Collective bargaining in Zambian mining

Rifts between union leaders and members

Although mining unions in Zambia often look up to South African unions, whom they see as powerful and owning various buildings, and even able to feed miners during a strike, both countries face the social distance growing between union leaders and members, writes **Esther Uzar**.

It seems like many representatives have become alienated from the rank and file. Workers feel neglected, and their mistrust makes the work and communication for the unions difficult. A couple of incidents made this distance obvious in the Zambian case. Recent newspaper debates on the crisis of leadership in the labour movement, repeated wildcat strikes, the formation of new splinter unions, insults and threats against union representatives as well as high turnover rates at branch elections indicate that many miners question the authority of the unions.

At a meeting after collective bargaining in November 2013, shop stewards held branch officials hostage, demanding that all chairpersons of the four rival unions resign. These shop stewards from the Mineworkers Union of Zambia (MUZ), the National Union of Miners and Allied Workers (Numaw), the United Mineworkers Union of Zambia (Umuz), and Zambia Union of Nurses Organisation (Zuno) got furious when they heard about the company's 7% offer. They accused the bargaining team of being bribed and wanted to beat their chairpersons.

Collective bargaining in the Zambian mining industry is company based, with all unions participating in the negotiations and informing their shop stewards afterwards in a joint meeting, even if they have only a few members in that particular mine. Expression of anger towards union branch executives in that joint ratification meeting was not unusual. Many national, branch, and shop-floor leaders have been insulted by their members after the annual collective bargaining exercise.

The incident had further consequences. After getting that pay rise below 10% for 2014, members of a newly formed union organised an emergency supreme council meeting in December 2013, in which they asked for a financial report. When it came out that the union had taken an interest-free loan from a mining company and could hardly account for their expenses, they passed a vote of no confidence in the president whom they expelled together with the general treasurer.

One of the shop stewards who attended the meeting criticised the leadership for taking the loan. Argued the shop steward: 'When you take a loan from management you become a slave to the management.' In the past years criticism of unions has not only come from rank and file but also from shop stewards, branch executives, and national head office officials who contested the legitimacy and decision-making authority of the union.

It is important to realise that workers and union officials have a different understanding of collective bargaining procedures. Union officials present salary negotiations as informed and rational debate based on knowledge about production and investment figures: pay rises depended on the performance of the companies and the overall economic situation. From this perspective, a major problem is the unions' lack of valid figures on business returns and expenses to ground their claims that the companies could actually pay more. Facing fully qualified management staff, unions have neither the research capacity nor the funds to contest the production figures of most mining companies. In this regard, it might help if unions could formally and legally request information on the companies' cost profiles before the negotiations – as it is the case in the United States – to base their arguments and suggest ways to finance additional labour costs.

Esther Uzar

Zambian miners discuss logistics at Mopani Copper Mines in Kitwe.

UNION LEADERS SEEN AS SELFISH

However, from the perspective of many miners, salary negotiations are not about production figures, they are a moral issue. Among other things union leaders are seen as selfish, not concerned about miners, afraid of losing jobs, and not God-fearing; and that is why they accept low bargaining – below 20% increases – in exchange for bribery.

As Anthony Giddens puts it, these suspicions are related to the abstract nature of decision-making – with decision-makers, timeframes, and expert knowledge beyond localised trust relations. Many workers see it as a clear indication of corruption that unions do not update them during the proceedings and then present bargaining offers as non-negotiable. Unions have also been warning miners that they would lose their jobs if they went on strike, and persuaded them to accept low bargaining figures. Many employees do not understand how mining companies have invested hundreds of millions of US dollars in mining development projects, in corporate social responsibility, in high wages for senior staff, and then still refuse to award their employees more than 10 or 20%.

Numerous employees therefore perceive productionist arguments as lies and democratic union meetings as a show, in which branch officials only pretended to ask for miners' views while the decision has already been made. This indicates that the position of the unions is related to their ownership, interpretation, and presentation of knowledge on the companies, but that many miners rejected the definition of reality as the unions project them.

Miners feel that their representatives enrich themselves not only from the salary negotiations, but also from the monthly membership subscriptions and business ventures. Therefore, they feel exploited and betrayed. Zambian union officials are not paid by the companies, but directly from union funds – which makes this even worse, while all branch officials and shop stewards remain full-time workers. As representatives are supposedly appropriating union funds, miners expect them to have money and to redistribute it. It is almost an everyday life experience for branch officials to be approached by a miner who is short of money for food, drinks, and transport or school fees. In such situations, unionists feel compelled to assist and even give the workers their own money.

Since miners' main interpretation of low bargaining results is related to their leaders' moral and character traits, they kept looking for such leaders who appeared to be principled, courageous, tough, vocal, committed, and honest. They have been voting branch executive committees out of office regularly. The recent turnover rate of branch officials was about 60.4%; and the national leadership has experienced many changes as well.

The mining unions have achieved annual pay rises between 7.5 and 22% in the past five years, with an inflation rate around 7.4, and many workers felt that this was far too little. As union officials came out of the negotiations harshly criticised, they developed a number of tactics to correct the bad impression and repair their image. When campaigning for branch elections, candidates have tried to make a democratic impression by talking and listening to miners, but also offered them money, food, and drinks.

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In one case branch executive members and shop stewards discussed new membership recruitment strategies but could not decide whether they should give miners money for joining their union or not. Additionally, a shop steward complained to the newly-elected branch chairperson that the former chair used to give them money when they asked for it. The new chairperson, however, countered that the previous chair used to buy miners a lot of beer but failed to achieve material welfare gains.

In addition to formal and informal demonstrations of material benefits, some unions are trying to increase transparency by presenting financial reports. This is a worthy initiative to regain miners' trust, but there are more steps that could be discussed. Members are in the dark about many union activities and communication going on between them and the companies or the government.

That members were not updated meant that the unions were not telling the truth. Matters were complicated further by the recent competition between rival unions, which makes it even more difficult for branch executives to be honest with members. Workers keep demanding for 30 to 100% pay raises every year and even though many unionists believe that such high expectation are not realistic and cannot be attained, they are afraid to explain this to their members.

Paternalistic expectations are widespread among miners and cause further frustration. Many workers think that the companies should provide not only for security in sickness and retirement, but also for funeral assistance, company loans, education allowance for their children, and free housing. If the companies fail to fulfill their obligations, the unions are expected to take on these responsibilities.

The unions might do well in clarifying their areas of responsibility: communicating what members should expect from the union and also what the union is unable to provide. This is important especially considering that the new private investors are not catering for miners' needs as was the case under the former welfare capitalist regime.

NO STRIKING POWER

One of the weaknesses of mining unions in Zambia is that they have no striking powers. In the historic literature, there is no indication that they ever called for an authorised strike since independence in 1964. Up to now, many branch officials fear being accused of inciting a strike. Workers are given no other alternative but to protest illegally. Even though there were instances in which branch leaders were involved in organising spontaneous strikes anonymously, this did not protect miners from being dismissed over strike action. If companies take such action, a possible response could be to renew the protests until these workers are reinstated.

Employers have a big stake in keeping production going. A long-term goal might be to establish a strike fund or raise funds for striking workers – of course after carrying out a poll among members. This is highly unlikely given the financial constraints, but to imagine that another world is possible was one of the reasons why unions were formed in the first place. To increase their bargaining power, workers themselves might think about establishing relationships with powerful groups in the communities, like church leaders, local politicians, the media, businesspersons or even international organisations and plead for their support. The more groups advocate workers' demands the stronger their position at the bargaining table will be.

Unlike South Africa, in the Zambian mining industry, collective bargaining is company based and there is no majority rule to exclude smaller unions. More liberal also is the political stance. While the support for the African National Congress (ANC) is dominant in South Africa, mining unions in Zambia believe that they should not be affiliated to any political party as their members also support different parties. At the general elections in September 2011, many union officials and workers condemned the former ruling party, the Movement for Multiparty Democracy, and supported the opposition party Patriotic Front. With all mining towns on the Copperbelt province voting for the opposition party, the miners have now helped to bring an opposition party to power for the second time. Even though this peaceful change of government was celebrated as a huge success, the mining unions announced immediately that they were ready to fight and remove the new government if it also fails to address workers' concerns. LB

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