

Basic conditions of employment

A draft Basic Conditions of Employment Bill was unveiled by Labour Minister, Tito Mboweni, in April amid intense pressure from labour and business to have their interests taken into account.

The Bill – which represents a firm mandate from Cabinet for Mboweni's standpoint – finally conceded more to business than to labour on the key issues over which government and its social partners have wrangled for more than a year.

The main provisions of the Bill are:

- a reduction in the working week from 46 hours for most workers to 45. This will also apply to mineworkers, farmworkers and security guards, who presently work longer hours;
- an increase in the overtime rate from time-and-a-third to time-and-a-half;
- annual leave is increased from two to three weeks;
- a reduction in pay for Sunday work from double time to time-and-a-half in the case of regular Sunday workers. Employees who only work the odd Sunday will still be paid at double time;
- an increase in maternity leave from three to four months. During this period a woman's job will be protected, although her employer will not be obliged to pay her; and
- three days paid family responsibility leave.

Business wins

COSATU's overriding demand – for a 40

by Carol Paton

hour week, or at least a legislative commitment to phase it in over five years – is absent from the Bill. This is an important concession to business.

Two other important concessions are the right to waive or reduce minimum standards either through an exclusion granted by the minister or by securing the collective or individual agreement of employees and a clause which will allow employers to average working hours over a period of four months. What this means is that workers can work longer hours in busy periods in exchange for shorter hours during slack periods, without being paid overtime.

The Bill also softens the original provisions around overtime – for employers the most expensive aspect of the new law – by allowing employers to exchange overtime or Sunday work for time off instead of pay.

Labour gains

While COSATU achieved no concessions on the key issues of deadlock, it had already won on a range of issues incorporated into the Bill. The Bill brings improvements to the basic conditions of all workers, particularly domestic and farmworkers who face some of the worst working conditions. Labour also gained in areas such as night work. COSATU's proposals for greater protection

for these workers were incorporated into the Bill.

Pressure

In drawing up the final Bill, Mboweni was under pressure from certain quarters in government, such as the Department of Finance, to take into account some harsh economic realities.

The clause on Sunday work, which reduces pay to time-and-a-half is aimed at accommodating the public service. Nurses and police will be covered by the new legislation. This could have the effect of sharply increasing the public sector wage bill.

The provision around the 40-hour week, which was promised within five years in an earlier draft of the Bill, is also a concession to these forces.

Strike action

While negotiations over the Bill were continuing at the time of writing there was no sign that any of the three parties would present new mandates that could pull the talks out of deadlock.

COSATU's half-day strike, originally set for 12 May, was halted after legal action by Business South Africa.

The strike was aimed at impacting on the Nedlac negotiating process. After government published its final Bill, however, COSATU felt that the space for negotiations had significantly narrowed. COSATU General Secretary, Sam Shilowa, said the federation's executive believed the Bill should be thrown into the parliamentary process and little more was likely to be achieved in Nedlac.

The next protest action - a full-day strike set for 2 June - is aimed at parliament. Former trade unionists and other pro-labour ANC parliamentarians have already spoken out in the ANC caucus in favour of a 40-hour week.

THE CITIZEN

COSATU POSTPONES PROTEST ACTION

The significance of the labour court's judgement against COSATU lies less in its halting of the protest action than its interpretation of the right of workers to embark on socio-economic protests.

In a secondary judgement, Judge Myburgh said that the right to protest is a lesser right than the constitutional right to strike. Unlike a strike, which is a matter only between employers and employees, the right to protest is mediated by the public interest and the interest of the state, he said. It is this interpretation which COSATU intends to appeal against in the Constitutional Court.

Labour's strongest hope in influencing the final shape of the Basic Conditions of Employment Bill now rests with parliament. What implications this has for the future of Nedlac remain to be seen. ★ (19/05/97)

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NUMSA

The 1980s - The Turbulent years

By the end of the 1970s, NUMSA, COSATU, UICWU, IZLWU were still small. But the government could not make them go away. In 1987 they merged to form one giant - the National Union of Metalworkers of South Africa, NUMSA. With 130 000 members, it was the largest metal union ever in the history of South Africa and in Africa.

But it was not easy to survive the 1980s. Many thousands of workers joined the union. Workers became strong on the factory floor. Workers went on strike all over the country. Sometimes they won what they wanted, sometimes they lost the house and their jobs, but they never lost their dignity.

But the country was in crisis. The majority of its people lived apart. The world hated apartheid. The economy was struggling to survive. Thousands of workers were retrenched and yet workers kept joining the union.

At home, workers' children were suffering under Bantu education. They came to workers for advice, for support in their struggle. Living conditions in the townships were appalling. Workers began to say "at work we are organised on the factory floor through our trade unions. We must organise in the same way in the township to improve our living conditions."

In Alexandra, in Phokeng, in Johannesburg, in Johannesburg, in Grahamstown, in Port Elizabeth, in Johannesburg, in Johannesburg, all over the country, workers gave their support and their leadership to the fight to create apartheid.

NUMSA members and their families suffered at the hands of government. Government harassed them, it attacked them, it detained them, it put them in jail and it killed them. We remember Cico John Mkhomo, Phisoa Mkhomo, Shani Mkhomo, Phisoa Mkhomo, Joyce Mkhomo and many, many others.

But it could not kill workers' power. By the end of the 1980s, COSATU (with NUMSA one of its biggest affiliates) was recognised as the voice of the working people. It played its part alongside other political organisations to change the government and the laws.

Forward to Socialism!



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'Shop floor struggle cannot be separated from freedom struggle'

INSIMBI AYIGORI

TEN YEAR RALLY - 24 MAY

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The SALB congratulates NUMSA on its 10th anniversary.