

# **COSATU**

## *platform*

### *on*

# **worker rights**

*Adopted by COSATU Special Congress*

*10 - 12 September 1993*

### **1. Introduction**

COSATU has been built on traditions of strong shopfloor structures, a militant and active membership and a broad development perspective as a social movement.

Over the past decade, the trade unions have fought for increased influence in decision-making processes. This we have started to achieve:

- at work place level through recognition agreements, collective bargaining and a powerful shopstewards' movement;
- at an industry level through national bargaining and industrial policy forums;
- at a macro level through negotiations in the National Economic Forum, National Housing Forum, National Electricity Forum, and the National Manpower Commission.

Democracy brings new opportunities as well as new challenges and struggles to take forward our demands. For workers to benefit from the installation of a new democratic government, the following is required:

- A strong trade union movement protecting workers and fighting for social equality.
- A growing economy, characterised by efficient production, high wages and high employment.
- A government which has the capacity to implement our Reconstruction and Development Programme.
- Increased participation by organised workers in decision making, at shopfloor, industry and national level.

### **2. Platform of workers' rights**

Our starting point is the demands generated in the Workers Charter campaign. Many of the demands in the draft Workers Charter have not yet been entrenched in law and many of our existing rights are not satisfactorily entrenched in the legislation. They are dependant on agreements with employers, the discretion of the courts and the goodwill of the Minister of Manpower.

To achieve the opportunities of

democracy, the platform of workers rights listed on the following pages must be implemented by a new democratic government.

### 2.1 Basic organising rights

All workers should have the right to:

- 2.1.1. Join trade unions and organise.
- 2.1.2. Bargain collectively.
- 2.1.3. Strike and picket, on all social and economic matters.
- 2.1.4. Enter into union security agreements, including closed and agency shops.
- 2.1.5. Gain access to information from companies and the government.

### 2.2 Collective bargaining

We need a system of collective bargaining which gives workers a key say in industry decision making, and where unions are fully involved in designing and overseeing changes at work place and industry levels. Only if this happens, will workers be committed to ensuring that companies operate efficiently or productively.

A new framework should include the following:

- 2.2.1 *Centralised bargaining* to promote equity for workers and increased trade union participation in decision making.  
There should be industry bargaining forums responsible for negotiating:
  - industry restructuring for growth and development
  - wages, working conditions, training and grading.
 Agreements negotiated in such industry forums, should be extended through legislation to all workplaces in that industry.
- 2.2.2 The *National Economic Forum* needs to consider macro-economic issues including the broad principles of industry restructuring and how industries relate to each other.
- 2.2.3 *Company or plant level negotiations* to ensure work re-organisation, based on a nationally negotiated framework.
- 2.2.4 *Government* should play an active role in facilitating the above through

*legislative and administrative reform.*

### 2.3 Work place empowerment

To ensure that democratisation reaches workers, at a factory level there needs to be:

- 2.3.1. An obligation on employers to negotiate substantial changes about production matters or workplace organisation with workers.
- 2.3.2 Facilities for organisation and communication with workers on economic and industrial restructuring issues.
- 2.3.3 Shopstewards' rights to attend union meetings and training without loss of pay and to address workers.

### 2.4. Human resources development

Education and training of all workers is the key to ensuring the successful implementation of workplace and industrial restructuring. On the basis of our 1991 Congress Resolution on adult basic education, education and training, our human resource development programme should have the following main objectives:

- To remove discriminatory practices built on racial and/or gender bias.
- To improve workers' wages and reduce the disparity between low skilled and high skilled workers.
- To enable workers to advance along career paths within the company, industrially and nationally.
- To enable workers to intervene more decisively in the production process.
- To ensure that an integrated system of education and training is linked to economic and labour market planning.

To achieve these objectives:

- 2.4.1. *Barriers* that restrict workers' access to education and training *should be removed*. There should be a right to paid education and training leave.
- 2.4.2. The *quality of workers' education and training should be improved* by developing, for example, a system of nationally recognised certificates. Workers will then be able to transfer their skills between different



employers and in all parts of the country as well as undertake further training.

- 2.4.3 The benefits of education and training should *result in better rewards* for workers through linking training to grading and pay.
- 2.4.4 *Trade union education should be promoted* in school curricula, on publicly funded radio and TV etc.

**2.5. National, industry-based provident funds**

All workers should have a right to pension or provident funds. To improve benefits to workers and increase effective worker control over investment decisions we want national, industry-based provident funds. Employers must be compelled to contribute to pension and provident funds.

**3. Achieving our platform of workers' rights**

This platform must be achieved through agreement with the ANC, prior to the

elections as part of a Reconstruction Accord. This will include ensuring that the above rights are entrenched in international law, in the constitution and in legislation in the following way:

**3.1. International law**

The new government *must sign international labour law conventions* of the ILO concerning freedom of association, collective bargaining, workplace representation and the other conventions dealing with fundamental rights.

**3.2. The Bill of Rights**

3.2.1. The Bill of Rights must *guarantee the right of workers* to:

- join trade unions
- conclude union security agreements and bargain collectively on all social and economic issues that affect workers
- strike on all social, economic and political issues
- gain access to information from

employers and the government.

**3.3. The Constitution: Ensuring a central role for trade unions and civil society**

The new constitution and laws should ensure that civil society, including trade unions are able to be actively involved in public policy making. At a national and industry level we want to ensure that workers are able to influence the policies of business and government.

This should occur by:

- 3.3.1. Promoting the *establishment and strengthening of tripartite and multi-lateral forums* where trade unions, and other representative organisations can participate in democratic public policy making. This shall include the involvement of trade unions in negotiations concerning restructuring international trade agreements, international loans etc.
- 3.3.2. *Restructuring of the Department of Manpower* and institutions which fall in its jurisdiction such as the Unemployment Insurance Board, Workmen's Compensation Board and the health and safety regulatory structures.
- 3.3.3. *Restructuring of the National Manpower Commission* to be a place where trade unions and other representative organisations can participate in the formulation of labour market policy for all workers in all sectors. The NMC must be responsible to parliament.
- 3.3.4. Providing in the Constitution for the *calling of a referendum* by citizens to overturn unpopular laws or to ensure that certain laws get passed.
- 3.3.5. Providing in the Constitution for a Constitutional Court which will include trade union or labour specialists, jurists who have been selected in consultation with trade unions.
- 3.3.6. *Public funding of programmes*

*undertaken by trade unions* and other independent institutions in civil society. There should be a requirement that the state and employers provide funding for the education and training of workers and shopstewards.

- 3.3.7. Providing legislation so that workers have a say over how their *pension and provident funds* are invested.

**3.4. Labour legislation**

New labour legislation must provide for the following:

- 3.4.1. There must be *one single statute* governing labour relations for all workers throughout the economy.
- 3.4.2. There must be laws that *set basic conditions of employment* such as the Basic Conditions of Employment Act, wage determinations under the Wage Act, health and safety laws, etc. These must apply to all sectors of the economy and must allow workers to be centrally involved in determining minimum standards at the work places and in their industries.
- 3.4.3. Employers will be *obliged to negotiate* with workers on any substantial changes at the factory or industry level eg on retrenchments, industrial restructuring or training.
- 3.4.4. Provision should be made in legislation to *put into place centralised bargaining arrangements* in each industry.
- 3.4.5. The industrial courts system will be restructured so that workers who have complaints against employers should be able to have these disputes resolved in a cheap, accessible and speedy manner. Tripartite institutions should have a say in determining appointments to the Industrial and labour appeal courts.

**Moved:** SACWTU

**Seconded:** NUMSA

Approved unanimously