peace, but "want to further their revolutionary aims under the guise of unionism"

He also said he was convinced the majority of white employers supported the labour relations system

S/Times 11/12/88 (132)

Jobless blacks back trade unions

ALMOST 70% of black prospective labour market entrants interviewed in a survey would join a trade union

Vista University department of business economics member Christo Boshoff told a conference in Stellenbosch about the findings of a pilot study he conducted on the views of black prospective labour market entrants regarding certain aspects of free enterprise

The survey covered a sample of 175 black males and females not older than 30 and who had not been in full-time jobs before they were interviewed

The survey indicated a high level of awareness of the existence of trade unions, 69,8% of respondents saying they would join one, 2,7% saying they would not and 26,2% claiming to be unsure A total of 1,3% did not respond

Respondents were asked to indicate how important possible objectives of a trade union ought to be To protect workers from exploitation, to ensure continued employment and to negotiate with management on behalf of members were respectively regarded by 77,2%, 76,5% and 75,8% of respondents as important

Serving the political aspirations of members and protecting the interests of members outside the work environment were seen as important by 45% and 28,2% of those interviewed

The survey asked whether unions should strive to achieve political objectives, and the result was somewhat confused, almost 25% of respondents replying that they were unsure

"The findings allow us to hypothesize that blacks who have never been employed may feel that trade unions must pursue political objectives, but not to the detriment of more work-related objectives"

Looking at the reasons for high unemployment, more than 65% of respondents said a reason was discrimination against blacks Also responsible was inadequate training (59,7%) and mismanagement of the economy (54,4%)

Respondents were asked whether they believed it was the State's responsibility to provide jobs for all its citizens A total of 81,9% said yes, 9,4% no and 8,7% were unsure

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Battered by management but not beaten into submission

This year was marred by mass dismissals, lock-outs and the passing of a tough new Labour Relations Act But the trade unions also made some solid advances

By EDDIE KOCH

MOST labour reporters in Johannesburg were at 44 Main Street when the Anglo American Corporation hosted its traditional end-of-year cocktail party for the media early this month

A cynic in the audience noted that at similar events in recent years many of the same people could be seen swallowing caviar and a few beers before rushing off to file a strike report in time for their deadlines This time the visitors — as well as Anglo's labour relations chiefs — were discernibly unruffled

"This is the year in which country's most powerful corporation took on the trade unions, battered them into submission, and made sure they did not stage any distracting strikes to spoil their Christmas bash," he said

He was able to list a number of statistics to substantiate the jibe

● Last year Anglo's mines experienced the biggest wage strike in South Africa's history It withstood the pressure and sacked 40 000 union members at the end of the strike This year the corporation's mines experienced minimal industrial action

● Last year's mass dismissals on the mines, coupled with a tough approach to collective bargaining by Anglo-owned companies in other sectors — including the unprecedented use of lock-outs — cut the number of man-days lost because of strikers from 100 000 in 1987 to about 40 000 this year

● The dramatic increase in union membership every year since the early Seventies was reversed in 1988 The paid-up membership of the Congress of South African Trade Unions (Cosatu) remained static at about 750 000 Membership of its biggest affiliate, the National Union of Mineworkers, fell by 250 000 to less than 200 000 At the same time, membership of the National Council of Trade Unions (Nactu) plummeted from a claimed 450 000 last year to little more than 150 000 paid up members

These figures capture some of the key trends in a relatively passive year of industrial relations But 1988 was more than a period of defensive retreat for South Africa's labour movement

The massive stayaway by up to three million workers in June to protest against the Labour Relations Amendment Bill showed that powerful worker militancy still exists

In the long run, the achievements of the stayaway were less spectacular than its size Cosatu and Nactu were ultimately unable to stop the Bill from becoming law in September

Unions lost thousands of members in the dismissals that took place in the wake of the stayaway, and this restrained the federations from calling national protests during other periods of conflict with the government and management

However the general strike did prompt top-level talks between Cosatu/Nactu and all of the main employer groups, represented by the South African Consultative Committee on Labour Affairs (Saccola) Such negotiations, although they came to nought, would have been unthinkable before June this year

The passing of the Bill also prompted plans for a massive anti-apartheid conference to be held in Cape Town early in September Although the rally was banned, the run-up to the meeting heralded a series of discussions between rival anti-apartheid groups

This was the beginning of a realignment of opposition forces that began to take firmer shape later in the year Last month Cosatu held unprecedented talks with the Progressive Federal Party (PFP) At the same time talks were set in motion to form a left-of-the-government party that is likely to forge links with resistance groups outside parliament

The strike in the metal industry in August was another gain for Cosatu After three weeks of carefully planned and strategic industrial action the National Union of Metalworkers of South Africa (Numsa) was able to reach a favourable agreement with the Steel and Engineering Industries Federation (Seifsa)

Numsa is now recognised as being representative of most black workers in the industry

Seifsa undertook to eliminate racial anomalies in the wages of skilled black workers within five years and granted May Day and June 16 as public holidays However, the union failed to persuade Seifsa to raise its wage offer of R3,02 an hour for labourers

The South African Railway and Harbour Workers' Union (Sarwhu) made another breakthrough on the railways in late September when it forced the South African Transport Services (Sats) to the negotiating table during a strike by some 18 000 railwaymen in Durban and East London

Later, the talks broke down — but the fact that they took place at all was a major advance for Sarhwu During the big railway strike last year the union was attacked by Sats management as communists and agitators

As a result of the railway strikes — and stoppages in hospitals, municipalities and the post office — the public sector experienced 22 percent of all industrial action before September Cosatu has clearly built a major bridgehead into the sector and this is likely to be a major site of union-management conflict next year

The Chemical Workers Industrial Union also made solid advances after mounting a sophisticated campaign around disinvestment and multinationals' social responsibility programmes In November the union reported that most of the 39 companies which it had demanded should negotiate a pull-out procedure in the event of disinvestment had agreed to talk

The chemical union has firmly established itself in the strategic oil industry, and its disinvestment campaign is likely to have important repercussions on the sanctions campaign against South Africa

Another key development within Cosatu this year was the growing pattern of co-operation with Nactu, both on the factory floor and at national level By early December, the two federations had finalised plans for a workers' summit to take place in April next year

These advances were all the more remarkable given the hostile environment of a national State of Emergency Hardly a month passed without the detention of union officials or reports that a union office had been vandalised, burgled or burnt down

Cosatu and Nactu were also subjected to a massive smear campaign by means of pamphlets, which was primarily aimed at sowing divisions between union officials and their members

However, the year highlighted a number of weaknesses in both labour federations

Nactu was a much less active participant in industrial conflict this year

Official membership figures released at Nactu's annual congress indicated a massive decline in the federation's industrial strength The official count based on the affiliation fees paid to Nactu's head office, showed a signed-up membership of less than 150 000

Nevertheless Nactu leadership dealt skillfully with Cosatu and the issue of worker unity It was Nactu which initiated the forthcoming workers' summit

Cosatu's commitment to organising the unemployed, farmworkers and domestic workers bore little fruit this year

The Food and Allied Workers' Union (Fawu) farmworkers project appears to be moribund the South African Domestic Workers Union functions primarily as an advice office, and the National Unemployed Workers' Co ordinating Committee seems to exist in name only

Cosatu's principle of building one union in each industry has also been the source of major problems Except in the transport and metal sectors, mergers between unions have often created more division than unity

The Commercial Catering and Allied Workers' Union (Ccawusa), which split in half during merger talks, is the prime example Each of the Ccawusa wings is now experiencing severe tensions within its own ranks, and there is a real danger that the once-proud union will fall apart

This year, many managements moved on to the offensive against South Africa's unions There was a massive increase in the number of lockouts dismissals and interdicts against strikes

In the latter half of the year, three companies made use of new provisions in the Labour Relations Act to launch court actions against Cosatu unions to recover a total of R5-million for damages allegedly caused by illegal strike action This move, which will bankrupt the unions if it succeeds, could be followed by further litigation next year

But the resilience of workers, as well as the use of innovative tactics, allowed many unions to withstand offensive As a result, conservative employers had not, by the end of the year, reached the stage where they could celebrate a victory over organised labour

Workers in Industria picket
Picture JACOB MOKOLOBATE

Cosatu members protest against harsh new labour laws
Picture ADIL BRADLOW, Afrapix

S/Times 4/12/88 (132)

Wiehahn sees fewer strikes

LABOUR Relations Act architect Nic Wiehahn says IR will continue to be the crucible for race relations.

He made several predictions at the annual IR conference titled, Wiehahn — 10 years on, on what the next decade held for this country

He does not expect the number of politically motivated strikes to increase and believes there will be enormous increases in demand for training.

"We can expect a greater degree of sophistication in the application of strike action during the next few years On the other hand, an expected decline in economic activity and growth would tend to correspond with a decrease in industrial action

"Trade unions would choose rather to negotiate than to strike during such periods since job security for their members is more important than many issues which they would strike about

"I expect that strikes of a national or even industry level will decrease and that any increase that may come will be more company or undertaking based"

Professor Wiehahn said training would receive more attention as the numbers of black pupils leaving school and wishing to progress were increasing The skills drain coupled with the low birthrate of whites meant the only available source of additional skill was the black community

Other predictions included

- The degree of sophistication in trade union structure, collective bargaining, dispute settlement and industrial action would continue to improve
- IR in most of its elements and features would develop in the public sector — the setting up of organisations and structures within which collective bargaining and dispute settlement could take place.
- The affiliation of SA trade unions with international trade union federations would increase
- The State would, he hoped, not revert to interventionism in the system
- Employers and management who had thus far shown a remarkable adjustment to the new developments would develop a high degree of skill and knowledge about IR

"All of what I have predicted has one important qualification — the outcome of a general election Should there be a change in Government after the next election all my predictions would be definitely wrong

"In all probability a new commission would be appointed and I predict accurately that I will not be its chairman"

LABOUR LETTER/Alan Fine

Looking to privatisation

132 B/day

23/12/88

This is the second of a two-part assesment of industrial relations in 1988 and a look at prospects for 1989

NO MATTER how advanced a country's labour relations system, it cannot be set apart from other stresses in that society The Labour Relations Amendment Act (LRAA) notwithstanding, SA's system has made advances that no one would have dreamt possible 10 years ago

But that it remains a long way from being "normal" hit home with the emergency detentions of hundreds of unionists in 1986, the thus far unpunished destruction of numerous union premises, including Cosatu House, in 1987, and, this February, the political restrictions imposed on Cosatu, together with the bannings of 17 other organisations

But that is hardly the point Trade union organisations the world over involve themselves in political affairs And Cosatu has, restrictions notwithstanding, taken up many of the issues which previously would have been dealt with by the banned organisations.

The failure of most employers to take a stand against this suppression of political rights made an impact on union thinking. Many appeared to take the view that trade unions had no standing to meddle in matters like election boycotts. Of the major employer organisations, only the Chamber of Mines made anything approaching a strong statement on the issue

This did nothing to alter the view of those unionists who see employers in some kind of alliance with the State The widespread June stayaway was partially a response to the restrictions And, as they forced the labour movement on to the defensive, the restrictions provided the initial impetus for the growing co-operation which developed between Cosatu and Nactu during the year

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IT WOULD appear that two main factors can account for the relatively low levels of industrial action this year — the public and metal sectors excepted — which were accompanied by negotiated wage increases averaging about three to four percentage points above the inflation rate

Firstly, the losses suffered by both sides in the 1987 strike wave in terms of wages, profits and union organisation, and the mutual realisation that the other was willing to hold out for longer than first anticipated, left neither in the mood for a repetition.

In some ways this represented an investment in the future Massive and widespread tests of strength such as those seen in 1987 are typically repeated only every few years This suggests that the "breather," all else being equal, should last for some time yet.

Secondly, the continued recovery in corporate profit levels meant that most major companies had little difficulty in meeting wage demands which would mean real increases for their employees, thus lessening pressures for wage strikes

Another important factor is the general acceptance all round that strikes arising from disputes of right — like dismissals — are unnecessary, and that effective third-party channels exist to resolve them True, there are growing signs of disillusionment with the Industrial Court, both because of dissatisfaction with the quality of some of its members and because it is overloaded with cases, delaying resolution of issues which need to be settled quickly.

At the same time the Independent Mediation Service of SA, now with some 55 arbitrators and 40 mediators on its panels, continues to grow in stature and importance, and can be expected in future to bear much of the load of third-party dispute settlement

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AS 1987 was the year for management and labour in most sectors making their investments in blood and sweat, 1988 served that purpose for the metal industry. The three-week strike involving up to 30 000 workers brought few immediate gains for members of the National Union of Metalworkers of SA, who comprised the bulk of the strikers.

But it did serve to clarify the realities of power in the industry Numsa is now recognised by employers as the dominant labour force and it will not now be possible, as in the past, to acquire agreements by writing them off as just one of 15 unions involved

At the same time, the fact that the strike did not succeed in pushing Seifsa to make any substantial and immediate concessions served notice that the employers, apart from a number which broke ranks with Seifsa, are able to take a determined stand.

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IT IS always difficult to predict with any certainty what the issues of the forthcoming 12 months will be But there are areas which look like certainties for 1989.

Firstly, the first large-scale privatisation programmes are due in the new year. Indications are that Iscor and Alusaf will be among the first. If so, this will give Numsa the task of charting the way in the black union response to all the issues that will arise from privatisation.

Thus far, neither Cosatu nor Nactu, nor their affiliates, have done any more than state their general opposition to privatisation Some have had to deal with the retrenchments designed to make enterprises more economic. But, as the reality begins to loom, they will have to do more than that.

Secondly, housing will increasingly become an issue of negotiation. The challenge will be for employers, unions and their service organisations to devise means of providing affordable housing for low-paid workers who believe a home to be their right. So far, the answer to this challenge has remained elusive It will take a great deal of creative thinking to find one

Mr Joel Fourie . . . mutual problems will bring labour unions and the Government together around the negotiating table.

New manpower chief

By MIKE SILUMA
Labour Reporter

The new Director-General of the Department of Manpower, Mr Joel Fourie, plans to build on foundations laid by his predecessor, Dr Piet van der Merwe

The new Director-General of Manpower, Mr Joel Fourie, believes that, despite the current reluctance of black unions to deal directly with the Government, it is a matter of time before mutual labour problems bring the parties together

Mr Fourie succeeds Dr Piet van der Merwe on January 1 at the helm of a department he joined as chief director of labour relations in 1985

Before that he worked as a prosecutor, a magistrate and, for a time, as a labour relations consultant

Having lectured in labour law at the University of Pretoria in 1983, the 40-year-old advocate went on to serve as an additional member of the Industrial Court, and became a legal adviser to Iscor in 1987.

Discrimination

Mr Fourie believes that great strides have been made in the field of industrial relations since 1979, when union rights were extended to blacks for the first time Another major gain was the elimination of all discrimination in labour legislation

"Not withstanding the rise in the incidence of industrial action recently, the shop-floor relationship between people of different racial groups is very good The conflict between management and labour is natural and is found throughout the world," he says

A positive factor in labour relations is the level of sophistication which black unions have reached within a short space of time, he adds

"Our major problem is unemployment The way to solve that problem is to have the Government, employers and employees join forces to tackle the issue Some unions do not want to take part, but our feeling is that a time will come when we will find each other and sit around the table to discuss issues for the benefit of all South Africans"

While conceding that politics and industrial relations are inseparable, Mr Fourie warns against using the labour movement as a political organisation

"I think there are avenues being created for black people to exercise their rights Black people should try these out," Mr Fourie suggests

Referring to the controversial Labour Relations Amendment Act, Mr Fourie contends that the legislation could be changed, depending on representations from employers and unions

Mr Fourie thinks highly of his predecessor, whom he has known since 1973, and does not propose to introduce major policy changes in the department

The soft-spoken director-general designate spends his spare time engrossed in computer games with his four children, or playing squash

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IOVE — SEE PAGE 13
OR ALL THE DETAILS

APPOINTMENTS

MANPOWER MIRROR by ROBYN CHALMERS

PAGES AND PAGES OF THE BEST JOBS IN SOUTH AFRICA

Industrial relations at the core of change

THE changing industrial relations environment and severe skills shortage in South Africa are forcing businessmen to reconsider their management strategies

For a variety of economic, political, legal and social reasons, commerce and industry have increasingly become a focal point of change in SA In the past decade they have been faced with two significant human resource challenges

- The need to develop industrial relations (IR) philosophy, policy and procedures to respond effectively to the collective expression of workers' needs
- The need to address the shortage of managerial, professional and technical skills, which has been exacerbated by the exclusion of blacks from participation in the mainstream of political, socio-economic, educational and business life

Richard Thomson career development the heart of the matter

Wits Business School senior lecturer Richard Thomson speaks of the dilemma facing managers His paper is called Management and Career Development Strategy

Mr Thomson says changes in IR legislation and increasing union pressure have facilitated the fairly rapid progress made towards dealing with the first challenge

The impetus for action on the second one has in part been provided by a proliferation of both SA and foreign codes of employment practices, starting in 1977 with the Sullivan Code

"In the last decade the upward mobility of blacks has become a critical strategic issue for many organisations Both SA companies and subsidiaries of foreign multinationals have made an effort to address inequities in the work place through a variety of special development programmes

"The so-called black advancement affirmative action and equalising opportunity programmes have mushroomed"

Many of these efforts are increasingly resulting in black impressions of white racist paternalism and white allegations of reverse dicrimination Organisations appear trapped in a Catch 22 position where both black and white employees are questioning the legitimacy of racially based development programmes

Mr Thomson believes that although on the surface the explanation appears to lie in the racial nature of these development programmes, other factors are at work

"I believe that this is only one component of the explanation which has masked an even more fundamental concern — the limited extent of participant involvement or consultation in the development process itself.

"It seems that few organisations have structured their management development process with a view to matching individual and organisational needs

"There is equally little evidence that individuals have taken personal responsibility for their own career planning and development"

Organisations wishing to increase the effectiveness of their management development efforts should use the energy of individuals in their own development more fully

Mr Tomson says this would necessitate the formulation and implementation of a non-racial management development strategy, which seeks to match the needs of the organisation with those of its individual employees

The approach includes defining management needs, defining the individual's work and career needs, integrating the two, assessing the benefits coming out and implementing the plan

"In formulating management development strategy, organisations in SA need to address the critical issue of employee participation in the development process Career management offers the means by which this can be achieved

"I believe that the extent and quality of individual involvement in self-assessment, personal career planning and development and the degree to which needs can actually be matched will be the critical determinants of an organisation's ability to achieve its management development objectives and ultimately satisfy its managerial needs"

Headhunters without gore of old

IF the word headhunter conjures up images of the jungles of Borneo, cannibals, primitive rituals, blood and scalps — you're wrong.

Headhunters, believe it or not, are still alive and thriving in the corporate world Their task is slightly different, and there is neither death nor gore involved But the headhunters of the 20th century are in many respects as ruthless and cunning as their primitive predecessors

They have moved into one of the most critical areas of South Africa — the skills shortage As more and more people move abroad, SA companies are becoming desperate for highly skilled people who will fit into a particular corporate culture, and this is where the headhunters come into the picture

No good man is safe If he has a strong track record, can fit into a company and has made a name for himself, he will be hunted and often caught, particularly if he is not altogether happy in his job

Three companies involved in headhunting in SA are international search consultancy Tasa, Woodburn Mann and J Redelinghuys & Partners, according to an article in the Executive

They estimate that the South African headhunting industry is worth about R10-million a year, but it is young and growing During an operation, they can speak to between 100 and 150 candidates

Of these, 30 or 40 will be sent job and client specifications, and about 15 will be interviewed If none fits the job, a second or even third search will be undertaken

SA's top executives are big fish swimming in a comparatively small pond. Problems arise because many managers are taken for granted, they are not paid salaries competitive in the world market and the good ones will rise to the top at a relatively young age, then seek challenges abroad.

As far as salaries go, the top people in America get annual salaries of well over $1-million In SA they are unlikely to receive more than R300 000 a year

Headhunters advise companies to look after their people

Mr Redelinghuys says SA managers are unusually good because, compared with their foreign counterparts, they are given a broad exposure at an early age to many aspects of business

It is not cheap to hire a headhunter Most charge between 25% and 35% of the candidate's cash yearly remuneration, and they are looking at top executives earning between R60 000 and R300 000

But they are discreet — and they almost always get their man

Confederation in sight

THERE is a groundswell of support in the construction industry for the concept of a confederation, says Federation of Associations of Sub-contractors spokesman Brian Tanner

But there is still an element in the industry which believes that such a body would fragment it

Mr Tanner says "This country's sub-contractors and builders have traditionally gone their own way

"We see a confederation providing a facility for all the different disciplines in the industry to put their heads together and streamline its management and communication channels"

Govt, employers take Personnel Board seats

MEMBERS of the personnel profession seem to move another notch up the corporate ladder every time one turns one's head.

The most recent development is that representatives of the Ministry of Manpower and all five major employer organisations have joined the SA Board for Personnel Practice (SABPP)

CUSTOMERS

Chairman Garry Whyte believes the additions will bring the SABPP closer to its customers — the organisations employing registered personnel practitioners and technicians

"It has also opened direct channels of communication for us with our most important stakeholders It has placed the board in a position to make its views on professional issues known in the most significant quarters"

Inclusion of these members has added to the board's ability to influence the development of the personnel profession, of which it is the regulating body

The board now includes 11 members, two of whom are appointed by the Minister of Manpower, five representing employer organistion in both the public and private sector

They are the Federated Chamber of Industry (FCI), the Associated Chambers of Commerce (Assocom), the Handelsinstituut, the National African Federated Chambers of Commerce (Nafcoc) and the Commission for Administration

The Institute of Personnel Management (IPM) has two seats on the board and Institute for Industrial Psychology has one member

Mr Whyte stresses that it is important for personnel professionals to sustain their efforts to face the challenges ahead

"We must ensure that the personnel function integrates even more fully into the core of our organisations While we sustain our professional integrity and raise our professional competence, we must focus even more clearly on the bottom line — that is results"

INDUSTRIAL RELATIONS

General

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Battered by management but not beaten into submission

This year was marred by mass dismissals, lock-outs and the passing of a tough new Labour Relations Act But the trade unions also made some solid advances

By EDDIE KOCH

MOST labour reporters in Johannesburg were at 44 Main Street when the Anglo American Corporation hosted its traditional end-of-year cocktail party for the media early this month

A cynic in the audience noted that at similar events in recent years many of the same people could be seen swallowing caviar and a few beers before rushing off to file a strike report in time for their deadlines This time the visitors — as well as Anglo's labour relations chiefs — were discernibly unruffled

"This is the year in which country's most powerful corporation took on the trade unions, battered them into submission, and made sure they did not stage any distracting strikes to spoil their Christmas bash," he said

He was able to list a number of statistics to substantiate the jibe

● Last year Anglo's mines experienced the biggest wage strike in South Africa's history It withstood the pressure and sacked 40 000 union members at the end of the strike This year the corporation's mines experienced minimal industrial action

● Last year's mass dismissals on the mines, coupled with a tough approach to collective bargaining by Anglo-owned companies in other sectors — including the unprecedented use of lock-outs — cut the number of man-days lost because of strikers from 100 000 in 1987 to about 40 000 this year

● The dramatic increase in union membership every year since the early Seventies was reversed in 1988 The paid-up membership of the Congress of South African Trade Unions (Cosatu) remained static at about 150 000 Membership of its biggest affiliate, the National Union of Mineworkers, fell by 250 000 to less than 200 000 At the same time, membership of the National Council of Trade Unions (Nactu) plummeted from a claimed 450 000 last year to little more than 150 000 paid-up members

These figures capture some of the key trends in a relatively passive year of industrial relations But 1988 was more than a period of defensive retreat for South Africa's labour movement

The massive stayaway by up to three million workers in June to protest against the Labour Relations Amendment Bill showed that powerful worker militancy still exists

In the long run, the achievements of the stayaway were less spectacular than its size Cosatu and Nactu were ultimately unable to stop the Bill from becoming law in September

Unions lost thousands of members in the dismissals that took place in the wake of the stayaway, and this restrained the federations from calling national protests during other periods of conflict with the government and management

However the general strike did prompt top-level talks between Cosatu/Nactu and all of the main employer groups, represented by the South African Consultative Committee on Labour Affairs (Saccola) Such negotiations, although they came to nought, would have been unthinkable before June this year

The passing of the Bill also prompted plans for a massive anti-apartheid conference to be held in Cape Town early in September Although the rally was banned, the run-up to the meeting heralded a series of discussions between rival anti-apartheid groups

This was the beginning of a realignment of opposition forces that began to take firmer shape later in the year Last month Cosatu held unprecedented talks with the Progressive Federal Party (PFP) At the same time talks were set in motion to form a left-of-the-government party that is likely to forge links with resistance groups outside parliament

The strike in the metal industry in August was another gain for Cosatu After three weeks of carefully planned and strategic industrial action, the National Union of Metalworkers of South Africa (Numsa) was able to reach a favourable agreement with the Steel and Engineering Industries Federation (Seifsa)

Numsa is now recognised as being representative of most black workers in the industry

Seifsa undertook to eliminate racial anomalies in the wages of skilled black workers within five years and granted May Day and June 16 as public holidays However, the union failed to persuade Seifsa to raise its wage offer of R3,02 an hour for labourers

The South African Railway and Harbour Workers' Union (Sarwhu) made another breakthrough on the railways in late September when it forced the South African Transport Services (Sats) to the negotiating table during a strike by some 18 000 railwaymen in Durban and East London

Later, the talks broke down — but the fact that they took place at all was a major advance for Sarhwu During the big railway strike last year the union was attacked by Sats management as communists and agitators

As a result of the railway strikes — and stoppages in hospitals, municipalities and the post office — the public sector experienced 22 percent of all industrial action before September Cosatu has clearly built a major bridgehead into the sector and this is likely to be a major site of union-management conflict next year

The Chemical Workers Industrial Union also made solid advances after mounting a sophisticated campaign around disinvestment and multinationals' social responsibility programmes In November the union reported that most of the 39 companies which it had demanded should negotiate a pull-out procedure in the event of disinvestment had agreed to talk

The chemical union has firmly established itself in the strategic oil industry, and its disinvestment campaign is likely to have important repercussions on the sanctions campaign against South Africa

Another key development within Cosatu this year was the growing pattern of co-operation with Nactu, both on the factory floor and at national level By early December, the two federations had finalised plans for a workers' summit to take place in April next year

These advances were all the more remarkable given the hostile environment of a national State of Emergency Hardly a month passed without the detention of union officials or reports that a union office had been vandalised, burgled or burnt down

Cosatu and Nactu were also subjected to a massive smear campaign by means of pamphlets, which was primarily aimed at sowing divisions between union officials and their members

However, the year highlighted a number of weaknesses in both labour federations

Nactu was a much less active participant in industrial conflict this year

Official membership figures released at Nactu's annual congress indicated a massive decline in the federation's industrial strength The official count, based on the affiliation fees paid to Nactu's head office, showed a signed up membership of less than 150 000

Nevertheless Nactu leadership dealt skillfully with Cosatu and the issue of worker unity It was Nactu which initiated the forthcoming workers summit

Cosatu's commitment to organising the unemployed farmworkers and domestic workers bore little fruit this year

The Food and Allied Workers Union (Fawu) farmworkers project appears to be moribund the South African Domestic Workers Union functions primarily as an advice office, and the National Unemployed Workers Co-ordinating Committee seems to exist in name only

Cosatu's principle of building one union in each industry has also been the source of major problems Except in the transport and metal sectors, mergers between unions have often created more division than unity

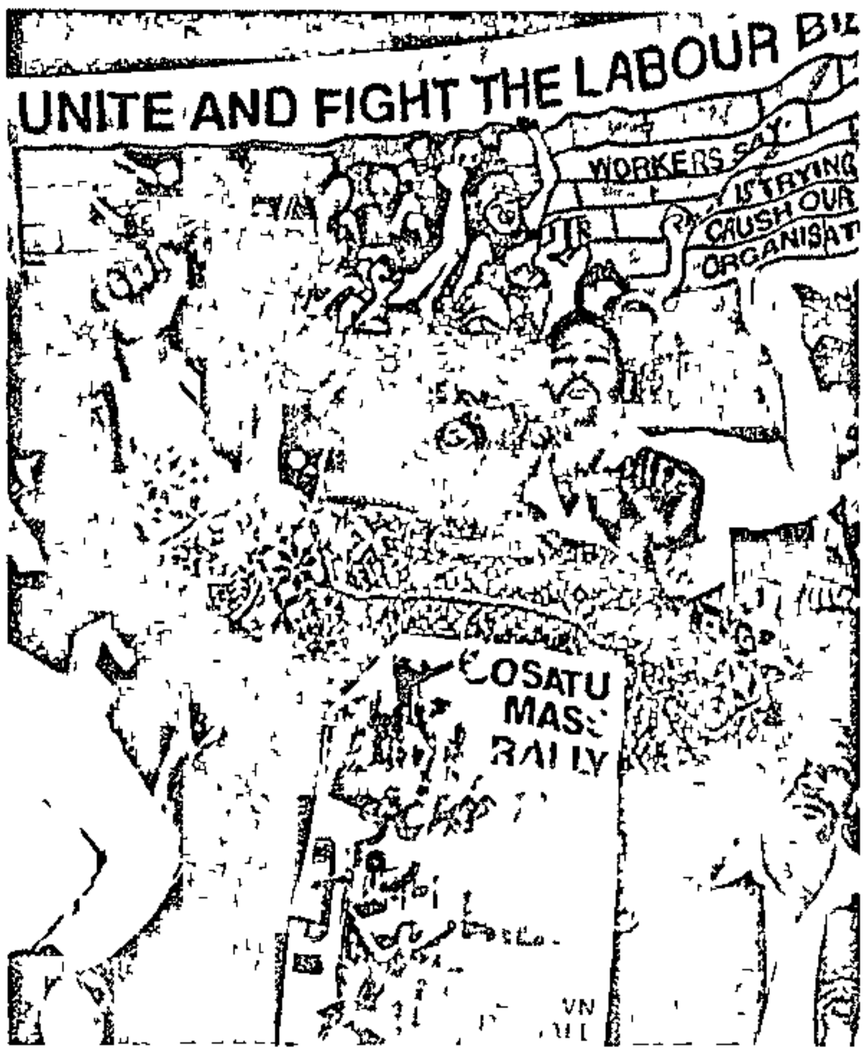
The Commercial Catering and Allied Workers Union (Ccawusa) which split in half during merger talks is the prime example Each of the Ccawusa wings is now experiencing severe tensions within its own ranks, and there is a real danger that the once-proud union will fall apart

This year, many managements moved on to the offensive against South Africa's unions There was a massive increase in the number of lockouts dismissals and interdicts against strikes

In the latter half of the year, three companies made use of new provisions in the Labour Relations Act to launch court actions against Cosatu unions to recover a total of R5-million for damages allegedly caused by illegal strike action This move, which will bankrupt the unions if it succeeds, could be followed by further litigation next year

But the resilience of workers, as well as the use of innovative tactics, allowed many unions to withstand the offensive As a result, conservative employers had not, by the end of the year, reached the stage where they could celebrate a victory over organised labour

Workers in Industrial picket
Picture JACOB MOKOLOBATE



Cosatu members protest against harsh new labour laws
Picture ADIL BRADLOW, Afrapix