

Collective bargaining: a base for transforming industry

SACTWU general secretary JOHN COPELYN* argues that a new perspective of trade union independence is emerging in COSATU. Unions should establish their independent base in institutions of collective bargaining. They can then use this base to contribute to transforming society. Trade unions should avoid relying on political organisations or the state to do this.

The union movement has grown tremendously over the last fifteen years. Over one million workers have joined unions in COSATU. These unions employ over one thousand full time officials to carry out their work. A shop-steward movement has been built which includes over ten thousand cadres.

The power of this movement has been felt by all

people in our country. For decades the working class has been utterly suppressed—under harsh apartheid laws. Now mass action of many kinds, including protest marches, stayaways, strikes and sit-ins, have become common activities. Now the working class is an organised force engaged in negotiations with the state over amendments to unacceptable laws,

starting cooperative factories and worker colleges and sending scores of workers abroad to interact with the international worker movement.

And yet, with every advance, there are new problems and new challenges the movement must face and overcome if it is to play a progressive role in the lives of its members and the lives

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Union meetings: complete independence from state and political organisation will safeguard union strength

Photo: Labour Bulletin

of working people in general in our country. The central challenge facing the union movement at present is whether it is to be an *independent* movement or not.

What is union independence?

The fight for the right to independence is essentially a fight for the right to criticise both employers and government freely on behalf of the members of our unions.

Unions have, in general, been established with widespread independence from employers. The changes that South Africa is currently experiencing are unlikely to affect the union movement's independence from employers, so I will not discuss

that issue in this paper.

The key area that is worth analysing, however, is the relationship between unions and government. Whether the government is prepared to tolerate union opposition to its programmes and policies is what makes the government a *democratic* one. What makes the union movement an *independent* one, however, is whether it is prepared to risk the anger of the government in the pursuit of its members' mandate.

Until now there has been no doubt that we are prepared to risk angering the government. We do so every day. In the past, when the government was more openly hostile to the union movement, our opposition

meant bannings, house arrests, detentions and even assassinations. Today, even though the government might find it more difficult to openly attack the union movement *our* attitude has not changed. We remain fiercely protective of our members' rights irrespective of whether this makes the Government angry.

Independence after apartheid?

The issue we must address is : what will happen after apartheid is gone?

Let us say the people's government rules our country. Let us say the laws they pass are better and generally more progressive than the last government. Let



Striking Soviet miners: only in the last two years have workers started to organise independently of the state

Photo: ILR

us say this government was voted into power with significant support from organised labour. In such a situation will the union's struggle be at an end? Will we say that, now the workers' interests are protected by the people's government, unions should not make the tasks of that government more difficult by pressurising and threatening mass action?

Will we support the government in saying that the workers must recognise the broader goal and not pursue sectional interests? Will we explain to the members that no matter what happens they should not rock the boat because the government is doing its best? . . . Or will we remain an *independent* force?

We are not the first hopeful working class to deal with such problems. In the Soviet Union, for example, the dictatorship of the Tsars was overthrown and a Revolutionary Government came to power. Workers were so excited at this victory over the forces of oppression under which they had lived that they did not worry about their trade unions. The unions fell under the control of the revolutionary party.

It has taken workers in that country *seventy-three* years to recover from that mistake. For all those years they had no *independent* unions. It is only in the last year or so that workers have again started to organise independently of the state.

It is only now that we see, for the first time, a union led strike of USSR miners struggling against the government on issues of economic policy, constitutional rights and other issues workers find fundamental.

Clearly a mistake over the issue of union independence could cost us very dearly.

Dangers of the COSATU-ANC-SACP alliance

Over the last year or two there have been a number of developments in the trade union movement which have been extremely worrying to all people who are seriously committed to independence within the trade union movement.

In COSATU a resolution has been adopted which declares it to be "in alliance" with the African National Congress and the SA Communist Party. There are huge pressures to use the union movement, and the large organisational base it represents, to recruit members for both these organisations. On a whole range of issues COSATU has simply echoed policies of these organisations.

Major policy statements of the ANC are almost never contradicted by COSATU, even when on paper there are substantial differences between the two organisations.

On the one hand these developments are hardly surprising. There is widespread agreement in the trade union movement that the unions ought to play a prominent role in the downfall of apartheid. There is broad acceptance that we are not by any means the only force against apartheid, and that our struggle for the end of minority rule should be linked to the work done by such other organisations.

On the other hand, these developments represent major dangers to the independence of the trade union movement in a post-apartheid society. It is possible, if we go on blindly with the present rhetoric, that the union movement will simply degenerate into being the labour wing of government.

It is possible that union leadership will, in time, be regarded by union members as

being responsible for all bad planning, poor laws and all social evils brought about by a post-apartheid government because the union movement is so bound up in this "alliance".

While I do not wish to dismiss these dangers, there are a number of developments in COSATU and its affiliates which indicate the union movement is unlikely to become a passive junior partner of an ANC-led government after apartheid. Three examples will suffice to demonstrate this.

The Worker Charter as proof of the resurgence of union independence

The debates within the union movement about the content of the Workers Charter shows a developing consensus about union independence.

While the SACP and the South African Congress of Trade Unions (SACTU) quickly produced Worker Charters after the ANC Constitutional Guidelines were produced, COSATU did not follow this route. Instead, COSATU affiliates agreed that there should be a number of workshops to discuss the charter. From these a commission was established which has drawn many workers into discussing the idea of a Workers Charter, by mixing mass campaign work with a lot of study on worker rights in various other countries.

Equally importantly, the commission has facilitated

much debate between senior union leaderships from different unions and created the opportunity for a really carefully considered formulation of worker rights in a post-apartheid society to emerge.

While we are perhaps still several months away from a Charter being drawn up in COSATU, we are already at a point where the major unions are developing a consensus that an important part of this Charter ought to be a contribution to the new constitution for the country.

Debate is focusing around issues such as the following:

1. The constitution should provide that, if a certain number of voters (say 300 000), petition the state on any issue including the promulgation, amendment or repeal of any law, the state should be bound to submit such an issue to a national referendum and be bound by the result.
2. The State President should not be eligible for more than two terms of office.
3. There should be a separate Constitutional Court with powers to nullify legislation which contravenes a Bill of Rights.

The significance of these views is that they seek to *limit* the powers of government. These views suggest the trade unions are interested in limiting the power of the government. The relationship between government and unions can get very tense.

Unions are seeking to pro-



A state-legislated minimum wage will weaken organisation

Photo: The Star

protect themselves against laws which offend mass organisations such as the trade union movement, and against laws which undermine the protections afforded to civil society under a Bill of Rights. These are precisely the concerns of a union movement which wishes to maintain its *independence*.

Minimum wage laws or free collective bargaining?

In the discussions over minimum wage laws, too, a view is emerging which supports the independence of unions.

Recently there was a significant disagreement over the issue of whether the unions should pursue a demand for minimum wage legislation.

A number of unions argued that in a post-apartheid society it should be possible to persuade a democratically elected government to pass a law that all workers should be paid above a minimum standard of living. There was further debate over the amount this should be. Those arguing for this view were concentrating their efforts on a figure of R700 per month.

The above argument can be attacked in different ways. One could question whether the effect of such a law would not be nullified very rapidly by a galloping inflation. However, debate in the union movement focused on the question of what effect such a law would have on the right of organised workers to

bargain for themselves.

In the end, many unionists accepted that it is not desirable to have the state setting wage levels in industries where unions are engaged in collective bargaining.

Rather, the state should be encouraged to improve the rights of workers to organise and bargain through their unions. Minimum wage laws should be left for industries where workers cannot organise effectively, such as the domestic service industry.

These arguments mean that wages will be determined by bargaining between employers and unions in each industry. It is seen as undesirable to have the state intervene heavily in the bargaining relationship.

The reason for this is not so much the idea that such intervention will have worse results for workers, though experience in other countries often shows workers' real wages fall where such legislation is introduced. Rather, the reason for rejecting minimum wage legislation is that such intervention will fundamentally undermine union independence.

Dual leadership under attack

The third example I would like to discuss is the issue of COSATU leadership turning out to be at the same time the leadership of the ANC and the SACP.

Some union leaders have argued that there is no difficulty in serving two masters within the alliance. They argue that when they are representing the union they will put forward the mandate of the union. When they are representing the SACP or ANC, they will put forward the mandate of that organisation. Provided they always clarify which hat they are wearing, no confusion will arise.

To other union leadership this is incorrect. They feel strongly that wearing two hats represents a fundamental surrender of the independence of the union.

In all fairness it must be noted that several of the union leaders who are wearing two hats have indicated that they see themselves as being active only on the interim structures of these organisations. Whether they

make themselves available for the permanent structures which will develop next year for the ANC and the SACP, will depend on the outcome of the debate over dual leadership within the union movement.

While this debate has not yet resulted in a consensus, there are several unions in COSATU where worker leadership has argued strongly that union leadership cannot serve two masters, whether those masters are in alliance or not. In fact this view is gaining such ideological hegemony that I believe it is very likely to grow into the dominant position within the union movement.

Some leading union figures may well become members of parliament in a future democratic South Africa. They might even become cabinet ministers. Hopefully they will be much better politicians than the present ones - *but* it seems unlikely they will be permitted to keep their position in the trade union movement when they enter the road to parliament.

Collective bargaining institutions - an independent base for trade unions

In this paper I have argued that the central challenge for unions is to maintain their independence. The reason for this is that unions will not vanish in a post-apartheid society. They will either function as the labour wing of a governing party and affect the workplace primarily

through influencing that government on legislation affecting labour, or they will function as free and independent organisations primarily influencing the workplace through their collective bargaining and other independent activity.

If the unions choose the former option (ie a labour wing of the government relying on legislation to affect the workplace) it will be the death knell for democracy in a post-apartheid society. When institutions of civil society become so tied up in the workings of government that they become an integral part of the state machinery there is less and less space for any criticism of the manner in which the state operates.

If the trade union movement is to maintain its independence, it is not enough to simply adopt an ideology of independence. We will also have to map out an *alternative vision of a just society* in which unions play an important role which is fundamentally independent of the state.

The union movement will have to identify areas of activity that will provide it with an *independent institutional base to constructively influence society*.

The union programme

Such independent institutions could develop out of the activities of COSATU and its affiliates, and the practice of collective bargaining as it

has developed over the past ten years, if we build them carefully. But we will only succeed if we compel employers to change their attitude to collective bargaining.

I would like to discuss briefly the possibility of struggling for two basic institutions as the platform where unions can substantially influence the development of South Africa, if we have the will to do so.

National Industrial Councils

The most powerful base which unions have is the platforms they use for collective bargaining. If these platforms remain as they are now, bargaining will continue to be limited to short term changes in wages and working conditions. In general, the content of these negotiations will not be affected by a new post-apartheid environment.

Accordingly, any major contribution the union movement might seek to make to society will not find expression through collective bargaining with employers.

Some large corporations have acquired fierce reputations for being slayers of Industrial Councils. They still believe that unions are weaker if they are encouraged to bargain at factory or company levels. But the battles at OK or Mercedes, or the Cotton Division of the Frame Group, show that such bargaining only results in

uneven pressures within industry and an obsession for the industry concerned.

If employers persist in this view, and prevent unions from using collective bargaining to deal seriously with the social and economic concerns of their members, unions will have two choices. Either they will have to abandon any attempt to represent the social and economic concerns of their members, or they will have to focus their attempts on developing close ties with political parties which will give them access to state power.

This of course will take us back to square one. Unions will see that the only way forward is to tie themselves ever more closely to the state and to seek to influence society through political machinery.

There is, however, a far more workable alternative. We could adopt a system where there are *national* negotiations in each industry rather than the irrational and patchy arrangements we currently have. Enormously creative opportunities would then open for unions, for example:

1. Agreements would become possible on issues such as industrial restructuring, developing a growth strategy for SA industry which is not based on a low-wage policy, and on import and export tariffs. Influencing the state to implement such agreements will undoubtedly be a more viable

option than the unilateral appeals made by employers in the past. The state would function as an *enabling* institution, enacting in law the agreements reached by organised labour through collective bargaining.

2. Negotiations in such a forum could fundamentally influence the development of a set of tertiary national educational institutions (universities, technikons, etc), changing the focus and controlling structures of these bodies.

3. Negotiations around health care could contribute to the development of a health plan for South Africa, which over time would alleviate the enormous pressure on the major hospitals.

4. Negotiations about the most constructive way of investing provident and pension fund monies could be one important form of affirmative action to redress the economic deprivation of the former victims of apartheid. But more significantly, it would open the way for major trade union participation in investment policies in a new SA.

National negotiations with employers

Finally I would like to focus on an area of trade union success. This is the area of the COSATU/SACCOLA negotiations. These discussions started off badly and with widespread and well documented allegations against SACCOLA of bad faith bar-



The LRA struggle led to the COSATU-SACCOLA-NACTU accord and the introduction of new legislation: are such accords the way forward for the union movement?

Photo: Morice/Labour Bulletin

gaining. COSATU and NACTU combined a strategy of negotiation and mass pressure. A number of points of agreement have now been reached, and accusations of bad faith bargaining have not been made for some time.

These positive results led to the first cancellation of a national stay-away by COSATU, in September 1990.

While there may be many things which these negotiations have so far failed to produce, they have given unions a vision that this is the way to go in order to influence the government on laws affecting workers. This bargaining process could be expanded in future and develop further functions such as choosing the judges for the future Industrial Court,

and approving future labour legislation.

Conclusion

I have focused in this paper on the key challenge facing the trade union movement in a new South Africa: its relationship to political parties once its members have the vote.

I have argued that unions need to maintain complete independence from political organisations and the government. In order to do this we need to build up institutions that will provide an independent base for unions to influence a new South Africa.

Historically, socialists have been fixated on the idea that the state is the crucial institution for transforming the quality of life of workers and

the oppressed. This fixation resulted in the Eastern European model of socialism.

A perspective which gives a substantially greater role to the independent organisations of civil society - such as trade unions - can do two things. Firstly, it holds greater promise of a democratic transformation of society through organisations which depend for their power on the constant involvement of their membership. Secondly, it helps to build an organisation capable of exercising a strong check on the institutions of the state, and the exercise of state power. ☆ ↵