

# Dissension or division?

## *conflict in CWIU*

**T**he Chemical Workers' Industrial Union (CWIU) has been plunged into controversy following the suspension of its president, Abraham Agulhas, and three members of the Western Cape branch late last year. About 420 members of the union at BP plants countrywide had their membership terminated last month after withdrawing their subscriptions to the union in an act of protest against the suspensions.

A former full-time shopsteward at BP in Cape Town, Agulhas had his membership revoked and was removed from all leadership positions in the union for a period of five years. He is alleged to have violated union policy and brought the organisation into disrepute.

The other three branch members, former organiser, John Makril, and BP shopstewards, Andile Nyembezi and Shaun Widsendt, were suspended from the union for six months.

### **Divisions**

The steps taken by the leadership took many in the union by surprise.

BP workers claim the suspensions expose a pattern of power politics at play in CWIU's higher echelons, while sources within the Western Cape branch allege that the charges and sanction against the four branch members has "less to do with misconduct than organisational problems and divisions in the branch."

A position paper circulated by the BP

*The president of the CWIU, Abraham Agulhas, has been suspended from the union for five years. Workers at BP, where he is employed, have responded by withdrawing their subscriptions. Malcolm Ray reports.*

workers last November states that the union "undemocratically and unfairly" targeted Agulhas for supporting a group of disgruntled workers in the branch. In January 1996, a number of workers marched on the first sitting of the Western Cape BEC and passed a vote of no confidence in the branch leadership. They complained that members were not being serviced and worker mandates were not being adhered to.

At the same meeting a majority decision was taken to depose the branch secretary, Colin Rani. The meeting proceeded, under a new chairperson, to elect an 'interim secretary' pending an investigation and resolution of the problem.

### **Rivalry**

What followed was the emergence of rival factions contesting the leadership of the branch. Agulhas supported the right of the





Abraham Agulhas

workers to remove leadership. He claims that: "political divisions clouded organisational problems."

Agulhas is a member of the ultra-left organisation, the Workers' International for the Reconstruction of the Fourth International. Although his political affiliations do not feature in the leadership tussle, he claims that the CWIU NEC decided to expel him as president well in advance of a proper investigation into the events in the Western Cape. He says the decision was based on "scant evidence" gathered by general secretary, Muzi Buthelezi, following an initial visit to the branch.

## Investigation

Following Buthelezi's report to the NEC, a higher decision-making body, the National Co-ordinating Committee (NCC) appointed an investigation team. The team reported in May last year. It found the four leaders guilty of instigating the removal of the branch

leadership and defying an NCC instruction to suspend branch meetings.

Yet a transcript of interviews conducted with the four during the investigation casts doubt on the power and authority of the NCC to suspend or cancel constitutional structures of the union.

When asked why branch meetings continued, all four stated that the removal of the leadership and continuation of branch meetings was constitutional. They also allege that they were "not aware of the decisions taken by the November 1996 NEC" and accused the national leadership of "failing to communicate accurate reports to the branch."

Agulhas says that it is strange that the investigation team only investigated the actions of four people, rather than looking into the entire affair. Regarding further allegations (that he breached the union constitution by using a union letterhead to circulate an 'open letter' to all branches and National Office Bearers after his expulsion), he says, "The intention was to clarify misleading information about my position and the situation in the branch...in the absence of speaking rights in the union. I felt it was my democratic right to present my position."

## Disciplinary action

The investigation team found "sufficient grounds" for a disciplinary inquiry against Agulhas and the other three. The hearing was conducted in July last year in Agulhas' absence. He had previously informed the leadership that he would not be able to attend as he had not been given three days notice, as required by the union constitution.

The inquiry recommended that "he (Agulhas) should cease to be a shopsteward with immediate effect and should not stand for any shopsteward position for the next five years."



Agulhas reacted strongly. In a written appeal, he questioned the 'neutrality' of the inquiry and emphatically denied the charges against him: "Given the harshness of the sanction, I can only conclude that the decision was motivated by reasons other than my conduct...The punishment clearly does not fit the 'crime', if I've committed a crime. My conduct is open to scrutiny. All I wanted was a fair hearing to clear my name."

He added that "The whole process was not fair at all. The NCC acted as judge, jury and executioner. The NCC conducted an investigation into 'problems' in the Western Cape; the same structure decided to lay charges against the four comrades in the branch; and the same NCC decided on the team to conduct the inquiry and the sanction."

The appeal was flatly denied. The reason given by assistant general secretary, Nelson Mthombeni, in a letter dated 30 August 1997 is that notification of the appeal was not received "within the seven day period set out in the constitution". This is despite allegations that the initial hearing was, according to Agulhas, "undemocratic and unconstitutional".

## Workers react

Leadership's explanation did not satisfy the BP workers in Cape Town. Late last year they decided to withdraw their subscriptions from the union.

The national leadership reacted harshly. Branch secretary, Colin Rani, wrote to BP management, advising them that "in terms of the union constitutional amendments...a worker fails to be in good standing if he or she suspends his/her subscriptions. In line with a BEC decision, BP matters are no longer discussed in the branch."

BP workers nationally have since joined in the protest, demanding the "unconditional reinstatement of Agulhas".



*Muzi Buthelezi*

They claim the leadership has deliberately and consistently denied Agulhas a fair opportunity to discuss the merits of the case by unlawfully amending the union constitution.

According to a source close to the Agulhas faction, not only was the disciplinary procedure breached, but the constitution was amended to permit the immediate termination of a workers' membership upon failing to pay a subscription. The original constitutional clause makes provision for a six month period of grace.

## Worker control

Workers assert that the leadership's method of dealing with differences underlines a deeper leadership crisis within the union. They maintain that the leadership is driven by a purely political agenda.

Whether or not these allegations are true, unresolved tensions are growing. At a recent national meeting, BP workers pledged to fight for democracy and worker control in the union. They identified three options:

- ☐ continue their fight for reinstatement as union members;



- apply for affiliation to another COSATU affiliate,
- split from the CWIU and form a new union.

The BP workers face a very tough battle. Agulhas concedes that the first option is unlikely to succeed because the six month period of grace which the workers are claiming has already expired. The second option, he says, is also "pie in the sky". There is no national recognition agreement at BP, which would make the third option very

hard to achieve. Workers are also aware that a split would merely serve to sow division.

Workers are concerned that the end result of the whole saga will be that they will have no vehicle to take up the real problems they face at work. Says Agulhas: "It's a basic bread and butter issue. Our fight was about organisational problems of worker control and the delivery of service. It comes down to basic principles of democracy. This is ultimately the lesson of our experience." ★

## **Facts about the dismissal of Abraham Agulhas as president of the CWIU and his suspension as shopsteward**

The union experienced organisational problems in the Western Cape branch in 1996. Abraham Agulhas was one of those shopstewards that were found to be destructive to the normal operation of the Western Cape branch. As Agulhas was the president at the time he was supposed to have played a neutral role and unify workers in the branch. Instead Abraham sided with one group and gave wrong interpretation and advice. Workers believed him and were misled by his lack of understanding of the provisions of the constitution. The National Co-ordinating Committee took decisions in an attempt to resolve problems. Agulhas was part of the people who defied these constitutional decisions. His behaviour was unbecoming of a person who held a position of president in the organisation.

The National Executive Committee in November 1996 decided to remove him as the president for his divisive behaviour. Subsequent to the NEC decisions, instead of following constitutional procedures to make his appeal he unprocedurally circulated letters to branches with distorted information canvassing for support. The NEC decided to investigate his conduct of not following the procedures in making his appeal. An investigation team was sent to Cape Town to carry out investigations. Subsequent to the investigations, disciplinary hearings with proper notices were instituted, and Agulhas failed to attend the hearing. The disciplinary

penalty was to suspend him for five years as a shopsteward.

In the letter informing him of the disciplinary decision, he was told of his right to lodge an appeal in terms of the period stipulated in the constitution and he again did not appeal. Abraham then lodged an appeal after the expiry of the days stipulated in the constitution. Abraham then canvassed for support from BPSA members for his reinstatement as a shopsteward and gave wrong reasons for his suspension and pushed workers not to pay union subscriptions but redirect the monies to a trust account that he will probably control. Abraham was not dismissed as the president and suspended as shopsteward for his political affiliations but for his misconduct in the organisation and his role in dividing workers in the Western Cape branch.

All BP workers must know that in terms of the constitutional amendments approved by the NEC in July 1997, those workers that have individually or collectively agreed to suspend subscriptions to CWIU and instead decided to divert them to a trust will no longer be members and no service will be rendered to them by CWIU. Be warned that BPSA management will take advantage of the situation and could create more division between workers in order to destroy the union entirely.

*Issued by the CWIU head office.*