

The LRA: where do the parties stand?

Much of the publicity around the LRA negotiations has centred around differences of opinion on the issue of centralised bargaining. There are other, equally fundamental differences which will have to be resolved before the Bill becomes law.

The chart on the next page reflects the current position of labour (represented by COSATU, FEDSAL and NACTU), business (represented by Business South Africa (BSA)), what the draft LRA says on some of the key issues, and, where applicable, the direction that government is taking. Other issues of difference are:

Closed shop and agency shop

Unions are in favour of retaining closed shops where the parties agree. They feel, however, that the closed shops need to be democratised. Regular ballots should be held to determine whether or not to continue with a closed shop. An agency shop should only apply to those workplaces where union membership is at least 50% plus one. The agency shop fee should be paid directly to the union, which will administer the money separately to make sure that it is used for collective bargaining and training.

BSA, on the other hand, calls upon the principle of freedom of association to allow any person to refuse to become party to any union arrangement.

Severance pay

Labour is calling for four weeks' pay per year

By Deanne Collins

of service, while business does not want severance pay to be written into the Act. The unions want retrenchments to be dealt with as part of collective bargaining, and not in the workplace forums.

Government steps in

Ever since the publication of the draft Bill, there has been a sense of urgency about its passage into law. 30 June was set as the deadline for negotiations to be completed, so that it could make its way through parliament. With that deadline fast approaching, and no sign of agreement in sight, Minister Mboweni has stepped in to try and broker a compromise between business and labour.

The minister tabled new proposals at a high-powered summit meeting between the parties. The terms of the proposal are:

- The setting up of statutory bargaining councils where they are currently not in existence. These could be initiated by parties which had sufficient representation – suggested at 30% of workers in a sector. If the parties cannot agree on setting up such a council, the minister would establish it. The councils would attend to issues such as industrial restructuring and training.
- The parties could agree to extend the jurisdiction of the council to cover wages

and working conditions. An alternative option would be the setting up of a wage board in that particular sector. Mboweni said that, while steering away from compulsory bargaining, these arrangements would encourage the parties to reach agreement, as the alternative was the minister intervening.

- Mboweni said the government supports the closed and agency shop, provided

democracy was ensured in these arrangements

- On workplace forums, the government is standing by its proposal that the forums should represent all employees. Union representation would depend on representivity.

As the *Labour Bulletin* went to press, negotiations were continuing behind closed doors (26 June 1995). ★

LRA standpoints

Issue	Labour	Business	Draft LRA	Government
Bargaining Councils	A national bargaining council must be set up by law in each sector	Supports voluntary collective bargaining Level of bargaining to be determined by organisational circumstances in each sector.	Voluntary bargaining	Encourage collective bargaining, but no compulsion
Workplace forums	Compulsory Shop-stewards committees should constitute the forums Workplace with 30 or more workers qualifies Should exclude issues dealt with in collective bargaining Cost of forums to be borne by employers	Voluntary Any employee can apply for a forum – or an employer, with the support of employees Have reservations about the cost to employers	Compulsory Employee-based with union controls Workplaces with 100 or more workers	Compulsory Latest proposal is that number of union reps to the forum will depend on representivity
Strikes	Strikes on issues of right and interest. No scabs during procedural strikes No damages claims from unions Sympathy strikes allowed	Retain strike ballot Strikes on collective bargaining issues only Scabs allowed Outlaw sympathy strikes	No strike ballot Dismissal for economic consequences Scab labour No strikes on issues of right.	
Lock-out	Defensive lock-outs only No scabs during a lock-out	Lock-out	Lock-out	
Organisational rights	Labour is arguing for majoritarianism and against the proliferation of small unions	Business argues for the principle of 'sufficient representation'.		