

test actions, is putting pressure on the employers. Despite the advanced stage of negotiations between SACCOLA and the labour movement, it is not clear from this survey whether the pressure will force the employers to meet organised labour's demands to negotiate the terms of the Labour Relations Act or not. ☆

NUMSA Strike Survey

NUMSA Wits Region undertook an analysis of all NUMSA strikes over a period of 5 1/2 months (May to mid-October). NUMSA's Hassan Lorgat says the analysis has been extremely valuable for assessing union strategies, strengths and weaknesses. The survey also helps to monitor the impact of the LRA. The survey reveals a sharp deterioration in industrial relations - a return to industrial war.

National strike statistics

One striking feature of all 'statistics' on labour action produced by eminent management consultants Levy, Innes, Beaumont *et al.*, is the extent to which their figures conflict

with one another. While Innes claims that 344 386 'man days' were lost during the first quarter of 1989 (excluding private sector and agriculture), Levy claims that there were in fact only 348 614 worker days lost for the first six months of the year and Beaumont follows on with a figure of 75 442 for the first quarter!

An area of some agreement however appears in their "reason for strike" barometers, which all register that strikes over wages (and conditions) outstrip all other reasons for strike action. (Figure-wise however one has again to allow some latitude.) Briefly summarised these barometers suggest the following:

Cause	% of all strikes
Wages	50 - 75
Discipline	8 - 16
recognition	3 - 12
retrenchment	3 - 8

One last point which emerges from the reports of these consultants is that NUMSA remains the most militant of all unions measured in terms of strike action. According to Levy, for the first 6 months of 1989 NUMSA's strike rate of 26,4% was nearly double that of PPWAWU which was in second place with 14,9%, followed by CWIU (12,6%), FAWU (11,5%) and CCAWUSA (6,9%).

NUMSA statistics

Research carried out by NUMSA organisers in the Witwatersrand region for the period May to October





provides quite a different picture to the national "strike barometer" of Innes et al:

Cause of all strikes	
wages	38%
discipline	37%
recognition	10%
retrenchment	15%

What is immediately noticeable in the comparison is NUMSA's relatively *low* incidence of strike action over wages and *high* incidence of action over discipline and retrenchments.

Regarding wages, the period studied (May - October) would have carried within it the highest potential for strike action given that wages at industry and plant level are normally negotiated in all sectors at this time. It is difficult to speculate as to why the incidence of wage strikes should be so low - possibly because there is national bargaining. Now wages were settled at this level, because plant bargaining is on the wane, or (but unlikely) because management was more flexible on reaching agreement on wages at plant level.

Why the high level of strike action over discipline? There would appear to be four main reasons for this. Firstly, there is a tradition which still survives *within plants* of an injury to one is an injury to all - that disciplinary action, particularly dismissals, should be met with collective action. Secondly, the nature of the motor and iron/steel sectors in particular is one of thousands of small employers who generally lack the ability to handle dis-

ciplinary matters in a proper manner, thereby provoking strike action.

Thirdly there remains widespread resistance on the part of all employers to introducing modern dispute resolving mechanisms such as arbitration, thereby obviating strike action. Fourthly, NUMSA members definitely lack the confidence that disciplinary disputes will be fairly handled by the Industrial Court, within a reasonable time - hence for these members it makes sense to confront the issue at the time and point of origin.

The relatively high degree of strike action over retrenchments is encouraging and is quite definitely a product of the job security focus in 1989 which has stressed the need to fight retrenchments, lay-offs, redundancies, etc. The figures are probably also indicative of managerial intransigence in an area which they regard as their prerogative. Further, the metal and motor sectors have an extraordinary resistance to proper severance arrangements. It must be borne in mind, though, that in a number of cases (e.g. RBF Malleable Castings), management have actually provoked strikes over retrenchments (which we did not properly plan) in order to dismiss workers and to avoid severance pay.

A number of interesting facts emerge from the survey:

Less than 2% of all strikes during this period were legal and complied with the Labour Relations Act. This clearly suggests that in as far as the Act is intended to order and regulate conflict, it is a complete failure. It is too complicated, unwiel-

dy and does not enjoy the confidence of workers.

The survey shows a 51% success rate in strike action as against 23% losses and 26% no gains.

The main problem in trying to assess these figures is that there are no other figures available with which comparisons can easily be made. Therefore whether a 51% strike success rate is to be considered high or not is just a matter of opinion and there is no way of gauging whether this success rate constitutes an improvement or not over the years.

Management responses

The study with organisers indicates four main trends in management's handling of strike action:

- Management are engaging far more readily in mass dismissals and conditional re-employment agreements, e.g. Donn Products (U.K.), Valmatex, National Bolts, Academy Brushware. The 'agreements' provide for:
 - (a) selective re-employment in full and final settlement of the dispute;
 - (b) exclusions on the basis of bad disciplinary record;
 - (c) new conditions of employment e.g. no overtime bans;
 - (d) limitations on future strike action, both illegal and legal.
- There is a noticeable increase in the use of violence during strikes involving the SAP and now, more frequently, private security firms. Videotaping of strikes by these security firms is clearly one of the

'services' offered -

"identify your agitators", dismiss, then selectively re-employ. Violence has



been used at the following companies amongst others: Macsteel, Genrec, Duropressing, Thorn Lighting, Cinqplast, RBF, Oliver Rubber, Barlows (Kew), Haggie Rand, etc.

- Outside consultants are being used far more widely. On the one hand management lawyers are mushrooming at exorbitant costs to exploit the advantages of the Labour Relations Act, particularly the provisions which allow for the interdicting of strikes. Virtually without fail these interdicts are granted by the Industrial Court, often without even hearing the union. While the union response has generally been to comply with such interdicts this could well change. On the other hand so called "industrial relations consultants" are also on the increase. These consultants vary from the brainless boxing manager type (Van Welbergen) to the sophisticated union bashers (Andrew Levy's). For the main they play a negative and destructive role in fostering 'sound' industrial relation. In the union's experience companies would generally do better without the assistance of these washed-up personnel officers and attorneys.
- Companies are becoming better equipped to handle strikes, particularly the big concerns like Barlows who are able to transfer production very quickly from plant to plant.

NUMSA press release

NUMSA is becoming increasingly alarmed at the growing number of self-styled industrial relations consultants plying their limited skills in the industrial relations market.

On the whole NUMSA has found that the interventions by groupings such as Van Welbergen and Associates, Steve Bruce, Denys Reitz and Peter Kerrusch to be extremely unhelpful in resolving what are often very complex industrial relations matters. These consultants are strongly anti-union. Their advice to employers is based on union bashing and ranges in approach from the undercover tactics of Levy and Co. to the aggressive bullying adopted by Van Welbergen and Associates.

Van Welbergen, who gained notoriety a year ago with his threats to sue unions in terms of the amended provisions of Sec 79 of the LRA continues to distinguish himself by: arriving at the Industrial Council for a dispute meeting with the management of Jumbo Products who were armed, threatening to report NUMSA to the SAP in terms of Emergency Regulations for NUMSA's refusal to "reply to their fax" because they allege this constitutes a "product boycott".

NUMSA intends to refuse to have any further dealings with Van Welbergen and is firmly of the view that not only is this firm ignorant of current industrial relations practices but further believes that their advice and interventions are positively harmful to sound management-trade union relations.

NUMSA will be calling on other COSATU unions to also reconsider any dealings they may have with Van Welbergen and also strongly urges employers who have any relations with this 'consultancy' to assess whether it has the capacity to bring positive industrial relations results. NUMSA intends to monitor industrial relations firms more closely than it has in the past, particularly those who are known to be strongly anti-union in approach. The union is seriously perturbed that too many ill-qualified consultants are entering the rapidly expanding industrial relations field, selling themselves to management as 'experts' and making a real mess of employer-employee relations.



In general terms there is a hardening of management attitudes to strike action. Mass dismissals and selective re-employment programmes/agreements are likely to increase. This trend coincides with NUMSA's analysis of capital's response to the current accumulation crisis which, for various reasons, was not able to find resolution in the expansion of markets and had to turn inwards instead - towards increasing productivity in the workplace.

This process, it was suggested, would involve capital intensification/retrenchments and efforts by management to increase the ambit of unfettered decision-making over the labour process.

So much for the statement by SACCOLA and even ASSOCOM that there should be greater acknowledgement of workers' right to strike.

Conclusions

The LRA with its recent amendments, rather than promoting the peaceful resolution of disputes has in fact increased labour unrest and strike action. The wholesale interference by the industrial court in industrial relations, mainly through section 17(11)a orders, has also not stopped strike action.

NUMSA's Wits region in particular is to be congratulated for the campaign against section 79(2) which has turned this provision against the bosses and forced them now to support its being abolished from the legislation.

References

1. *The Innes Labour Brief*, Vol 1 No.1, 1989 - "Labour Statistics"
2. Levy, A. - I.R. Data - News Review, Jan-July 1989.
3. Beaumont, M. FSA, Contacts Industrial Relations Information Services, July-September 1989.

Weakness of the Anti-LRA campaign

MARTIN JANSEN argues that the anti-LRA campaign has been weakened by lack of a clear strategy. He argues that a new approach is needed - campaigning against the state rather than focussing on negotiations with SACCOLA.

SACCOLA withdrew from negotiations on the LRA in late September arguing that the labour front was guilty of bad faith conduct. They said they were not prepared to continue "co-operating" with the labour front, while being squeezed by an overtime ban and consumer boycott. Yet it is SACCOLA's members who are using the new provisions of the LRA to lock out strikers, interdict strikes, threaten to sue unions, and retrench workers.