

# Municipal workers dig in heels

Over the last six months the South African Municipal Workers Union (Samwu) has been in continuous dispute with municipalities around the country. **Anna Majavu** examines the trends that lie behind these strikes and paints a picture of some seriously dysfunctional management in local government.

Since the beginning of the year, a large number of disputes, strikes and industrial action by members of the Samwu have broken out across the country.

There have been four extended strikes of between 17 days and four weeks in Tshwane, Nelson Mandela Metro, Lesedi Local Municipality and Ekurhuleni. There were also a number of shorter strikes in municipalities in Limpopo and Mpumalanga, as well as one-day actions in eThekweni, Pietermaritzburg and Polokwane.

The Tshwane, Ekurhuleni and Nelson Mandela Metro strikes resulted in written agreements that contained a number of victories for the union.

The strikes are a result of a number of factors. One of these is the demand for parity and job evaluation which relate to the long outstanding need to redress apartheid wage discrimination. Other factors concern attacks on union leaders and ongoing restructuring of the sector. The restructuring issues relate to the privatisation and outsourcing of services, the non-filling of vacancies and the growing use of casuals and labour brokers.

## PARITY, PLACEMENT AND JOB EVALUATION

Samwu's demand for parity dates back to 2000 when different apartheid administrations in cities and towns merged. All of these had different pay scales and conditions of service. Samwu had a simple demand - equal pay for work of equal value from the date of amalgamation. All cities and towns refused to implement this. This has mainly affected the labourer level, which Samwu represents.

A stark example is Cape Town. In Voortrekker Road there are four street sweepers, sweeping different parts of the same road. They all earn different salaries because they come from different former administrations - Parow, Goodwood, Bellville and City of Cape Town.

Parity requires that they be paid equally from 2000 when the city became one. Yet the city refuses. Instead, it came up with its own pay scales and said that if workers accept these, they will backdate payments to 2007 - and not 2000.

One demand won by the 8 000 striking Ekurhuleni workers was for a year's backdated payments. Certain workers were appointed in 2003 but paid incorrectly until

April 2004. The municipality only back paid them after they went on strike.

Delays by municipalities to finalise job evaluations have also angered workers. Municipalities use future job evaluation as an excuse for not dealing with parity.

In Ba-Phalaborwa, workers conducted a number of one-day strikes after the municipality suspended the placement process, but simultaneously planned to advertise positions about which Samwu had not been consulted.

The municipality told Samwu members that since there was no municipal manager, director for corporate services, chief financial officer or director for community services, vacancies could not be filled. Samwu felt this was hypocrisy as these posts are all filled by acting managers, which the municipality claims do not have the authority to implement the placement process.

Samwu members feel that the advertisement for posts has disadvantaged them. Local chairperson, Michael Mokgomola, believes that if the placement process was carried out properly, existing workers would have got many of the posts.



Workers march during the Lesedi municipality strike – the community played a leading role in the strike from the third week.

The Herald

Ron Verzuh, Canadian Union of Public Employees

### UNION LEADERS ATTACKED

Attacks on leadership have featured prominently this year. SABC 3's *Special Assignment* produced a show focusing on Samwu leaders and a member who had either been suspended, dismissed or faced disciplinary action for freely expressing themselves in the workplace.

In one case, West Rand branch secretary, Khaya Blaai, the labour relations officer for the municipality, was suspended for a year for taking workers' grievances to management. He also faced dismissal for wagging his finger at the municipal manager during a meeting.

In a more prominent case, Samwu's Eastern Cape chairperson, David Stix Toyise, was dismissed after being suspended for over seven months. The Nelson Mandela Metropole (NMM), where Toyise worked, spent R3 million on lawyers to prosecute him.

Toyise, an active member of the SACP which is critical of the NMM management, had criticised the slow pace of housing delivery. He was charged with misconduct for making remarks to the public at an SACP meeting, which brought the executive mayoral committee and municipality into disrepute. He was also charged with taking part in a march against the municipality around its failed delivery, and for acting in a manner unbecoming of the assistant manager of housing delivery. It emerged during this case that the manager of housing delivery had also been suspended for criticising the municipality at SACP meetings.

All four shop stewards in the smaller Port St Johns Municipality were similarly purged.

Shop stewards are also under attack from trumped up charges of public violence, intimidation and other serious offences that get levelled against them during strikes. In Lesedi Local Municipality, a member is accused of attempted murder. In Ekurhuleni, three leaders were swooped on after they made speeches at report-back meetings aimed at getting a fresh mandate for negotiators. These leaders were imprisoned for four days and released after being charged with "intimidation".

### PRIVATISATION AND LABOUR BROKERS

The 1 300 waste removal workers in Tshwane who are employed through labour brokers went on two, three-week strikes in the last year. This workforce is employed by four labour brokers: Milnex, Quattro Core, ZF Labour Brokers, and Capacity. The highest paid earns R67.40 per day, less than R1 500 per month before deductions, with no benefits. The labour brokers make huge profits since they don't do any administration or provide equipment, both are provided by the municipality. Brokers only hire workers.

Last year, Samwu discovered that Milnex invoiced Tshwane Municipality for R127 260 per day, or almost R3 million per month, to supply 1 260 general workers to collect refuse in Tshwane. Since Milnex only pays these workers R67 per day (or R1 857 240 per month), they make a profit of almost

R1 million per month.

The latest strike ended with a written agreement that did not guarantee permanent jobs for labour broker workers, but promised them first preference. However, there were rumours that ANC councillors had promised these jobs to community members in Mamelodi.

Immediately after the strike ended, Milnex, conducted a mass disciplinary hearing in workers' absence. None of the workers were informed that they had been charged. They were only told that they were fired for embarking on an unprotected strike. The employer reinstated the workers a week later after pressure from the union, claiming that he had dismissed them because Tshwane Council told him to "be seen to be doing something about the strike". At the same time, the Council told Samwu that it could not intervene in a private company's affairs.

This scenario occurs wherever services have been privatised. The challenge of confronting ruthless labour brokers is something that Samwu is fast learning to grapple with.

### COLLAPSE OF SERVICE DELIVERY

In many municipalities service delivery has collapsed.

In the Kou-Kamma municipality in the Eastern Cape, about 200 workers held a three-week strike over the failure of management to attend to service delivery and workers' issues. Directors were appointed out of nepotism from far flung towns whereas local workers who had the skills were not



Ron Verzuht

*Older striking municipal worker*

promoted. The directors seemed only interested in large pay packets. They did not want to work in the town's municipal offices, but chose to work from a neighbouring town.

In this strike, Samwu met with residents from all communities, including in white suburbs. The residents said the strike should be taken forward by the community.

This was also a feature of the Lesedi Local Municipality strike, where the community started to play a leading role from the third week onwards. The community paid with the life of a teenage boy killed by the Red Ants, who opened fire after residents and workers resisted their attempts to escort scabs into Ratanda township. On the same day a three-year-old child and a Samwu member, Sifundo Kwaki (52), were also murdered.

The father of the slain teenager, Nkosana Nkutha, said his son was shot in the chest and lower abdomen with live bullets. Speaking on the phone to shop stewards on that day, I was alarmed to hear the sound of rapid gunfire in the background.

In Ekurhuleni where poverty and lack of service delivery is huge, Samwu called for arbitration over a wasteful three-month contract of R1.2 million. This was for a "company" who was going to simply sit in a municipal office and receive applications for 2 000 vacant jobs, and prepare shortlists.

Louisa Mogudi, owner of Louisa Mogudi and Associates, which was only formed in 2007, was allegedly

related to a senior municipal human resources manager. Samwu's recommendation that municipalities hire temporary workers (who the union would organise and fight to make permanent) were turned down.

There is rampant enrichment in municipalities by a few individuals on public money. This poses a problem for Samwu members. The union feels close to the community and has good service delivery at heart, but promotions are reserved for friends and family of directors, instead of going to experienced union members.

In the written agreement that ended the Eastern Cape strike, the union won a demand that the spouse, family members, and friends of the applicant should recuse themselves from interviews. This is self-evident and unions should not have to strike to enforce the most basic of ethical practices.

The union has also come out strongly against the shifting of primary health-care services away from municipalities to provinces. Where this has happened, workers and communities have seen negative changes to their employment conditions and a drop in service delivery standards.

## CONCLUSION

The wave of strikes has given Samwu new energy. The Nelson Mandela Bay strike was notable for its daring actions. These included all provincial shop stewards driving seven hours to the Wild Coast resort where Salga (employer body) was holding its provincial congress, and then disrupting the congress so it had to close.

The actions also included marching on and briefly occupying the 2010 World Cup stadium under construction in EBhayi, and occupying the Buffalo City municipal

payment offices for more than one day, bringing payments to a standstill. Samwu Eastern Cape has become a force to be reckoned with.

Through the strikes, important legal victories have been won. In Ekurhuleni, Samwu challenged a nepotistic appointment of a candidate who had an interviewer on his CV as a referee. Through arbitration, the union got the appointment overturned.

The same branch managed to interdict the Ekurhuleni city manager, four other directors and the Ekurhuleni Metro Police from shooting at or assaulting Samwu strikers. This came after three days of police brutality against members. Other unions and social movements have since said that they will use this interdict as a precedent in their own struggles.

The presence of the Red Ants with their live ammunition is a huge problem in Gauteng. Unions and social movements need to join forces to stop the Red Ants as they have long been a paramilitary force which is above the law. In Ekurhuleni, management deployed the Red Ants against strikers after the police were interdicted, and the Red Ants' murderous activities in Lesedi have been detailed.

The strikes have impacted on the labour landscape. Although not all demands were won, the benefits for workers have been positive. It is positive in itself that workers pushed the union for the strikes in the first place and then forged local partnerships with communities.

Plans are now underway to embark on a nationally coordinated programme of action aimed at highlighting the concerns of municipal workers and the communities they serve.

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