

Post office strike & future bargaining



Cosatu's Mosanku Phutas Tseki addresses workers in Johannesburg.

An unusual demand triggered a strike at the South African Post Office (Sapo). After being convinced by their colleagues that they were owed billions of rands by the employer, workers downed tools to claim that money. But instead, over 620 workers were dismissed in February and the Congress of South African Trade Unions (Cosatu) has now moved in to negotiate reinstatements, writes **Elijah Chiwota**.

The source of the workers' demand for R37-billion was contained in a court order, which Sapo is disputing in court as a fake document. Questions are also being asked about the credentials of the lawyer who represented the workers' in the case. While unions doubt whether this is a proper lawyer, some workers see this as a smear campaign.

Bhekumuzi Nala and Zondi are the workers who brought the issue of the money to the front, and Sapo has since taken them to court on allegations of fraud. However, the duo has since been granted bail.

Despite workers' expectations, the Communication Workers Union (CWU) could not help in raising the bail money because the union felt that the reason for the duo's arrest had nothing to do with picketing, but a case of fraud. Union treasurer, Bonang Pitso, said

CWU was unable to assist because union financial principles did not cater for those who engaged in fraud.

Umnyango (the door), a committee made up of the dismissed workers that strongly believes in the existence of the money, is the one said to be in possession of the documents confirming where the money is and is pursuing a single agenda: that of getting paid, taking the money and leaving the jobs. But CWU complains that Umnyango has kept the documents about the money close to their chests, and therefore the union could not support the committee's demands in the absence of that information. For this reason, the CWU has been pursuing reinstatement and more realistic demands such as a salary restructuring that addresses differences and inequalities that exist on the current pay roll.

NEGOTIATIONS

After the mass dismissal of the workers, Cosatu has been having meetings with the workers at Johannesburg's Beyers Naude (Library Gardens) in the Central Business District and also with the employer. The meetings with workers have been to get their mandate for the negotiations and also to strategise on how best to engage with the employer. The meetings have also been an opportunity for giving workers' feedback on what would have been discussed with the employer.

Cosatu's position has been for workers to be reinstated while the employer has been insisting on reemployment, which is subject to several conditions. These include that the numbers of those to be reemployed will depend on the crewing results that are based on the company's restructuring exercise. Additionally, workers will be



Post office workers at a meeting in Johannesburg.

employed on any available position and must be willing to be posted to any location which may be different from their previous ones. They may also be subject to interviews before reemployment, shifts may change depending on the needs of customers, and day and night shifts may be rotated. The employer is also not interested in reemploying workers who 'misled the dismissed employees'.

According to Cosatu Gauteng provincial chairperson, Mosanku Phutas Tseki, who has been reporting back to the workers, the federation is interested in a reinstatement process that leads to reintegrating workers and bringing stability to the workplace. As part of the strategy to bring 'industrial peace' Cosatu has agreed, with the consent of Umnyango, not to include the issue of the money owed to workers in the negotiations. Emphasizing the need for unity among the worker representatives Tseki says: 'Let's come together as one team, with one message, and speak with one voice'.

REINSTATEMENT VERSUS REEMPLOYMENT

The Labour Relations Act favours reinstatement instead of dismissal.

According to section 193(2) 'The Labour Court or the arbitrator must require the employer to reinstate or reemploy the employee unless:

- a) the employee does not wish to be reinstated or reemployed;
- b) the circumstances surrounding the dismissal are such that a continued employment relationship would be intolerable;
- c) it is not reasonably practicable for an employer to reinstate or reemploy the employee; or
- d) the dismissal is unfair only because the employer did not follow a fair procedure.'

If a dismissed worker is reinstated they will be paid backdated salaries from the date of dismissal. However, a reemployment order is only dated to the date of the award and the conditions of employment may not be the same as proposed by Sapo.

However, according to Cosatu, reemployment becomes the last option, as it gives the job back to the worker and is obviously better than being without a job. Tseki also emphasised that negotiation is give and take 'as you cannot expect to win all your demands in negotiations'.

As there were no agreements on the matter by the end of May, Cosatu announced that the issue will be taken to the Commission for Conciliation, Arbitration and Mediation (CCMA) in June.

ORGANISING & REPRESENTATION

It is interesting to note that the post office strike is similar to most strikes that came after the Marikana Massacre in that they are not only unprotected, but workers do not want the presence of unions during the industrial action. As a result, unions that organise in the sector, such as CWU and the Chemical Energy Paper Printing Wood and Allied Workers Union (Ceppwawu), were told to keep their distance and therefore were unable to give any advice to workers during the strike, remaining mere spectators.

However, if recent speeches by union leaders are anything to go by, trade unions have heeded the messages, and there seems to be a back-to-basics approach so workers can gain the confidence they have lost in unions.

Trenton Elsley, in the *Bargaining Monitor*, March