

# On strengthening the anti-LRA campaign:

## *a response to Jansen*

In the November edition of *Labour Bulletin* Martin Jansen criticised the LRA campaign and suggested a new direction. Here GEOFF SCHREINER\* disagrees with Jansen. He argues that the strategic direction of the campaign is effective, but that there have been serious organisational weaknesses.

**M**artin Jansen's assessment of the LRA campaign is constructive and merits serious response. \*\*

In essence, Jansen suggests that the LRA campaign was and is flawed because "it was not directed against the state" (p 56). He goes on to argue that therefore "a new plan on how to fight the state is needed". He proposes that state "liberalism" should be tested by sending a delegation "representing the union movement, armed with a memorandum of our demands...." (p 59).

Jansen identifies some organisational weaknesses in the LRA campaign, but his

view that the "SACCOLA talks" are the central problem is badly mistaken. These talks are a matter of tactic, not of principle. So far they have served a number of useful purposes in the campaign.

### **Two phases of the campaign**

As background it is important to outline that there have been two phases in the LRA campaign. The first phase took place before the September 1988 amendments were promulgated, from about March of that year. The second phase came as a response to the new LRA. It really began after June 1989 when the 'labour

front', to use Jansen's expression, submitted a set of demands to the SA Co-ordinating Committee on Labour Affairs (SACCOLA), SA Transport Services (SATS), the SA Agricultural Union (SAAU), and the Commission of Administration (COA).

Right at the beginning of the second phase the unions planned that the campaign would be directed both at private capital and at the state as an employer in the form of the COA etc. In fact, SATS and SAAU (closely aligned to the state at least) attended the second and third negotiating meetings, though only as ob-

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\*\* Jansen's article is inaccurate on a number of points, for example his summary of SACCOLA's position (p 52), or his assertion that the "Western Cape was the only region which displayed widespread support for the call" for action on 1 September (p 53). But these inaccuracies are not central to his argument.



servers.

The problem at that time was that the unions organising in the public sector were *themselves* not properly represented in these meetings. As a result when both SATS and SAAU stated that they were pulling out and joining the COA on a 'no-negotiation ticket' no pressure was placed on either SAAU, SATS or the COA to force a change in their positions.

The National Co-ordinating Committee (NCC) did discuss whether the unions should withdraw from talks with SACCOLA and agree to rejoin only if SACCOLA pulled in the other employer bodies. This position was however eventually rejected because it was felt that the forum (a) provided a centralised focus for mass mobilisation, and (b) provided possibilities for holding the initiative without giving up moral high ground to SACCOLA.

The NCC therefore decided that talks with SACCOLA should go on but that it should be made absolutely clear that there would be no final 'agreement' unless it included the state employers as well. This was conveyed to SACCOLA a number of times. The NCC also agreed that special efforts should be made to encourage public sector members and their leaders to participate fully in the campaign.

### Fruits of negotiation

Jansen's next criticism of the SACCOLA talks is that "we



must stop toying around with this politically dangerous notion of reaching an agreement with bosses on fundamental trade union rights..."

Here his argument is at its weakest. Making demands relating to fundamental trade union rights is not "politically dangerous". It is a political necessity. Whether employers or the state will accept such demands however, obviously depends on the balance of forces. It is clearly wrong to suggest that fundamental rights can never be negotiated. It is precisely through negotiating that unions have won a range of agreements giving workers

the right to strike without dismissal, and other fundamental rights. Negotiations only become a problem when they are seen as a *substitute* for action and organisation (see box on p 26).

Jansen also asserts that "we have focused on legalistic struggles on paper, far removed from the day to day realities of the working class". This is also completely incorrect.

In fact the second half of 1989 saw the most sustained campaign on the ground that COSATU or NACTU (either singly or jointly) have ever embarked on. Never before has one issue achieved such a focus of planning and action: a workers summit, a day of action, the two-day stayaway, a consumer boycott, an overtime ban and country-wide marches - all in the space of a few months! It may well be argued that these activities were not properly supported or were 'problematic' in their



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Photo: Anna Ziemiński/Afrapix



nature (and I would agree with a lot of the points Jansen makes here) - but this is an entirely different issue.

### Targeting the state

Jansen concludes that the new way forward in the campaign is to make demands on Manpower Minister Eli Louw with the threat that "we will give him until the next parliamentary session to change the LRA". It is not clear why Jansen sees this as a change of direction. The second phase of the campaign was from the beginning, as pointed out above, directed against state employers as well as the private sector.

One has to assume that Jansen believes we should bypass the COA etc, and go 'right to the top', to the Minister himself. Here he seems to believe that the unions would make an impact because "our anti-

LRA campaign is definitely having an impact on the state" (p 57) - an assertion which contradicts his main argument that the campaign has been ineffective.

Are we however then to conclude that, since the state is prepared in Jansen's words to make "verligte announcements on the LRA", we should only negotiate with Eli Louw? What would become of the main protagonists, ie. capitalists who were directly responsible for the LRA amendments?

It would be foolish to allow them to hide behind the apartheid state and to claim that responsibility for the amendments lies at the state's door rather than their own. As socialists, our objective should surely be to expose capital's ongoing restructuring in the face of the current economic crisis. The LRA amendments

are but one aspect of this process.

This is not to suggest that a meeting with the Minister would have no purpose, but it should not be seen as a substitute for negotiations with the employer bodies.

COSATU has in fact agreed in principle to meet with the Minister to demand, first, that he brings the COA, SATS and SAAU into the talks and, second, that he guarantees not to process legislation which does not have support from the major forces in the arena of industrial relations.

### National employer forum

We had the following aims in establishing a national forum where the labour movement and the employer organisations could negotiate the LRA:

> COSATU and NACTU agreed that unions would

## Negotiations and mass action

**N**egotiations must never be allowed to *substitute* for action on the ground. Union members and the community more generally should not be lulled into a belief that negotiations without organisational strength will produce results.

There is no doubt that this was a mistake made in the first phase of the LRA campaign. After the highly successful stayaway in May 1988, discussions proceeded with SACCOLA in a way *which weakened* activity on the ground. As a result - as Jansen points out - SACCOLA was able to outmanoeuvre the labour front and the LRA Amendments went ahead as planned.

After assessing this experience the labour front decided that future discussions with any employer and/or state body should not be allowed to disrupt the programme of action which had been decided. This position has been spelt out clearly to SACCOLA. We have told them that we will only consider changing our programme of action when SACCOLA and the other employer bodies inform us that they will not use any of the 1988 amendments.

In short, for as long as the amendments remain on the statute book and are utilised by employers, the campaign of action on the ground will continue. It was precisely this stance which led to SACCOLA temporarily withdrawing from the talks in September.



not 'contract out' through negotiations at plant or industry level, and that there would be one central forum at national level where all negotiations would take place. This would unify the labour movement in its campaign and negotiations. This strategy has been reasonably successful. Some unions have contracted out in certain areas, but the vast majority have participated in the national campaign.

- > A single national forum would create a central focus for the campaign, so that our members could mobilise jointly and build unity.
- > It would highlight the role of employers in the LRA amendments and avoid their shunting responsibility for the LRA onto the state.
- > It would be clear that it was the responsibility of employers to get all their parties to the negotiations if there was to be any final agreement.
- > It would allow the unions to explore and exploit the *tactical* differences that exist between different groupings of employers on how to respond to the labour front.

Jansen hints that focusing on employers in this way means the unions might form an alliance with elements of capital against the state. This is not a serious argument. It reveals a lack of analysis of who was responsible for the LRA Amendments, why this was so, what they intended to achieve, and what role the state had to play. Negotiations with SACCOLA are part of

the struggle *against* employers, not an alliance *with* them.

Furthermore, the negotiations with the employers were not only aimed at making joint

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recommendations to the state, as Jansen suggests. In fact it has always been our demand that the employers should implement within their own ranks whatever is agreed with the labour front, no matter whether the state legislates such agreements or not. SACCOLA for its part remains decidedly ambiguous on this issue.

### Risks of national negotiations

I have argued above that it was strategically correct to es-

tablish a central national forum. However there are risks in this strategy, and we need to guard against them.

*Firstly, there is a real risk that negotiations at the centre can become too distant from the rank and file.* This has happened in a number of areas and unions. But the solution is not to stop the negotiations. The challenge is to find ways of bridging the gaps in our communication between national and shop-floor structures. The LRA NCC has already identified this problem, and it has taken a number of decisions to deal with it.

*Secondly, negotiations should be linked to ongoing mass action and should not be a substitute for action.* As explained above, the central principle of phase two of the campaign was that mass action would not stop until the LRA amendments were scrapped or no longer implemented.

This principle has been applied absolutely consistently. Where there have been shortcomings however is that the *link* between mass action and national negotiations has been weak. We clearly need to tighten up in this area.

*Thirdly, negotiations should never involve compromises unacceptable to the masses and should involve properly representative negotiating teams.* If all unions sent representatives to the negotiations (as they are entitled to do) and those representatives reported back then there would not have been any problem of our





NCC proposes holding marches in industrial areas on weekdays

Photo: Anna Zieminski/Afrapix

members being properly informed at the base.

However, this did not happen, and the NCC decided to open up the negotiations to COSATU regional representatives as well. The NCC also decided that any 'agreement' reached in negotiations would have to be endorsed by all levels of the organisation before it was finally ratified.

### The way forward

Charting a successful way forward in the LRA campaign depends on whether we correctly assess its current weaknesses and strengths. Jansen does not really succeed in doing this.

The LRA campaign has failed to reach its full potential because:

- > most regions have failed to set up active regional campaign co-ordinating structures (RCCS)
- > virtually all unaffiliated unions, most NACTU affiliates, and even some CO-

SATU unions, have failed to put sufficient effort into the LRA campaign.

- > community organisations have not given proper support to this campaign and tend to regard it as a 'trade union matter'.

Until there are active regional and local structures the LRA campaign will be hampered. There will be inadequate report-backs, and we will be unable to develop and sustain action, as the overtime ban and consumer boycotts have shown.

The appropriate negotiating forum must be decided by tactical considerations. At present there are good reasons to pursue discussion in one central national forum. It may also be wise at some stage to have a meeting with other state representatives.

If this will assist in mobilisation and in building organisation, then it should be pursued. However, we should never allow employers to hide

behind the state, nor should we run away from the fact that real changes will only come about if we are able to build up sufficient pressure on the ground.

It is with this latter point in mind that the NCC submitted to the Conference for a Democratic Future a range of possible actions which would be considered by the unions and their allies as part of a programme of action for 1990.

These possible mass actions include:

- > industrial area marches during the week;
- > factory, mine and shop occupations;
- > blacklisting of companies;
- > stay-away actions;
- > solidarity action against identified employers who use the LRA amendments;
- > defying the interdicts of the industrial court;
- > workers' conferences;
- > mass rallies. ☆