

Review

Labour Relations for Shop Stewards, by Chris Hickley

Reviewed by Fundi Nzimande

Chris Hickley's book comes at a critical time in the life of the trade union movement in South Africa. Currently, the trade union movement is aging and the economy is not creating enough jobs to deal with the masses of young people that are becoming available for employment each year.

This book deals with the challenges that shaft/shop/site stewards face on a day-to-day basis in handling the disputes that can occur between employers and employees in the workplace. It provides shop stewards with the basic information to be effective representatives in their workplaces or sectors. This does put pressure on shop stewards to read additional material to aid them in the execution of their trade union tasks.

Labour Relations for Shop Stewards is a handbook not only for shop stewards, but it would also benefit organisers and union office bearers. In the context where members' cases are often handled by a range of elected and employed union officials; unions will be best served by acquiring this book for both elected office bearers and employed officials.

The book contains key information for shop stewards regarding the usual reasons for election. It takes the shop steward from being elected to the caliber of shop steward that is effective, to the role of the shop steward in the workplace. The book is particularly useful as it educates shop stewards about the terrain of trade union leadership, including

the challenges that shop stewards or any trade union leader is likely to face.

One of the key issues that the book raises is the development of shop stewards. The book indicates that shop stewards can be developed by their trade unions; but that this process does not excuse shop stewards from taking an active role in their own development. There is also mention of possible pitfalls in cases where a shop steward can be harassed by employers due to their role as trade union representatives.

The book cautions shop stewards about the anger that trade union members can direct at a shop steward when negotiations do not go according to the demands of membership. The book also covers the issue of upward mobility as an issue that can create friction within the union; but Hickley is quick to point out that even shop stewards have a right to apply for promotion when posts become available.

Hickley takes time to discuss the issue of disciplinary processes and procedures. One chapter defines discipline and explains informal and formal disciplinary processes. To counter disciplinary processes from being hijacked by dishonest employers, who use them to unfairly deal with employees they do not like or who challenge them, the book devotes sections to what is fair in the disciplinary process. This includes a fair reason for a disciplinary process to be instituted as well as a fair

disciplinary procedure. The manner in which the issue of discipline is dealt with is extremely user-friendly and gives the shop stewards a step-by-step guide on how to handle the hearings.

The book also covers dismissals. This is one of the most critical areas for shop stewards, as the handling of this is so critical for trade union members who often support more than five people on their salaries. Conditions and procedures for dismissal are clearly explained including dismissal for incapacity (indicating any interventions that are required prior to dismissal).

The book also explains the provisions of the Basic Conditions of Employment Act (BCEA). The application of the BCEA is covered clearly together with the other provisions in the Act such as hours of work, meal intervals, maternity leave etc.

Other critical areas covered as part of the BCEA is the issue of severance package and sectoral determinations. These are critical areas for shop stewards to be knowledgeable about so that they are better able to represent members. Shop stewards are also alerted to the need to ensure that their workplaces should not be below the standard set in the BCEA.

On the statutes that guide labour relations, Hickley provides immense detail. He takes the shop steward through the purpose of the Labour Relations Act and clearly describes this and follows it up with employee rights to

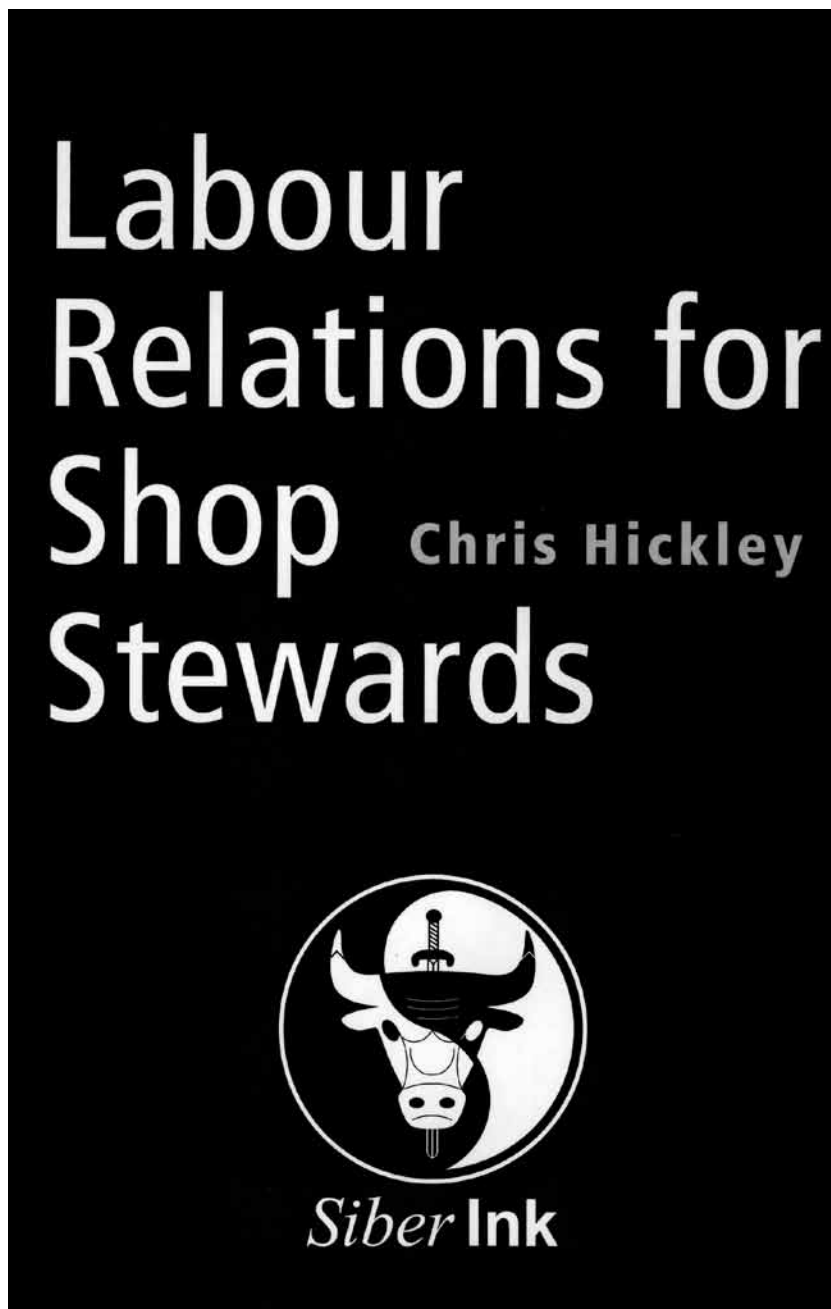
freedom of association where he covers legislative provisions for trade union recognition. He also discusses trade union representation, trade union access to the workplace, collective bargaining, bargaining agreements and the functions of bargaining councils.

Also covered in the book is the Commission for Conciliation, Mediation and Arbitration (CCMA). Shop stewards' access to this book could even reduce the number of cases referred to the CCMA by union members. This chapter also deals with the LRA provision for strikes, lock-out and pickets. In addition, the challenging issues of essential services and unfair labour practices are covered, thus empowering shop stewards to deal with them.

The book also covers the Employment Equity Act (EEA) by empowering shop stewards on the provisions of the Act. It also gives them information about how to engage with employers on employment equity. This is simplified for shop stewards so that they understand issues in relation to the elimination and prohibition of unfair discrimination.

This is critical to know because there is discrimination that is considered to be fair and shop stewards will be empowered to distinguish between the two. A chapter covers all the provisions of the EEA and deals with another issue that representatives of trade unions need to monitor very closely. That is the issue of Employment Equity Plans and Employment Equity Reports, as well as the handling of disputes on EEA.

Hickley has really simplified the work of shop stewards in this book. He also clarifies for shop stewards in a very accessible way the purpose of protected disclosures and what



the disclosures are. He provides definitions for 'impropriety' and 'occupational detriment'. This chapter assists shop stewards to understand what information is relevant for their cases because not all disclosures are relevant for all cases.

The book also covers the issue of sexual harassment in the workplace and critically defines sexual harassment as 'a form of unfair discrimination on the basis of sex and/or gender and/or

sexual orientation which infringes the rights of the complainant and constitutes a barrier to equity in the workplace.' This definition is important as it is often contested what constitutes sexual harassment when a case is heard. The application of the Sexual Harassment Code is also explained. ^{LB}

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