

The lockout strike: confusion *in* COSATU

Report by KARL VON HOLDT

COSATU's threatened general strike against the right to lockout and the guarantee of civil servants' jobs was a media disaster.

But more than that, it indicates the federation is not coping with the wide range of pressing issues that confront it. The strike threat revealed internal confusion and a weak political strategy. This raises questions about:

- ❑ COSATU's ability to manage negotiations in tripartite forums such as the National Manpower Commission (NMC).
- ❑ COSATU's political judgement of how to ensure working class interests.
- ❑ The related question of how COSATU manages its relations with the ANC.

COSATU and the NMC

It is clear that COSATU's representatives at the NMC did not object to the proposal from a World Trade Centre (WTC) technical committee that the interim Bill of Rights entrench both workers' right to strike and employers' right to lockout, when the NMC debated this in July. It was this approval by the NMC that led ANC and SACP negotiators at the World Trade Centre to believe COSATU had no problem with the lockout clause. It also seems that Sam Shilowa – at the time COSATU assistant secretary-general – participated in the meeting of the negotiating council at the WTC which debated these clauses at the end of July, and did not object then.

COSATU had not at the time developed a clear position on the lockout. The NMC negotiators – and COSATU's legal advisors

– believed that the balance of forces in negotiations meant that there were two options. Either both the right to lockout and the right to strike would be included in the interim Bill of Rights, or neither would be. They believed it would be preferable to include both, since workers currently do not have the right to strike (they can be dismissed), while employers do have the right to lockout (employers cannot be dismissed for locking out). In other words, by writing both 'rights' into the Bill of Rights the unions would have something to gain (the right to strike) and nothing to lose (employers already have the right to lockout).

At the COSATU CEC in October, however, a number of unionists – spearheaded by SACTWU – objected to the right to a lockout clause in the Bill of Rights, arguing that it was a fundamental attack on worker rights. Even if employers have this right in the LRA, they argued, it could at some stage be removed. If it is in the Bill of Rights no future law could remove it. No-one at the CEC pointed out that COSATU delegates at the NMC had already agreed to include both clauses.

The CEC also agreed it was crucial to oppose the proposal for job security for civil servants which was being discussed at the World Trade Centre.

This highlights the problem of the relation of the NMC negotiators to the constitutional structures of the federation. There is seldom time for the NMC delegates to meet with the leadership and discuss NMC issues. The NMC delegates had to rely

COSATU's impressive demonstration: but no change on lockouts



on discussions with COSATU's legal advisors.

Does COSATU have the capacity to participate in complex

negotiations in tripartite institutions? Can it ensure that adequate mandating, report-back and internal debate takes place? Can it avoid over-dependence on non-union experts? And if such problems can occur in the NMC which is so directly concerned with labour interests, how can they be avoided in all the other forums COSATU is party to?

Bethuel Maseramule, regional secretary of NUMSA's Wits East Region speaks for many unionists when he comments that "the leadership has to admit that it is not on top of the processes. There will be dangers in all negotiations if the leadership cannot provide guidance. We want this situation brought under control."

Politics and democracy

The COSATU CEC's announcement that there would be a general strike, unless its objections to the lockout clause and to the job security guarantee for civil servants were accommodated, burst on the public like a bolt of lightning out of a blue sky. There had been no prior campaigning, no prior public debate or putting forward of demands. This created two problems. Firstly, COSATU had very little time to inform members of the significance of the demands, or to mobilise them for action. But just as importantly, it left COSATU battling to win broader public support for its position – and legitimacy for

its action.

In fact, it left COSATU in danger of isolating itself, both from the Alliance partners and from the broader public. In a democratic South Africa such blunt tactics will make it much easier for labour's enemies to succeed in isolating the unions as organisations of 'privileged' workers whose 'radicalism' is a threat to everyone else. In future, COSATU will have to build coalitions and campaigns with much greater care – as it did in the anti-VAT campaign of 1991 – if it wishes to retain its place at the centre of social change and reconstruction.

Independence and the Alliance

COSATU's sudden announcement that it would call a strike for 15 November if its demands were not met took not only the public, but also the ANC and SACP by surprise. This made it look as if COSATU was repudiating its Alliance partners and put the ANC in a corner – it either had to support COSATU's position and look as if it was being held hostage by labour, or risk a crisis in relations with COSATU.

Why did this happen? The press represented COSATU's strike threat as an assertion of independence in relation to the ANC. While COSATU's demands were not primarily motivated by a desire to assert independence, there is probably some truth

in this. In many quarters of the federation there is a degree of suspicion about the ANC's intentions, as well as a concern that it was making too many compromises at the WTC. According to some unionists, in the October CEC meeting "there was a sense that the ANC was being too weak on the lockout clause, and on job security for civil servants – although the primary aim was to put pressure on the WTC rather than the ANC".

In reality of course, COSATU itself had created the confusion on the lockout clause by agreeing to it in the NMC and later rejecting it. This was not clarified in the CEC although several delegates were aware of it.

The problem with this kind of "assertion" of independence is that it makes COSATU look like an unreliable negotiator and alliance partner, one which wants mass action at any cost. This strengthens the hand of those in the ANC who oppose too much COSATU influence. While other factors – the pressure of time, the confusion in

COSATU on the lockout clause, and the process of handing over to new leadership – contributed to COSATU's strange behaviour, the federation does need to clarify what it means by independence in the context of committing itself to campaigning for the ANC in elections; to putting some of its best leadership in parliament as ANC delegates; and to co-authoring a reconstruction programme with the ANC.

No gains on lockout

Workers mobilised in a very short space of time to mount an impressive demonstration at the WTC. One unionist argues this was because the lockout is "an emotive issue to workers on the ground". Unionists were also probably motivated by a general frustration at their exclusion from WTC negotiations. Busloads of workers arrived from as far afield as Witbank, the Vaal Triangle, Pretoria, as well as the East Rand.

However, the mobilisation did not save COSATU from defeat on its lockout clause demand. Employers refused to budge, and the ANC was clearly embarrassed and impatient with COSATU. Some phrases were rearranged, but essentially employers' ability to lockout and workers' right to strike are both included in the interim Bill of Rights. On the other hand, the ANC and COSATU did succeed in negotiating significant changes to the proposals on the civil service. These should enable a new government to begin restructuring the civil service in order to meet the needs of a democratic SA.

Despite this breakthrough, COSATU has done itself great damage with its threats and confusion. It has weakened its own reputation, provided ammunition for its opponents, undermined the credibility of NMC negotiations and mobilised its own members fruitlessly.

COSATU needs to enhance its capacity and its strategies. It cannot afford to make this kind of mistake again. ☆

