

NUM wants independent verifier

Once upon a time in 2012 violence erupted unrestrained when two gladiators faced off in what was dubbed a struggle to be borne versus the refusal to die. In the midst of it all property was damaged, many displaced, and in the aftermath lives were lost, writes **Mike Tankiso Fafuli**.



To believe that the equation in this struggle consisted of the two gladiators would be wicked because in the shade of it all lurked the cunning employers - like a thief near the house of the righteous. The adverse role of this thief - the mining oligarchy - has escaped and evaded public glare.

It reminds me of the saying: 'Let's lay wait for blood, let us lurk privately for the innocent without cause: let us lay'. Throughout history the oligarchy has mastered the

responsibility to protect wealth using power.

The South African mining oligarchy has used internal membership verification mechanisms to determine the majority union amidst the struggle for numbers between the gladiators - the unions - while defending its privileges using the power to adjudicate membership figures.

This contemptible corporate creed has come under attack from workers. The resistance of unions like the

National Union of Mineworkers (NUM) to internal membership figures verification is informed by this experience.

More than a year ago NUM investigated the auditing of stop-order forms at Lonmin using a forensic accounting firm called Accountants @ Law which discovered that on close to 1,060 forms the same identity number was used. A handwriting expert, Professor Paul Fatti, hired by the NUM also found out that amongst the alleged

fraudulent stop-orders others had mismatched handwriting.

The mitigating view for these irregularities holds that unions like the Association of Mineworkers and Construction Union (Amcu) hand in stop-orders in bulks hence instead of companies signing each and every notice they simply sign or stamp acknowledgement of receipt on one particular form. But signing each form is the general rule. Hence the NUM has accused Lonmin of tolerating irregularities by others to effect 'regime change'.

Lonmin in retaliation charged NUM shop stewards with altering names from the stop-order forms of the rival union. Consequently three shop stewards were dismissed.

A congenial view holds that the altered names were those of NUM members who found their names on Amcu stop-order forms without their permission or knowledge: a point management purportedly knew but failed to take up against the other union's offenders.

Overall, the professed neutrality of mining companies has been severely blemished. A reputable independent verifier in determining majority status for unions is patently the way to go.

The Framework for a Sustainable Mining Industry entered into by almost all stakeholders in 2013 holds that business commits to 'act in a fair and impartial manner in dealing with unions'. The stakeholders further committed to building relationships that were based on trust and that they would avoid any actions that 'adversely affect this relationship'. It further says that business would 'act in a fair and impartial manner in dealing with unions'.

But Marula Platinum Limited, where Impala Platinum holds majority shares, and also a signatory to the framework is resisting independent verification to determine the majority between NUM and Amcu. This breaches the letter and spirit of the framework

and vindicates the opinion that the agreement is just a public relations exercise.

What is the interest of companies in refusing to use the independent verifier? Conceivably in this fancied murkiness victory by numbers may well be a forged majority with a presiding employer an accessory. Patronage might also be at play to leverage collaboration between the vindicated union and the company.

The envisaged collaboration is the sought after obedience to defeat unions and ultimately the transformation in the mining industry. It is in the nature of oligarchies to rely on obedience and sometimes enforce it by hook or by crook. Either way the tyranny of it is that workers get killed not the bosses.

These desperate manoeuvres could draw the industry back into another round of industrial relations chaos. But the growing calls for independent verifiers demonstrate that the mining oligarchy no longer has unhampered leverage of manipulation.

The temptation to embrace outcomes of murky processes because they favour some sections of the workforce is an unfortunate transitional trend but workers are not fools. The majority of them in their varying divide believe that peaceful co-existence is necessary for further empowerment advances.

A struggle for better living conditions, safe working environments, and a living wage is the pledge that cuts across the divide. Any successful labour relations must be geared towards urgent resolution of these necessities. The sooner the oligarchy's putrid divisive dance is exposed for the tyranny it bears the better for all workers. **LB**

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Service delivery protests in Ntabankulu

Rural society and citizenship in SA

Service delivery protests are not only an urban happening – they also take place in rural areas as citizens exercise their democratic rights that were denied them during apartheid. **Andisiwe Jukuda** and **Siphesihle Dumisa** explore how the protests are playing out.